

Najib 'set out to enrich himself'

Prosecution to prove he staged elaborate ploy to steal RM2.3bil from 1MDB

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KUALA LUMPUR: At the start of the long-awaited Datuk Seri Najib Razak's 1Malaysia Development Bhd (1MDB) trial, the prosecution says it will prove that the former prime minister staged an elaborate charade in the misappropriation of RM2.3bil from 1MDB with the ultimate aim of obtaining gratification for himself.

Lead prosecutor Datuk Seri Gopal Sri Ram said in his opening statement that the "charade" was acted out in four phases in which several characters played a part.

"But it was the accused who played the pivotal role. His objective was to enrich himself," the former Federal Court judge said.

Sri Ram, who took more than half an hour to read his 17-page statement, said a key figure in the scandal, Low Taek Jho, or Jho Low, was Najib's "alter ego" through it all.

"The prosecution will prove that the accused, by his words and conduct, made it clear to 1MDB's officers, its board and others that Jho Low was his alter ego.

"In truth, Jho Low was the accused's mirror image. The prosecution will establish facts that will give rise to an irresistible inference that Jho Low and the accused acted as one at all material times," he added.

Najib is facing four charges of



It begins: Najib arriving at the Kuala Lumpur Courts Complex in Kuala Lumpur.

having used his position to obtain gratification, totalling RM2.3bil from 1MDB funds and 21 counts of money laundering involving the same funds.

The four charges under Section 23 of the Malaysian Anti-Corruption Commission Act 2009 were in respect of each of the four phases.

The first phase, Sri Ram said, involved a false scenario of a joint venture (JV) called Project Aria between 1MDB and a company called PetroSaudi International Ltd (PSI).

"1MDB borrowed US\$1bil purportedly to invest in a JV company

called 1MDB Petro Saudi Ltd.

"The money was to be paid into the account of the JV company. But the so-called JV agreement was entered into not with PSI but with a company called Petro Saudi Holdings (Cayman) Ltd.

"Evidence will be led to show the abnormality of the so-called JV, which close scrutiny will reveal to be a mere device to siphon 1MDB's money for the accused's benefit," he said.

Sri Ram added that oral and documentary evidence would prove that instead of being paid into the JV

company's account, US\$700mil of the US\$1bil was diverted into the account of Good Star Ltd, a company not related to the JV

"Good Star was incorporated in the Seychelles on May 18, 2009, that is to say five months before the JV agreement was entered into. It was a company owned and controlled by Jho Low," he said.

Meanwhile, the second phase concerns 1MDB's acquisition of assets of dubious value and this formed the subject matter of the second charge.

"The accused, using his position and acting through his mirror image, Jho Low, took positive steps and caused 1MDB to enter into two transactions as a result of which the accused obtained a sum of RM90,899,927.28 as gratification," Sri Ram said.

The third phase concerned another purported JV between 1MDB and Aabar Investments PJS Ltd (BVI), while the fourth phase concerned the purchase of Aabar options by 1MDB.

On the 21 money laundering charges, the prosecution will prove that Najib had transferred the monies he received to several accounts including a sum of RM2,034,350,000 to Tanore Singapore.

"Simultaneously, the accused used the balance of RM22,649,000 to pay four entities and one individual. The prosecution's case is that all these payments benefited the

accused," he added.

Sri Ram said Najib and Jho Low had taken steps to cover Najib's tracks, including the pretence that money was funnelled in through a donation by an Arab prince.

After the 1MDB scandal broke in early July 2015, Sri Ram said sham documents were produced to pretend it was a donation from the Arab prince.

"Among these were letters and four cheques each for a sum of US\$25mil purportedly written out by a person said to be the Arab donor.

"But these cheques were never meant to be encashed and were never encashed," he said.

Sri Ram added that the prosecution would produce evidence to show that Najib had taken active steps to evade justice.

"He interfered with the course of the investigation of this case, which has come to be known as the 1MDB scandal.

"He took active steps to effect a cover-up of his criminal acts.

"The prosecution will rely on all this evidence to show that the accused had the requisite mens rea when the offences with which he is charged were committed," Sri Ram added.