

No to Najib's bid for papers

The Star - 9/12/2022 19.12

Court rejects appeals to obtain Zeti-related documents

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PUTRAJAYA: Former prime minister Datuk Seri Najib Razak has failed in his appeals to obtain documents related to investment bank Goldman Sachs and Tan Sri Dr Zeti Akhtar Aziz for his RM2.28bil 1Malaysia Development Bhd (1MDB) trial.

A three-judge panel of the Court of Appeal, chaired by Justice Kamaluddin Md Said, unanimously dismissed Najib's appeals on grounds that there was no error by the High Court that could have warranted an appeal.

Other judges on the panel were Justices Ahmad Nafsy Yasin and Nordin Hassan.

Najib is appealing against the decision by High Court judge Justice Collin Lawrence Sequerah on July 12, 2021 in two applications for the documents.

He filed his discovery application on March 24, 2021, as he wanted to compel the prosecution in the trial to disclose banking documents linked to Zeti's family on claims that her family had allegedly received monies from fugitive financier Low Taek Jho, also known as Jho Low.

In the decision read by Justice Nordin, the panel said the documents sought by Najib were not relevant to his defence in the trial at the High Court.

"The appellant's defence, as put to the prosecution witnesses, was



Appeal case: Najib leaving the court in Putrajaya. — Bernama

that the appellant was duped by one Jho Low.

"We are of the view that the documents sought by the appellant would not assist the appellant's defence," Justice Nordin said yesterday.

Najib also filed a second discovery application on April 7, 2021 to obtain a confidential settlement agreement between Malaysia and US-based Goldman Sachs Group in 2020.

This included the transcripts or forensics report from the phones of Tim Leissner, a former Goldman Sachs partner in Asia, as well as data on Goldman Sachs' server involving

Leissner's communications.

Najib's defence argued that the content in Leissner's mobile phone could show communications between Leissner and 1MDB officials and it would show that Najib did not have knowledge about the criminal schemes as well as to whom Leissner had paid bribes and kickbacks in 1MDB.

On this matter, the Court of Appeal said the items sought in the second application were not in the respondent's possession and so the court would not issue an order with which the respondent could not comply.

The panel noted that the appel-

lant's counsel himself had indicated that the defence was no longer pursuing the application for these items to be produced.

Najib had also wanted statement from witnesses that were recorded by the investigating authority under Section 32 of the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 and Section 30(a) of the Malaysian Anti-Corruption Commission Act 2009.

To this, the panel said witness statements recorded by investigating authorities were considered privileged documents.

"Apart from the fact that no statutory provision gives the right to inspect privileged documents given by the witness to the investigating authority, the reason not to disclose the witness statement is to avoid the real danger of tampering with witnesses," said Justice Nordin.

When met, lead prosecutor Datuk Seri Gopal Sri Ram told the press that the prosecution intended to call another seven witnesses, including Zeti, to testify in the 1MDB trial before closing its case.

Najib, 69, is on trial for 25 charges in total – four for abuse of power that allegedly brought him financial benefit to the tune of RM2.28bil and 21 for money laundering involving the same amount of money.

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