

Judge queries the Riyadh riddle

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Najib's Arab royalty donation defence torn apart in written summary judgment

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KUALA LUMPUR: Datuk Seri Najib Razak's claim that he had received a personal donation from the Arab royalty, which became the crux of his defence in the SRC International Sdn Bhd trial, was torn apart by the High Court.

Justice Mohd Nazlan Mohd Ghazali (*pic*) spoke about the issue at length in his written summary judgment on Tuesday, where the Pekan MP was convicted of all the seven charges relating to the misappropriation of RM42mil in the company's funds.

"All roads lead to Rome. In this case, though, they lead to Riyadh. Or so it seems. The many arguments of the accused relate to the crux of the defence, which is that his belief and state of knowledge of his accounts and their operations is premised on the alleged Arab donation monies," he said.

Najib, as the first defence witness, had testified that the late King Abdullah of Saudi Arabia had pledged his support to Malaysia

during a meeting in early 2010 as the basis of his belief.

"Importantly, it should be immediately realised, however, that King Abdullah did not articulate the form of the support.

"In other words, according to the testimony of the accused, King Abdullah did not mention any intention to provide any financial support or donation of monies to the accused. Or to Malaysia," Justice Nazlan said.

The court opined that it was common to read about a leader of an independent country expressing support for the leadership of another in international relations and alliance diplomacy.

The judge said there were many problems with Najib's testimony.

"First, the accused did not say 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 to verify



this intention attributed to King Abdullah with anyone. Not with the King directly, nor with any of the government officials who could have easily 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 (fugitive businessman) Low Taek Jho (or Jho Low)," he said.

The court found that regardless of Low's influence within segments of the Arab royalty and Najib's confidence in Low, the accused's failure to ensure official confirmation of the intended donations from King Abdullah shows that his belief the donations would be gifted by King Abdullah to have been most improbable.

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

Justice Nazlan also said the claim

that King Abdullah wished to make a personal donation to the accused, who is a leader of another country, and for this donation to be paid into the latter's personal bank account appeared "unusual" in international relations, even at the personal level between leaders of different countries.

He said there has been a total absence of any official governmental confirmation (both from the Kingdom of Saudi Arabia and Malaysia) that the accused, as the prime minister, had received the donation in his personal account from King Abdullah during the relevant period.

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

"Evidence in the form of bank statements of the accused accounts point irresistibly to the true reason for the remittances, which also establishes 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," he added.

Justice Nazlan said Najib's defence was unsustainable because it was wholly contrived.

"This defence on the knowledge which is premised on the belief of the accused on the alleged Arab donation monies simply cannot 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.

Justice Nazlan added the defence's contention that the accused had a bona fide belief of the purported Arab donations arriving in 2014 did not pass the threshold of evidential support, basic logic and common sense.

Justice Nazlan delivered the guilty verdict, which was read over two hours, on Tuesday.

Najib was sentenced to 12 years in jail and fined RM210mil in default of five years jail for all seven charges in the case. He is appealing.