

Jho Low is Najib's proxy for 'fraudulent intentions' - 1MDB

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1MDB claimed that Jho Low was its shadow director during the alleged embezzlement of funds out of the Malaysian sovereign wealth fund.

In a court filing sighted by Malaysiakini, 1MDB said that this was due to the fugitive businessperson being proxy ex-prime minister Najib Abdul Razak's proxy.

"The first defendant (Low) was at all material times a shadow director of the plaintiffs (1MDB and its four subsidiaries), as he was the proxy and/or associate and/or agent of Najib Razak.

"The first defendant had procured his proxies to work for the plaintiffs, including Terrence Geh, Casey Tang, Nik Faisal (Ariff Kamil), and Jasmine Loo, who were all his cohorts," said 1MDB.

1MDB claimed that the proxies occupied key management positions in the fund and implemented decisions to facilitate Low and Najib's fraudulent intentions.

"In any event, the first defendant had received funds belonging to the plaintiffs in the sum set out in the amended statement of claim, when he knew or ought to have known that the said funds were funds belonging to the plaintiffs and were diverted to him in breach of trust and/or fiduciary duties. Accordingly, the first defendant was at all material times a constructive trustee of the plaintiffs," it claimed.

1MDB and its four subsidiaries were responding to Low's claim that he had no legal standing to control the sovereign wealth fund and the subsidiaries.

Low made this contention in his statement of defence against a civil action by 1MDB and its four subsidiaries over alleged manipulation by third parties that led to the misappropriation of billions of ringgit out of the fund.

1MDB and its four subsidiaries - 1MDB Energy Holdings Ltd, 1MDB Energy Ltd, 1MDB Energy (Langat) Ltd and Global Diversified Investment Company Ltd, formerly known as 1MDB Global Investments Ltd - are suing Jho Low as well as his family.

Besides Low, the other five other defendants are: his father and mother Low Hock Peng and Goh Gaik Ewe; sister Low May Lin; younger brother Low Taek Szen; and alleged associate Eric Tan Kim Loong.

Via the civil action, 1MDB is seeking to compel Low and the other defendants to repay hundreds of millions of US dollars in funds that were allegedly embezzled out of the sovereign wealth fund.

The present lawsuit was one among 22 civil actions launched by 1MDB and its former subsidiary SRC International last year, targeting those who purportedly defrauded the two government-owned entities, whether knowingly or unknowingly.

No wrongdoing found in US DOJ civil action

Najib, who also used to be finance minister and advisor emeritus of SRC, is a defendant in a few of these civil actions (except the present one by 1MDB that targets Jho Low and his family).

In the separate criminal court cases against Najib over 1MDB and SRC, the former premier's defence team contended that the accused had no knowledge of any wrongdoing and that any wrongdoings were masterminded by Jho Low and

several other individuals.

1MDB is wholly owned by the Minister of Finance Incorporated (MoF Inc), in effect making it owned by the government of Malaysia.

In the present reply filed by law firm Messrs Skrine at the Kuala Lumpur High Court two days ago, 1MDB also labelled as "entirely irrelevant about Jho Low's claim that the civil action was redundant, due to the alleged global settlement reached in the United States Department of Justice's (DOJ) own civil actions against him.

In his statement of defence, Jho Low said that the "global, comprehensive resolution" of the DOJ civil action was reached without any finding of "guilt, fault, liability and/or any form of wrongdoing".

1MDB claimed that its civil action against Jho Low is premised on other evidence outside of the allegations contained in the Doj civil suit against him.

"Accordingly, the first defendant's alleged defence that he never admitted liability in the proceedings filed by the United States Department of Justice are entirely irrelevant," it said.

Jho Low, who is still being sought by Malaysian authorities to assist investigations into the 1MDB affair, is represented by lawyers from law firm Valen, Oh & Partners.

Checks on the online cause list showed that 1MDB's suit against Jho Low was fixed for online case management before the Kuala Lumpur High Court on March 16.

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