

Video 'admission' of RM2.6 billion in Najib's accounts only hearsay, say lawyers
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By V. Anbalagan

The claim by former deputy prime minister Tan Sri Muhyiddin Yassin in a leaked video that Prime Minister Datuk Seri Najib Razak admitted US\$700 million (RM2.6 billion) was transferred into his personal accounts has little legal value if relied on for a lawsuit, said lawyers.

They said at best the content was hearsay and had little or no evidential value in a court of law.

They told The Malaysian Insider that it was trite law that hearsay was inadmissible in court.

Instead, they said, the claim only had political value to strengthen public perception that large amounts of money were indeed channelled into Najib's accounts.

Lawyer Datuk Bastian Pius Vendargon said for the video to be admitted as evidence in court, it must first be determined to be authentic.

"For this to be done, Muhyiddin must confirm the contents and that he was the person captured in the video," he told The Malaysian Insider.

The civil lawyer said this in response to a question whether the video recording would have any effect on Najib's intended defamation suit against The Wall Street Journal (WSJ) following a report by the business daily early this month that state-owned funds were channelled into two bank accounts under Najib's name with AmBank in March 2013.

The prime minister has denied taking any funds from 1MDB for "personal gain" but had not commented directly on the fund transfers.

His bank accounts that allegedly received the funds have since been closed.

Najib has also blamed former prime minister Tun Dr Mahathir Mohamad, whom he accused of working with foreign agents against his administration.

Vendargon said it was for the court to determine how much weight would be given to the evidence if Muhyiddin was to take the witness stand on behalf of any defendant, including the WSJ.

"He will be subject to intense cross-examination and will be asked whether he had lodged a police report since there was a criminal offence committed as large amounts of money were deposited in an individual's bank accounts," he added.

Lawyer Fahri Azzat said the video and Muhiyiddin's statement were only secondary evidence in court for the WSJ to rely on to thwart a defamation suit by Najib.

He said the WSJ had to produce bank statements of Najib to justify that its report was not a fabrication.

"This will be the first line of defence to convince the court to dismiss a suit," he added.

Fahri said Muhiyiddin's testimony would only act as supportive evidence that Najib had admitted that the money was transferred into his accounts.

"To me, the video at this juncture, only has political value to strengthen one's belief whether large amounts of money were deposited into Najib's accounts," he added.

The leaked video that went viral depicted Muhiyiddin, who was dropped from the Cabinet during a reshuffle on Tuesday, saying during a meeting with several people at his house the same night, that he had confronted Najib on the WSJ's report that US\$700 million (RM2.67 billion) of funds from 1Malaysia Development Bhd (1MDB) linked firms were deposited into the prime minister's personal accounts.

In the video, Kedah Menteri Besar Datuk Seri Mukhriz Mahathir could be seen seated beside Muhiyiddin. Also present was former minister and Umno Supreme Council member Tan Sri Abdul Kadir Sheikh Fadzhir.

Mukhriz's visit to the former deputy prime minister's house took place the same day Najib reshuffled the Cabinet, dropping Muhiyiddin as his deputy and education minister.

Muhyiddin was axed from his government posts two days after he told an Umno Cheras division meeting that the WSJ's report was a serious matter that needed explaining. – July 30, 2015.

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