

## **Will Najib's 1MDB trial commence tomorrow?**

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KUALA LUMPUR, Aug 18 (Bernama) -- Almost a year after being slapped with four charges of having used his positions to obtain gratification totalling RM2.3 billion in 1Malaysia Development Bhd (1MDB) funds and 21 counts of money laundering involving the same money, former Prime Minister Datuk Seri Najib Tun Razak will have his day in court tomorrow.



On Monday, Najib' s 1MDB trial, also dubbed the 1MDB-Tanore trial, is scheduled to be heard before High Court Judge Collin Lawrence Sequerah.

However, whether the trial will go on that day would depend on Justice Sequerah' s discretion as the prosecution team in Najib' s SRC International Sdn Bhd case are expected to seek a postponement.

This is to give way for the SRC trial to be completed as the prosecution seeks to wrap its case with its last prosecution witness yet to conclude his testimony before High Court Judge Mohd

Nazlan Mohd Ghazali.

Najib, 66, is facing three counts of criminal breach of trust, one count of abusing his position and three counts of money laundering involving SRC International Sdn Bhd funds amounting to RM42 million.

On Aug 13, the Federal Court upheld the Court of Appeal' s ruling on Aug 5 which affirmed the High Court's decision that the trial should proceed as scheduled on Aug 19.

According to court' s case list, placed outside the High Court Criminal 1 (before Justice Sequerah) the case is scheduled to begin on Aug 19.

One of the Deputy Public Prosecutor (DPP) in the 1MDB trial, when asked on the matter said there is a likelihood the 1MDB trial will not go on as the SRC trial was not done.

“Furthermore the prosecution (for the 1MDB case) has just served witness statements to the defence on Friday and the defence has 14 days to go through it,” said the DPP when contacted.

The DPP also said a total of 60 witnesses will be called during the trial including several foreign witnesses.

Previously, Justice Sequerah has set Aug 19 to 29; the month of September and October except for Fridays; and the first two weeks of November for Najib's 1MDB trial.

The prosecution had applied for the trial to be postponed for the fourth time to make way for Najib' s SRC trial.

On July 18, Justice Sequerah dismissed the public prosecutor's notice of motion to adjourn the trial.

On July 8, Justice Sequerah rejected Attorney-General Tommy Thomas' verbal request to

postpone the 1MDB case scheduled for Aug 19 until the SRC case had been completed.

On April 30, the prosecution filed its first motion to postpone the 1MDB trial which had been fixed for 14 days from April 15 until May 3. The judge granted the application and rescheduled the case to May 14 until June 21.

On May 2, the prosecution sought another postponement via oral application. The court allowed the postponement and rescheduled the trial to Aug 19.

Former Federal Court Judge Datuk Seri Gopal Sri Ram who was appointed as Senior Deputy Public Prosecutor will lead the prosecution team while lawyer Tan Sri Muhammad Shafee Abdullah will lead the defence team.

On Sept 20, 2018, Najib was charged at the Sessions Court here on four charges to have used his positions to obtain gratification totalling RM2.3 billion in 1MDB funds and 21 counts of money laundering involving the same money.

He pleaded not guilty to all 25 charges and later the case was transferred to the High Court.

These are the four corruption charges preferred against Najib:

- The first charge against Najib was that he, as the Prime Minister, Finance Minister and chairman of the Advisory Board of 1MDB, was alleged to have used his positions to obtain gratification totalling RM60,629,839.43 by taking four actions between Feb 24, 2011 and June 14, 2011 at the Jalan Raja Chulan branch of the Amlslamic Bank Berhad here:

-- On April 1, 2009 at the Cabinet Ministers' Meeting Room, 4th Floor, Prime Minister's Department, Putrajaya, through a memorandum from the Finance Minister, Najib had obtained approval from the Cabinet for the Malaysian government to be the guarantor for Terengganu Investment Authority Berhad (TIA) to secure loans of up to RM5 billion from domestic and foreign markets through Islamic Medium Term Notes Programme.

-- On July 29, 2009, at the same place, Najib, on April 3, 2009, had decided for the federal government to take over TIA and further caused the name TIA to be changed to 1Malaysia

Development Bhd (1MDB), in which he had direct interest.

-- On Sept 26, 2009, Najib had ordered the 1MDB Board of Directors, which held a special meeting at The Royale Bintang, Damansara, Petaling Jaya, to approve a resolution to allow 1MDB to participate in a joint-venture with PetroSaudi International limited by making investments of RM1 billion in ordinary shares in the company at a price of US\$1.00 per share.

-- On May 16, 2011, at the 1MDB Office, 8th Floor, Menara IMC, No 8, Jalan Sultan Ismail, Kuala Lumpur, Najib had caused the 1MDB Board of Directors to pass a circular resolution which allowed an additional investment of RM1 billion under the Murabaha financing Agreement dated March 31, 2010 to be made in 1MDB Petro Saudi Limited.

