

Najib's fate to be known today



One decision: Najib at the KL High Court Complex in this file photo from the trial.
— AZLINA ABDULLAH/
The Star

Judge to rule whether he needs to enter his defence or to acquit him

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KUALA LUMPUR: Six years after he was prosecuted, Datuk Seri Najib Razak will find out today whether he will be acquitted or called to enter his defence on four counts of abusing his position for the gratification of RM2.28bil from the coffers of 1Malaysia Development Bhd (1MDB) and 21 counts of money laundering involving the same monies.

Justice Collin Lawrence Sequerah, who has since been elevated to the Court of Appeal, will be delivering his decision at the end of the prosecution's case here at the Kuala Lumpur Court Complex.

The proceedings at the High Court are expected to begin at 9am.

If the court finds the prosecution has proven a prima facie case, Najib would be called to enter his defence.

An accused who is called to enter his defence may elect to testify under oath from the witness stand; give a statement from the dock; or remain silent, in which case the court must proceed to convict him.

However, in the event that a prima facie case is not established, the court would acquit Najib of the charges.

In the most recent development, Najib publicly apologised to all Malaysians on Thursday over the 1MDB scandal that had occurred during his tenure as prime minister and finance minister.

In a statement read by his son

Datuk Mohd Nizar Najib at the courthouse where his trial is being held, Najib said he decided to make the statement after much reflection during his 26 months in jail (for his conviction in the RM42mil SRC International Sdn Bhd graft trial) and following significant recent developments relating to 1MDB.

"It pains me to know the 1MDB debacle happened under my watch as the minister of finance and prime minister.

"For that, I would like to apologise unreservedly to the Malaysian people," Nizar read.

According to the amended charges, the former Pekan MP is facing four counts of using his position to obtain RM2.28bil gratification from 1MDB's funds and 21 counts of money laundering involving the same amount.

The abuse of power offences were allegedly committed at an Amlslamic Bank Bhd branch, Jalan Raja Chilian, Bukit Ceylon between Feb 24, 2011 and Dec 19, 2014.

The money laundering offences were allegedly committed at the same location between March 22 and Aug 30, 2013.

The charges were framed under Section 23(1) of the Malaysian Anti-Corruption Commission (MACC) Act 2009 and punishable under Section 24(1) of the same Act.

If he is convicted at the end of the defence case, Najib faces imprisonment of up to 20 years and a fine of five times the amount of gratification or RM10,000, whichever is higher.

On May 30, the prosecution

closed its case after calling 50 witnesses to the stand to testify against the former prime minister.

Some of the high-profile witnesses were former 1MDB chairman Tan Sri Mohd Bakke Salleh, former 1MDB CEO Datuk Shahrol Azral Ibrahim Halmi and former Bank Negara governor Tan Sri Dr Zeti Akhtar Aziz.

Another notable witness was former general counsel of 1MDB, Jasmine Loo, who fled and hid abroad for about five years before surrendering herself to the authorities in July last year.

She became the 50th and last witness to testify.

The prosecution's trial began on Aug 28, 2019, and lasted 235 days.

The late prominent judge and lawyer Datuk Seri Gopal Sri Ram led the prosecution team until his demise in January last year.

Deputy public prosecutor (DPP) Ahmad Akram Gharib took on his mantle, with other DPPs Mohamad Mustafa, P. Kunyalam and Kamal Bahrin Omar on the team.

Meanwhile, senior lawyer Tan Sri Muhammad Shafee Abdullah leads the defence team with the assistance of lawyers Wan Mohammad Arfan Wan Othman, Alastair Brandah Norman and Wan Azwan Aiman Wan Fakhruddin.