

JUDGE: NAJIB'S DEFENCE CONTRIVED

Ex-PM's Arab donation monies' claim doesn't hold water, says High Court judge

SHARANJIT SINGH
KUALA LUMPUR
adibpovera@nst.com.my

HIGH Court judge Mohd Nazlan Mohd Ghazali yesterday ripped apart Razak's story of receiving donations from the late King Abdullah of Saudi Arabia.

In his judgment involving the former prime minister's SRC International case, where Najib was found guilty and sentenced to 12 years' jail in addition to being fined RM210 million, Nazlan said Najib's defence was centred on the premise that he believed that funds that had flowed into his personal bank accounts in 2014 and 2015 were Arab donation monies.

He said the question that the court needed to decide on was whether Najib's alleged belief and knowledge that the foreign remittances came from King Abdullah was genuine or contrived.

He said the defence's argument was that Najib had all the while believed the funds in his accounts were further Arab donations intimated by Jho Low (fugitive businessman Low Taek Jho).

Nazlan said Najib had cited the

late king's pledge of support during their meeting in early 2010 as the main premise of his belief.

"It is clear from the testimony of the accused that at the meeting with the Saudi monarch, the latter did mention his support for Najib's administration of Malaysia, which, in the late King Abdullah's view, was a model of Islamic governance and a peaceful multicultural nation that should continue to be maintained.

"However, it must be noted that King Abdullah did not articulate the form of the support.

"In other words, Najib himself, in his witness statements and answers when cross-examined and re-examined during the 15 days on the witness stand, admitted that King Abdullah did not mention any intention to provide any financial support or donation of monies to him... or to Malaysia."

Nazlan said Najib had testified that it was only in the middle of 2010 that he first got to know of King Abdullah wanting to donate funds, based on what was told to him by Jho Low.

"According to the accused, in his mind, the donation would be consistent with what King Abdullah had told him at the January meeting in Riyadh.

"However, there were many problems with Najib's testimony. First, he did not say that he directly heard from or was personally informed by the Saudi monarch about the cash donation.

"Secondly, there was no evidence of the accused attempting



Judge Mohd Nazlan Mohd Ghazali

to verify this intention attributed to King Abdullah with anyone.

"Not with the king directly, nor with any government official who could have checked to verify the information for the prime minister.

"There was, thirdly, no evidence if the intended donation would be accompanied by any conditions of use, either. None whatsoever. The accused merely took the word of Jho Low."

Nazlan said regardless of Jho Low's influence in segments of the Arab royalty, and Najib's own confidence in the wanted businessman, the court found the Pekan member of parliament's failure to ensure official confirmation of the intended donations from King Abdullah to have been "most improbable".

"In other words, the accused himself held no such belief.

"The claim that King Abdullah wished to make a personal donation to the accused, the leader

of another country, to be paid into the latter's personal bank account appears unusual in international relations, even at the personal level between leaders of different countries.

"And there has been an absence of any official governmental confirmation that the accused, as the prime minister, had received in his personal account, personal donations from King Abdullah during the relevant period."

Nazlan said there was also no basis given by anyone why the Saudi king would suddenly give an unsolicited donation after Najib allegedly returned US\$620 million one year earlier.

He said there was no contact between the true donor and the accused before or after the arrival of the funds.

He said evidence, in the form of Najib's bank statements, point irresistibly to the true reason for the remittances, which also established why the funds could not have been donations.

"This is because the funds would suddenly appear, as if on fortunate episodes of fortuity and serendipity, in the personal accounts of the accused at the exact moment it was needed, usually when the account balance was very low.

"It is not open to dispute that the deposit of funds into the accounts of the accused had the real and immediate effect of regularising the said accounts exactly when it was most needed.

"Because of that, they could not have possibly come from King Abdullah.

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"It could not have been that the late Saudi monarch had information on, let alone was monitoring the balances in the accounts of the accused. That is preposterous and ridiculous."

He said the truth was that a series of orchestrated remittances of funds into Najib's accounts had been initiated to ensure he had the funds to write cheques. He added the defence had produced a letter to show that the Saudi royalty had promised a gift of £50 million, but only £10 million found its way into Najib's account without any explanation.

"And to think that the defence wants this court to accept that this was the arrangement between the ruler of the Kingdom of Saudi Arabia and the prime minister of Malaysia.

"From the evidence, it is quite plain that the accused could not have honestly believed the Arab royalty donation story to present him with a defence that he did not know of the RM42 million paid into his account because he thought he was spending Arab funds.

"This defence is unsustainable because it is wholly contrived. This defence that Najib believed it was Arab donation monies simply does not hold water.

"It is very difficult not to characterise the entire narrative of the defence of the Arab donation as a poorly orchestrated self-serving evidence."

He said Najib's defence simply did not pass the threshold of basic logic and common sense.