

# Najib's 1MDB trial adjourned

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## Case on alleged tampering of audit report to start on Monday

**KUALA LUMPUR:** Datuk Seri Najib Razak's 1Malaysia Development Bhd hearing was put off after two people called in sick while a third trial involving the former prime minister and 1MDB on the alleged tampering of the sovereign fund's final audit report will begin on Monday as scheduled.

The High Court here adjourned Najib's 1MDB trial as his lead counsel Tan Sri Muhammad Shafee Abdullah and the ninth prosecution witness, former CEO of 1MDB Datuk Shahrol Azral Ibrahim Halmi, took medical leave.

Justice Collin Lawrence Sequerah postponed the hearing yesterday after he was informed by senior deputy public prosecutor and former Federal Court judge Datuk Seri Gopal Sri Ram and Najib's lawyer Wan Aizuddin Wan Mohammed.

Muhammad Shafee was to have continued with the defence cross-examination of Shahrol Azral on the 35th day of the trial.

Sri Ram informed that Shahrol Azral, who had been on the stand since Sept 23, would be on medical leave until today.

Meanwhile, Wan Aizuddin informed the court that Muhammad Shafee was given three days' medical leave (from Tuesday to today) for a severe throat infection.

The lawyer also produced the medical certificate (MC) to the court.

It was the first time Najib's 1MDB

trial had been postponed because a member of the defence team had fallen ill.

On Monday, the trial had to be cut short to half a day as the witness came down with flu and the court set today to continue the proceedings.

Previously, the trial was postponed twice after Najib got MC due to eye infection.

Justice Sequerah set Dec 13 for case management for parties to refresh on the development of new trial dates.

Najib, 66, faces four charges of using his position to obtain bribes totalling RM2.3bil from 1MDB funds and 21 charges of money laundering involving the same amount.

For his first trial, the High Court here on Monday ordered Najib to enter his defence on Dec 3 on seven charges involving the alleged misappropriation of RM42mil from SRC International Sdn Bhd, formerly a subsidiary of 1MDB.

Meanwhile, Najib's third trial, which also involved the former CEO of 1MDB, Arul Kanda Kandasamy, will begin on Monday as scheduled.

They are accused of tampering the 1MDB final audit report.

High Court judge Mohamed Zaini Mazlan, in making the decision, said it would be hard-pressed to find alternative dates if the earlier trial dates fixed before him be vacated as applied by the prosecution.

Mohamed Zaini had previously fixed Nov 18 to 29 this year and Jan 13 to 17 next year for the trial.

On Nov 7, Sri Ram, who is the lead prosecutor, made the application to vacate the trial dates, as Shahrol Azral who would be called in the case was currently testifying under cross-examination in Najib's 1MDB trial.

According to Sri Ram, it was unlikely the cross-examination on the key witness in the 1MDB case would be completed anytime soon.

Commenting on the issue, Mohamed Zaini suggested that the prosecution consider calling other witnesses to give evidence.

"If it comes to a stage where it is Datuk Shahrol's turn to give evidence, I can assure you I will not be pressing him to give evidence until he is completed with his testimony in the 1MDB case," he said.

Najib, 66, was represented by Wan Aizuddin, Muhammad Farhan Muhammad Shafee and Syahirah Hanapiah, while Arul Kanda, 43, was represented by Datuk N. Sivanathan.

On Jan 4 this year, the Sessions Court granted the prosecution's application for the cases involving Najib and Arul Kanda to be heard together.

On Dec 12, 2018, Najib was charged with using his position to order amendments to the 1MDB final audit report before it was tabled to the Public Accounts

Committee (PAC) to avoid any action against him.

He was charged, in his capacity as a public officer, which was as the prime minister, with using the position to obtain gratification for himself, which was to evade disciplinary, civil or criminal action against him in connection with 1MDB, by ordering alterations to the 1MDB final audit report before it was finalised and tabled to the PAC, where he directly had interest in.

The Pekan MP was accused of committing the offence at the Prime Minister's Department Complex, Federal Government's Administrative Centre, Putrajaya, between Feb 22 and 26, 2016.

The charge is framed under Section 23(1) of the Malaysian Anti-Corruption Commission (MACC) Act 2009, which carries a maximum jail term of 20 years and a fine of no less than five times the amount of gratification or RM10,000, whichever is higher, upon conviction.

Arul Kanda was charged with abetting Najib in making amendments to the report to protect the then prime minister from being subjected to disciplinary, civil or criminal action in connection with 1MDB, at the same place and time and in accordance with Section 28 (1) (c) of the MACC Act 2009, read with Sections 23 (1) and 24 (1) of the same Act which provides for similar punishment, if found guilty. — Bernama