

Ezam's 1MDB suit fixed for case management on July 14

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By V Anbalagan

However, it is unclear if Najib Razak and 13 current and former directors have been served the legal papers as Ezam and his lawyer did not respond to queries.

PETALING JAYA: The High Court will give direction on July 14 to parties in a suit filed by former senator Mohamad Ezam Mohd Nor against the prime minister and 13 current and former 1Malaysia Development Berhad (1MDB) directors.

Ezam, who quit as director of communications at the finance ministry last year, filed the suit on April 14, demanding that Najib Razak and the 13 individuals return at least US\$3.657 billion (RM16.14 billion) to the sovereign fund.

Lawyer Farez Jinnah, in a WhatsApp message, would only say the next case management had been fixed by the High Court for July 14.

Attempts by FMT to get more details failed, despite repeated calls and messages to Farez and Ezam since yesterday.

The progress of the case is sketchy as it is unclear if Ezam's lawyers had successfully served the writ and statement of claim on all defendants.

Civil lawyer S N Nair said a court deputy registrar would call for a mention of the case within a month after such a suit was filed.

"Under normal circumstances, the registrar would have given direction for parties to file their defence or other interlocutory applications," he said.

Ezam, who is now Parti Bebas Rasuah (PBR) president, claimed that the money borrowed by 1MDB was lost due to breach of fiduciary duty by these individuals.

He said the directors, who held their posts between 2009 and last year, were named as defendants because they lost the money and did not take steps to recover it.

He said since Najib was also the finance minister, the government would not take any legal action.

The directors named are Mohd Irwan Serigar Abdullah, Kamal Mohd Ali, Norazman Ayob, Che Lodin Wok Kamaruddin, Ismee Ismail, Ong Gim Huat, Shahrol Azral Ibrahim Halmi, Ashvin Jethanand Valiram, Arul Kanda Kandasamy, Mohd Hazem Abd

Rahman@Mohamed, Mohd Bakke Salleh, Azlan Mohd Zainol and Tengku Rahimah Puteri Mahmud Shah.

According to 1MDB's website, Irwan Serigar, Kamal and Norazman are still on the board.

Also named as party to the suit are 1MDB and the Malaysian government.

Ezam also wants the directors to pay a monthly 4% interest on the judgment sum until all monies owed are settled.

In his statement of claim, Ezam said between 2009 and 2011, eight directors transferred US\$1.03 billion to Good Star Limited Sdn Bhd (GSL) for use in a joint venture with PetroSaudi International Ltd (PSI).

He said in 2012, they transferred US\$1.367 billion to Aabar Investment PJS Ltd, a company incorporated in the British Virgin Islands (Aabar BVI).

The company has an almost identical name to Aabar Investment PJS, a subsidiary of International Petroleum Investment Company (IPIC), which was to be paid the money.

Ezam said in 2013, seven directors paid US\$1.26 billion to Tanore Finance Corporation (TFC) for a joint venture with Aabar to establish Abu Dhabi Malaysia Investment Company Ltd (ADMIC).

He said 1MDB and the government had, as a result, suffered losses and damages.

Ezam said he was filing the suit in his capacity as a citizen and taxpayer as he would be burdened to repay the loans taken by 1MDB.

"It is in the interest of the rule of law that this action is brought against the first defendant (Najib) and the directors accountable for the wrongs committed by them because neither 1MDB nor the government will bring such action," he said in the statement of claim.

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