

EX-PM'S APPEAL DISMISSED

# NAJIB FAILS IN BID TO ATTEND 1MDB TRIAL

Appeals court rules his move is academic after High Court's judgment last year

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**I**NCARCERATED former prime minister Datuk Seri Najib Razak failed in his appeal to secure attendance in 1Malaysia Development Bhd (1MDB)'s related court hearing, which concluded last year.

A three-member Court of Appeal bench chaired by Datuk R Ravinthran said Najib's application was academic as the High Court had meted out judgment on Nov 11 last year.

Other members of the bench

were Datuk Mariana Yahya and Datuk Lim Chong Fong.

Najib had appealed to attend the proceedings where he sought to set aside a Mareva injunction granted to 1MDB and its four subsidiaries.

A Mareva injunction freezes the assets of the person and prevents the transfer of such assets held in banks or financial institutions.

1MDB had obtained an ex parte Mareva injunction against Najib from the High Court on Feb 8, last year, freezing the latter's assets in relation to their claim of US\$681 million against the former finance minister.



Datuk Seri Najib Razak's bid to attend 1MDB proceedings was dismissed by the Court of Appeal yesterday, FILE PIC

As a result, Najib is allowed to withdraw up to RM100,000 monthly from his bank accounts for his expenses. If he needs more, he would have to apply to 1MDB's solicitors.

The court in its judgment said the injunction hearing was now at the appellate stage after the lower court handed down its decision on Sept 27 this year.

The court said there was nothing to prevent the appellant from filing another application in the Court of Appeal to attend the related hearing.

"In our view, this can be argued in another application in the Court of Appeal.

"However, we believe that any decision in this current appeal is purely academic.

"Thus, this appeal is dis-

missed," the court said.

On Sept 27, this year, High Court judge Datuk Atan Mustaffa Yusof Ahmad, when affirming the injunction said 1MDB and its four subsidiaries had demonstrated a compelling case for unjust enrichment against Najib.

The evidence showed that Najib was enriched by US\$681 million at their (plaintiffs') expense, without legitimate commercial purpose, legal entitlement, or consideration.

He said the plaintiffs had demonstrated that Najib, while serving as prime minister and finance minister, committed misfeasance in public office by abusing his authority.

Atan Mustaffa said the SRC International Bhd criminal trial clearly discussed the matter of

the US\$681 million, which is central to the current Mareva injunction application.

On May 10 last year, 1MDB filed a combined total of 22 civil suits against various parties, including Najib to recover RM96.6 billion in assets.

The Finance Ministry in a statement said six of the 22 writs were filed by 1MDB, while the remaining 16 were by its former subsidiary SRC International.

The civil suits were filed as an effort by both entities to recover their assets with a combined total in excess of RM96.6 billion including about RM300 million against various local parties.

The writs filed by 1MDB are against a total of nine entities — including two foreign financial institutions and 25 individuals.