

# 'Shoddy' probe on Najib, court told

## Defence claims 'predetermined intention' to prosecute him

**KUALA LUMPUR:** Investigations that resulted in Datuk Seri Najib Razak being charged in the RM2.28bil 1Malaysia Development Bhd (1MDB) trial were "shoddy" and "incomplete", the High Court was told.

Defence lawyer Wan Azwan Aiman Wan Fakhrudin submitted that the Malaysian Anti-Corruption Commission (MACC) had yet to complete recording the former prime minister's statement but he was charged regardless.

The defence said there was a "predetermined intention" to prosecute Najib and accuse him, regardless of the outcome of the investigation.

"This is evident when PW49 submitted the investigation paper along with the proposed charges to the Attorney General's Chambers (AGC) and the consent to prosecute Najib was already issued before the recording of Najib's statement was completed," he said, referring to 49th prosecution witness Nur Aida Ariffin.

During submissions at the end

of the prosecution's case yesterday, the lawyer said Nur Aida had presented the investigation paper to the AGC along with the charges against Najib on Aug 28, 2018.

The consent to prosecute Najib was obtained on Sept 19, 2018 while the recording of Najib's statement pursuant to Section 53 of the MACC Act was only completed on Sept 20, 2018.

"We respectfully submit that the investigation conducted by the investigating officer was egregiously biased, selective, shoddy and incomplete.

"This resulted in evidential gaps in the prosecution's case and deprived the accused of his constitutionally guaranteed right to a fair investigation and fair trial, a fundamental principle enshrined within Article 5 of the Federal Constitution," he said.

Wan Azwan Aiman also submitted that Najib was not given clear details of the accusations against him and this made him unable to make an effective defence from an earlier stage.

Najib, 71, is on trial for 25



**In the dock:** Najib arriving in court in a wheelchair for the 1MDB trial proceedings. — Bernama

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.

The four counts of power abuse were framed under Section 23(1)

of the MACC Act 2009, which provides for imprisonment of up to 20 years and a fine of up to five times the amount or gratification, or RM10,000, whichever is higher, upon conviction.

For the 21 charges of money laundering, Najib is charged

under Section 4(l)(a) of the Anti-Money Laundering, Anti-Terrorism Financing, and Proceeds of Unlawful Activities Act, which carries a maximum fine of RM5mil, imprisonment of up to five years or both, upon conviction.