- On the second count, Najib was charged with using his position to obtain gratification for himself, amounting to RM90,899,927.28 between Oct 31, 2012 and Nov 29, 2012, at the same place and while holding the same posts, by taking two actions:

-- On Feb 9, 2012, at the 1MDB Office, as the Finance Minister, having approved 1MDB, in which he had direct interests through 1MDB Energy Sdn Bhd, which is a subsidiary of 1MDB, to offer a bid for the purpose of taking over Tanjong Energy Holdings Sdn Bhd at a bidding price of RM10.6 billion.

-- On Aug 10, 2012, at the same place and as the Finance Minister, had approved the take over of Syarikat Mastika Lagenda Sdn Bhd equities at an aggregate purchase price of up to RM2.75 billion, and further approved 1MDB, to issue a 10-Year Structured Loan Note worth US\$1.75 billion.

- On the third count, the former prime minister was charged with using his position between March 22, 2013 and April 10, 2013 to obtain gratification for himself amounting RM2,081,476,926 through two actions:

-- On Feb 25, 2013, at the 1MDB Office, as the Finance Minister, having approved 1MDB, which he had interest in, to enter into a joint-venture agreement with Aabar Investment PJS.

-- On March 14, 2013, in approving a Letter of Support to 1MDB global Investment Limited for the purpose of supporting the issuance of bonds totalling US\$3 billion on behalf of 1MDB,

which he had direct interest in.

- On the fourth charge, Najib as the Prime Minister, Finance Minister and chairman of the 1MDB Board of Advisors, had used his position to obtain gratification totalling RM49,930,985.70 by taking the following actions:

-- On Aug 20, at the 1MDB Office, in his capacity as chairman of the 1MDB Board of Advisors, had ordered the 1MDB Board of Directors to give approval for 1MDB Energy Holdings Limited to make loans through Term Loan Facility of up to US \$975,000,000 from Deutsche Bank AG for the issuance of 1MDB Energy Group IPO, which he had direct interests in.

-- Najib was alleged to have committed all the offences at the same bank between June 23, 2014 and Dec 19, 2014.

-- All the charges were made under Section 23(1) of the Malaysian Anti-Corruption Commission (MACC) Act and punishable under Section 24 (1) of the same law.

-- He faces an imprisonment for up to 20 years and a fine of up to five times the sum or value of the gratification or RM10,000, whichever is higher, if found guilty.

These are the 21 money laundering charges faced by Najib:

- On the first to ninth count, Najib was charged with accepting a total of RM2,081,476,926, believed to be proceeds from money laundering activities, which was transferred into his Amlslamic Bank account number 2112022009694 from an account number 8550299001 belonging to Tanore Finance Corporation at Falcon Private Bank, Singapore. He was alleged to have committed all the offences at Jalan Raja Chulan branch of Amlslamic Bank Berhad, No. 55, Jalan Raja Chulan, Bukit Ceylon here between March 22 and April 10, 2013.
- On the 10th count, Najib was charged with transferring RM652,600,000, also believed to be proceeds from the unlawful activities, from his Amlslamic Bank account number 2112022009694 into the same account number 8550299001 belonging to Tanore Finance Corporation at Falcon Private Bank, Singapore. He was alleged to have committed the offence at the same place on Aug 2, 2013.
- On the 11th and 12th counts, the former UMNO president was charged with using

RM20,000,000, believed to be proceeds from money laundering activities, through an Amlslamic Bank cheque number 571854 as a payment to United Malays National Organisation (UMNO), and another RM100,000 through another Amlslamic Bank cheque number 571857 to Batu Kawan UMNO Division. The offences were allegedly committed at Jalan Raja Chulan branch of Amlslamic Bank Berhad at No. 55, Jalan Raja Chulan, Bukit Ceylon here on Aug 2 and Aug 7, 2013, respectively.

- On the 13th count, Najib was charged with using RM246,000 of proceeds from money laundering activities to make payment to Lim Soon Peng, 63, through an Amlslamic Bank cheque number 571858, at the same place on Aug 7, 2013.
- On the 14th count, he was charged with using RM2,000,000, believed to be proceeds from money laundering activities, to pay ORB Solutions Sdn Bhd through an Amlslamic Bank cheque number 571859 at the same place on Aug 12, 2013.
- On the 15th count, he was charged with using RM303,000, believed to be proceeds from money laundering activities, to pay Semarak Konsortium Satu Sdb Bhd through an Amlslamic Bank cheque number 571856 at the same place on Aug 14, 2013.
- On the 16th to 19th count, Najib was charged with transferring a total of RM1,381,750,000, believed to be proceeds from similar unlawful activities, from his Amlslamic Bank account number 2112022009694 into account number 8550299001 belonging to Tanore Finance Corporation at the Falcon Private Bank, Singapore, at the same place between Aug 15 and 23, 2013.
- On the 20th and 21st counts, the former prime minister was charged with transferring a total of RM162,436,711.87 of proceeds from money laundering activities, into his other Amlslamic Bank account number 2112022011880, at the same place on Aug 27 and Aug 30, 2013.
- All the charges were made according to Section 4(1)(a) of the Anti-Money Laundering and Anti-Terrorism Financing Act (AMLATFA), which carries a maximum fine of RM5 million and jail term of five years, or both, if convicted.

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