

AG: Najib was SRC's 'shadow director'

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KUALA LUMPUR: Datuk Seri Najib Razak, who is accused of misappropriating RM42mil from SRC International Sdn Bhd, was its "shadow director" who benefited financially from its coffers, the High Court heard.

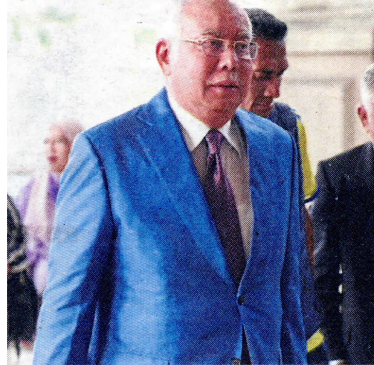
Attorney General Tan Sri Tommy Thomas submitted before the court that the former prime minister was entrusted with dominion over the property of SRC and therefore had an interest over the company.

"The interest that the accused had in SRC was camouflaged in smoke and mirrors, behind the guise of missing persons and questionable characters.

"However, the facts indicate that it was the accused and his proxies that pulled the strings behind the curtain of SRC," Thomas said on the first day of a two-day submission at the end of the prosecution's case in the SRC trial here yesterday.

He questioned the willingness of Najib's administration in pulling out all the stops to assist the subsidiary of 1Malaysia Development Bhd.

"Why was the government so interested and pulled all the strings



Day in court: Najib arriving at the Kuala Lumpur High Court. — AP

to assist SRC, a newly established company with no track record, and so keen to facilitate a RM2bil loan followed by a second RM2bil loan within eight months of each other to SRC?

"The inescapable conclusion must point to the interest of the accused in SRC," Thomas added.

The AG also said that SRC's constitution gave Najib the powers of "hire" and "fire", making him the ultimate decision maker.

"Nothing of importance could be decided by SRC without the input of

the accused, and none were," Thomas said.

Ad hoc prosecutor Datuk V. Sithambaram said that despite being "shocked" over the RM42mil in his personal bank account, Najib did not take any action.

He submitted that the accused's reaction on finding out that monies had been paid into his account was nothing more than a drama as he had actually utilised the RM42mil sitting in his account.

"If the accused was innocent of this sum of RM42mil, he should have sued the bank for unlawful deposit of the said sum which may well amount to his account being used for money laundering.

"The shock that the accused suffered should have translated into a police report being lodged, to show his outrage of unauthorised monies being paid into his account. He should have hounded the police to investigate the case which caused him his reputation," he said.

None of these simple steps were taken, said Sithambaram, adding that it only showed the accused's present cry of innocence could not be true.

Meanwhile, Najib's lawyer Harvinderjit Singh argued that his client should be acquitted of the

charges against him on grounds that the prosecution had failed to establish a prima facie case.

He said the bulk of evidence relating to Najib's involvement in the events between 2010 and 2012 - leading up to and including the government's decision to grant the government guarantees to SRC and Retirement Fund Incorporated (KWAP) providing SRC with loans amounting to RM4bil - did not establish the existence of a corrupt arrangement which Najib could be said to be a party to.

Harvinderjit also contended that the prosecution had failed to prove the RM42mil truly belonged to SRC.

"The evidence fell short of establishing that the RM42mil depicted in the criminal breach of trust charges was indeed funds belonging to SRC. In any event, the evidence did not establish any specific entrustment or dominion over the RM42mil by Najib," he said.

Najib is facing seven charges, of which three are for criminal breach of trust, one for abuse of power and three for money laundering involving SRC International funds totalling RM42mil.

The submission before Justice Mohd Nazlan Mohd Ghazali resumes today.