

Najib's 1MDB trial cut short

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KUALA LUMPUR: Datuk Seri Najib Abdul Razak's trial for the misappropriation of RM2.3 billion from 1Malaysia Development Berhad (1MDB) was cut short yesterday as the former premier's lead counsel, Tan Sri Muhammad Shafee Abdullah, was unwell.

High Court Judge Datuk Collin Lawrence Sequerah allowed defence lawyer Tania Scivetti's request for a postponement as Muhammad Shafee was unable to attend yesterday's proceedings, Bernama reported.

"My Lord, he (Muhammad Shafee) is not available today as he is not feeling well. We will produce the medical certificate to the court later."

Yesterday's proceedings started with senior DPP Datuk Seri Gopal Sri Ram submitting his arguments about why the prosecution should

➤ High Court allows postponement request as lead counsel unwell

be allowed to play an audio recording between Najib and a Saudi royal as evidence in the trial.

Sri Ram submitted that it will be hard for the prosecution to bring corrupt individuals to justice if they need to stick to the rules governing the Evidence Act 1950.

He said requiring the prosecution to prove each and every document in accordance with the strict requirements of the Evidence Act could lead to the escape of many corrupt criminals.

He said that is why the government introduced Section 41(A) of the Malaysian Anti-Corruption Commission Act

(MACC Act) 2009 by way of amendments to avoid this consequence.

Section 41(A) of the MACC Act states that any document or a copy of any document obtained by the MACC under the Act shall be admissible as evidence in any proceedings under the Act, notwithstanding anything to the contrary in any other written law.

"The recording and transcript are admissible under Section 41A of the MACC Act because the closing words of that section exclude the method or mode of proof prescribed by the provisions under Chapter 5 of the Evidence Act," said

Sri Ram.

He further submitted that the definition in the Evidence Act is not available for present purposes as the common law definition of a document is wide enough to encompass recordings and transcripts within it.

"These days, transactions in millions can be carried out electronically in the blink of an eye. Chapter 5 of the 1950 Act is the general law governing the admission of documentary evidence, whereas Section 41(A) of the MACC Act is a special law.

"The recordings and transcripts are admissible by reason of Section 41(A) of the MACC Act irrespective of any question of relevance."

Najib, 69, is facing four counts of using his position to receive bribes totalling RM2.3 billion from 1MDB and 21 counts of money laundering.