

Govt fails to forfeit 1MDB assets

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'No evidence to show properties seized from ex-PM, family, using Najib's accounts'

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KUALA LUMPUR: The government has failed to forfeit multi-million-ringgit assets said to be linked to 1Malaysia Development Bhd (1MDB) that were seized from Datuk Seri Najib Razak and his family as well as other individuals and entities in 2018.

This is following the High Court's decision that dismissed the government's application to forfeit the assets, which included designer handbags, vehicles and cash in various currencies.

In his decision, Justice Mohamed Zaini Mazlan ruled that the prosecution had failed to prove the nexus between the properties seized and the alleged unlawful activities.

"No evidence has been proffered to show that the properties seized (from Najib, his wife Datin Seri

Rosmah Mansor, their children Nor Ashman and Nooryana Najwa and Najib's stepson Riza Shahriz Abdul Aziz) were bought using the monies in Najib's bank accounts.

"The applicant (the government) had in fact admitted that some of the properties seized were gifts," he said here yesterday.

Justice Mohamed Zaini said the applicant had surmised that the cash and properties concerned could have only been gained from the monies deposited into Najib's bank accounts but it was apparent that this conclusion was based on presumption.

"This is insufficient as the applicant will need to credibly prove a direct link between the monies that were allegedly illegally gained to the cash found and the properties bought. This evidence was clearly lacking," he added.

While the applicant in this case had failed to prove the predicate

offences allegedly committed by Najib and the entities in relation to the 1MDB scandal, Justice Mohamed Zaini said it should not be construed as meaning that Najib and the entities were not culpable for the alleged shenanigans of 1MDB.

"I must stress that the findings here are only confined to this application," he said, noting that the 1MDB trial was still ongoing.

The court also dismissed the application to forfeit monies kept in three Hong Leong bank accounts and a bungalow in Penang belonging to Puan Sri Goh Gaik Ewe, who is the mother of fugitive businessman Low Taek Jho or better known as Jho Low, on the same grounds that there were no evidence of the assets being linked to unlawful activities.

The judge also said that the relationship between Goh and the characters or entities in the 1MDB scan-

dal was "conspicuously missing".

Apart from Najib and his family, company Senijauhar Sdn Bhd, Aiman Ruslan, former Goldman Sachs banker Roger Ng and his wife Lim Hwee Bin were able to keep their assets following the court's dismissal of the forfeiture application against them.

The court, however, allowed the government's bid to forfeit assets from respondents that did not contest the application, namely Mohd Kyzzad Mesran, Yayasan Rakyat 1Malaysia, Yayasan Semesta, Yayasan Mustika Kasih and Rembulan Kembara Sdn Bhd.

It also allowed the forfeiture applications against former 1MDB officers Kee Kok Thiam, Tan Vern Tact and Terence Geh Choh Hun, as the three have absconded from the country since April 2018.

"The authorities, including Interpol, were not able to trace their whereabouts and there are no

records of them returning to Malaysia," the judge said.

Deputy Public Prosecutor Harris Ong Mohd Jeffrey Ong told the court that the prosecution would appeal against the decision and applied for a stay of the order to return the monies to the respondents.

The judge, however, said the court would not make any order for a stay.

"If the forfeiture application is denied, it is a natural progression that the prosecution should return the properties to the respondents," Justice Mohamed Zaini said.

In May 2019, the government filed a forfeiture suit against Najib and 17 others to recover assets said to be linked to 1MDB.

The items listed are luxury goods (263 handbags, 14 watches and 27 pairs of shoes), 27 vehicles, RM19,064,205.58, multiple foreign currencies and a property in Tanjung Bungah, Penang.