

'NAJIB NOT RECOVERING FUNDS PUZZLING'

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His action was more consistent with conduct of one who did not want problem to be resolved, says judge

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DATUK Seri Najib Razak's lack of action to recover funds linked to SRC International, which were frozen by the Swiss authorities in 2015, was deemed very puzzling by the High Court judge who convicted him of abuse of power charges on Tuesday.

Justice Mohd Nazlan Mohd Ghazali said this in his judgment in the SRC International case, which saw the former prime minister convicted of all seven charges of power abuse, criminal breach of trust and money laundering, before jailing him for 12 years and fining him RM210 million.

In his judgment, Nazlan said Najib's action was much more consistent with the conduct of one who did not want the problem to be resolved, given his complicity in the unlawful transfer of the funds in the first place.

He found evidence of this in the shareholder minutes of the Min-



Datuk Seri Najib Razak leaving the Kuala Lumpur Court Complex on Tuesday. PIC BY MOHAMAD SHAHRIL BADRI SAALI

istry of Finance Incorporated (MOF Inc).

He said it was clear by the end of 2015 that SRC was facing financial difficulties.

Referring to a MOF memo of Nov 4, 2015, he said this later resulted in three short-term loans given to SRC to avoid the Pensioners Retirement Fund Inc (KWAP) declaring a default against the company.

"The accused was supportive of the efforts on the short-term loans, but did not even summon the directors of SRC to provide an explanation to him despite being

the adviser emeritus and the prime minister who had vast powers.

"The accused now disagrees that the RM4 billion (loan issued by KWAP to SRC International with full government guarantees) has disappeared, insisting that that fact has not been established.

"Never mind the accused himself offered no evidence to show that he had taken any steps to ascertain what exactly happened to the funds."

Nazlan said Najib, 67, had also failed to provide a clear answer to

the question whether he was satisfied with the progress of SRC after the first drawdown of the RM2 billion, before agreeing to support the second RM2 billion loan.

Noting that there was a period of about six months between the two, he said Najib claimed that he did ask and was told that the monies had been set aside for immediate investment requirements.

"However, he did not even inquire whether the loan remained in cash. This, according to him, was a matter for the board of di-

rectors to oversee.

"The accused also disagreed that there was a duty to update on the status of the disbursement of the first loan secured by the first government guarantee when the proposal for the second government guarantee was tabled at the meeting of the cabinet.

"I find this hard to fathom when the source of the funding was the pension fund and the sum involved was extremely large by any measure."

Nazlan said that after examining the defence of the accused and considering the entirety of Najib's defence in the case, the accused had failed to raise a reasonable doubt against the prosecution's case against him for the abuse of power charge under Section 23 of the MACC Act 2009.

During the course of the trial, Najib himself admitted that he did not have a plan to retrieve RM3.6 billion of SRC International's funds, which were frozen by the Swiss authorities.

He had also acknowledged preventing former second finance minister Datuk Seri Ahmad Husni Hanadzlah from going to Switzerland to negotiate for the return of the funds.

Najib had admitted to this when he was cross examined by lead prosecutor Datuk V. Sithambaram.

It was reported that the Swiss authorities had frozen the funds after two deposits totalling US\$681 million allegedly came through a Swiss bank from a company registered in the British Virgin Islands.