

Najib fails in bid to halt 1MDB trial

Application in US for names of those linked to graft scandal cited as reason

By NURBAITI HAMDAN
nurbaiti@thestar.com.nny

KUALA LUMPUR: Datuk Seri Najib Razak had applied to the United States court to obtain the names of 1Malaysia Development Bhd (1MDB) officials involved in the bribery scandal with a former partner of Goldman Sachs Group Inc in Asia, the High Court was told.

This was mentioned in Najib's application before Justice Collin Lawrence Sequerah to have the ongoing 1MDB trial - which was supposed to last until tomorrow for this week - to be postponed.

The judge denied the application and ordered for the trial to continue.

Najib's lead counsel Tan Sri Muhammad Shafee Abdullah raised the matter yesterday and sought the postponement, saying the outcome

of the application in the court in Manhattan, filed on Nov 17, 2020, would have a huge impact on the current trial.

The defence, he said, was seeking documents and testimony through the US court for information on the alleged bribery of 1MDB officials by former Goldman official Tim Leissner.

"In the proceedings in the US where Leissner and Goldman Sachs pleaded guilty, Leissner had actually said and admitted to the fact that he had paid bribes to several officials in 1MDB.

"We have therefore filed a discovery application and asked Leissner and Goldman Sachs to reveal the names of those that they have bribed," Shafee said.

The disclosures of the names, he added, was relevant to Najib's defence to prove the prosecution

witnesses lacked credibility and were merely instruments of fugitive financier Low Taek Jho.

He said the defence planned to recall several witnesses, including former 1MDB CEO Datuk Shahrol Azral Ibrahim Halmi, to the stand for cross-examination upon obtaining the relevant documents from the US application.

"This (discovery) is extremely relevant because I have asked Shahrol pertaining to why he simply follows what Jho Low says.

"Likewise, you will find quite a shocking revelation by ex-1MDB CEO Mohd Hazem Abd Rahman (current witness) because he was told that he must follow (instructions from Jho Low)," he added.

Shafee said this had bearing as to whether the witnesses in the trial had been receiving illicit payments, which was the subject matter of the

disclosure in the proceedings of Leissner and Goldman Sachs in the United States.

He also asked the court to postpone the 1MDB trial as the defence needed more time to prepare for Najib's appeal hearing in the SRC International Sdn Bhd case.

Deputy public prosecutor Ahmad Akram Gharib said the prosecution would not interfere in the application in the United States as it was not a party to it and its only concern was for the trial to move forward.

"However, since the application in the US is important to the defence, we leave it to the court to decide whether the trial should be adjourned or continue," Akram said.

Justice Sequerah then rejected the postponement application but

vacated the trial dates set in April.

"I do sympathise with your situation but we have to proceed," he said to Shafee.

The judge also said that the defence could recall any prosecution witnesses for cross-examination if the need arises from matters relating to the US court application.

The trial continues with Hazem on the stand.

On a separate matter, Shafee told the press outside of court that the defence had filed a notice of appeal yesterday against a separate High Court's decision that dismissed Najib's application to have Datuk Seri Gopal Sri Ram recused from leading the 1MDB audit tampering trial prosecution team.

"We are appealing because we have got an overwhelming reason to say that the disqualification of Sri Ram is almost inevitable," he said.