

It's 'no, no, no' for Najib

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Co-accused, prosecution and judge object to bids to postpone two of his trials

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KUALA LUMPUR: Datuk Seri Najib Razak was given the “no” three times in a day as he sought to postpone two of his trials.

His co-accused and former 1Malaysia Development Bhd (1MDB) CEO Arul Kanda Kandasamy objected to Najib’s motion to delay their joint trial for tampering with the 1MDB audit report before the Public Accounts Committee (PAC).

Najib had filed a notice of motion on Wednesday to push the hearing, scheduled on Nov 18, to Jan 13 next year.

At the hearing for the motion here yesterday, Arul Kanda’s lawyer Datuk N. Sivananthan told High Court judge Justice Mohamed Zaini Mazlan that his client wanted to proceed as scheduled.

He said Arul Kanda had been “in a dark cloud” since he was charged a year ago.

“My client wants the trial to begin soon so he can vindicate himself. The court must look to the interests of all parties and not only one person,” Sivananthan said in his submission.

DPP Ahmad Akram Gharib, who appeared for the prosecution, also objected to the postponement on grounds that it would bring a negative perception on the judicial system.

“The defence team had filed



Courtroom tussle: (From left) Najib, Arul and Ahmad Akram.

another application in SRC International’s trial to ask for 112 witness statements before Justice Mohd Nazlan Mohd Ghazali this afternoon.

“There is a possibility for them to ask for an adjournment from that proceedings so they can examine the documents,” he said.

In his supporting affidavit, Najib asked for the hearing to be pushed to January on grounds that he would suffer prejudice if he and his lawyers were not allowed time to prepare for his defence in the SRC International case.

Justice Zaini then fixed Monday to make his ruling pending the latest development before Justice Nazlan.

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 PAC to avoid any action against him while Arul Kanda was charged with abetment.

Meanwhile, later in the SRC trial proceedings, Justice Nazlan gave Najib another “no” when he dismissed an oral application by his defence team to postpone the SRC trial.

The judge said he had considered the background of the trial, its commencement and progress, key dates and directions given in advance.

“I find that more than ample notice and reasonable time has been given to the applicant to prepare and to re-strategise the relevant arrangement.

“The request for adjournment in my view cannot be sustained. Accordingly, I dismiss the entire

application and the trial will therefore resume on Dec 3,” Justice Nazlan said.

The defence team had orally applied for a postponement of the trial during their submission in their application to seek for a list of witnesses from the prosecution.

These are the witnesses that the prosecution had not offered to the defence but who had their statements recorded.

The defence had asked for the postponement on grounds that they needed more time to prepare for the defence case.

Earlier, on the matter involving the witnesses, Justice Nazlan described it as a “fishing expedition” and also dismissed the application.

“Statements taken by the investigating officer under the Malaysian

Anti-Corruption Commission (MACC) Act are privileged and not subjected to disclosure for inspection at any stage of the trial.

“I find that the test of desirability and necessity, in respect of the witnesses already offered to the defence is not satisfied because the applicant has not identified which witnesses’ statements he required and what were the roles of these witnesses and the relevance of the evidence.

“In this context, the application appears to be a fishing expedition,” he said.

Attorney General Tan Sri Tommy Thomas and Datuk V. Sithambaram appeared for the prosecution while lawyers Tan Sri Muhammad Shafee Abdullah and Harvinderjit Singh represented Najib.

Najib was exempted from attending the proceedings yesterday to attend the Tanjung Piai by-election campaign.

On Nov 11, Justice Nazlan ordered Najib to enter his defence on all seven charges in the SRC trial after ruling that the prosecution had proven a prima facie case against Najib.

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.

He faces up to 20 years in prison, whipping and a fine, if convicted.