

Ticking off for Najib

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► Judge: Ex-prime minister's conduct in SRC case not in national interests, but national embarrassment

PUTRAJAYA: The Court of Appeal yesterday ruled that Datuk Seri Najib Abdul Razak's conduct in relation to the SRC International Sdn Bhd (SRC) case cannot be said to have served national interests as it has turned out to be a national embarrassment.

Justice Datuk Abdul Karim Abdul Jalil said Najib, 68, was actively involved in ensuring that the RM4 billion of Retirement Fund Inc (KWAP) loans were disbursed to the company, but after the funds had been disbursed, he became indifferent to the whereabouts of the funds.

The court upheld the conviction and the 12-year jail sentence and RM210 million fine on Najib for misappropriating RM42 million in SRC funds.

Abdul Karim, who headed a three-member bench with Justices Datuk Has Zanah Mehat and Datuk Vazeer Alam Mydin Meera, dismissed the former prime minister's appeal to set aside the conviction and sentence imposed by the Kuala Lumpur High Court on July 28 last year.

In a 54-page summary judgment, Abdul Karim said Najib did not even ask SRC what had happened to the funds, nor how it was utilised.

"He even instructed the second finance minister then (Datuk Seri Ahmad Husni Hanadzlah) to keep off SRC.

"This conduct of the appellant can be indicative of only one thing, and that is, once the funds had been secured by SRC, over which the appellant had overarching control, he was free to utilise them for his personal benefit.

"This is manifested by the flow of the RM42 million from SRC into his personal accounts. This is not something that can be said to have been done in the national interest. There is no national interest here, just a national embarrassment."

Abdul Karim said the fact that Najib took part in the two Cabinet decisions to issue two government guarantees to KWAP for the loans granted by KWAP to SRC was beyond question, *Bernama* reported.

"The evidence shows that the appellant was not only present but chaired the two Cabinet meetings held on Aug 17, 2011, and Feb 8, 2012, and was thus involved in the decisions of the Cabinet to approve the said government guarantees in favour of KWAP."

The judge said the matter was confirmed by Tan Sri

Mazidah Abdul Majid (the 40th prosecution witness), who was then deputy head secretary (Cabinet) in the Prime Minister's Department.

"Mazidah confirmed that the appellant did not declare his interest in both Cabinet decisions, nor did he withdraw from the discussion in respect of these two items on the agenda, nor did he leave the meetings.

"Such conduct would militate against the appellant and would go towards establishing the charge under Section 23 (1) of the Malaysian Anti-Corruption Commission (MACC) Act 2009."

The judge said the court entirely agreed with the finding of the High Court judge that there was overwhelming evidence that established the glaring personal interest that the appellant had in the Cabinet decision to issue the two government guarantees.

Abdul Karim added that the trial judge concluded from the evidence of the appellant's role and involvement in the establishment of SRC, the initial set-up grant, KWAP loans, government guarantee arrangement, as well as the ownership and governance structure of SRC, and the control of the SRC funds and the flow of some of SRC's funds into the personal accounts of the appellant establishes the fact that the appellant

had an interest in SRC that was beyond that of his public office.

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