

Malaysia's Court of Appeal upholds ex-PM Najib Razak's conviction in 1MDB-related case

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KUALA LUMPUR - Malaysia's Court of Appeal on Wednesday (Dec 8) upheld Najib Razak's conviction on graft charges relating to RM42 million (S\$13.6 million) he received from SRC International, putting a dent in the former prime minister's plans for a political comeback.

The three-man bench led by Justice Abdul Karim Abdul Jalil said that the decision last July to convict Najib for illegally receiving millions into his personal bank account from SRC, a former unit of now-defunct state fund 1Malaysia Development Berhad, was correct.

Najib, who faces dozens of other charges relating to corruption during his time in office, had lodged an appeal after being found guilty of criminal breach of trust, abuse of power and money laundering. He was sentenced to 12 years' jail and fined RM210 million.

"We agree entirely with the learned trial judge that there is overwhelming evidence which establishes his personal interest ... We found no good reason to disagree with that finding," Datuk Abdul Karim said. "We dismiss the appeal on all seven charges and affirm the conviction."

The court rejected Najib's claims that he was acting in the national interest.

"We are in full agreement that Najib knew that funds entering his personal accounts were proceeds from unlawful activities. This is no national interest as the appellant claimed ... This is a national embarrassment," Mr Abdul Karim said.

The court also dismissed as "a concoction" Najib's defence that he believed the funds were a personal donation from Saudi Arabia's King Abdullah, who died in 2015.

This "Arab donation story is a concoction. The money is from SRC and it has been fully established," the judge said.

Najib, 68, who maintains he is innocent, remains out on bail.

Speaking at a virtual press conference held via Zoom, Najib said he was very disappointed by the court's decision and had instructed his defence team to file an appeal immediately.

"The central issue is ... regarding RM42 million that was transferred to my personal account. I would like to reiterate that I did not know nor did I ask for it to be transferred to my personal account," he said.

Najib was granted a stay of execution, allowing him to remain out of prison pending his final appeal to the Federal Court, Malaysia's top tribunal.

Although he can continue to serve as Member of Parliament for Pekan pending his appeal, Najib will not be eligible to contest in any election for as long as his conviction stands.

"This ruling means that Najib will not be able to stand as a candidate if there is a snap election early next year. Najib still has one more chance of appeal to the Federal Court that will likely happen in 2022," said Opposition MP and lawyer Wong Chen on Twitter.

Experts said the decision to uphold Najib's conviction will dent his resurgence on the political scene.

Public anger over the 1MDB scandal, in which US\$4.5 billion was alleged to have been misappropriated under Najib's watch, contributed to the Barisan Nasional (BN) alliance's first ever election defeat in 2018 and Najib's fall from political grace.

However Najib has been enjoying renewed popularity in recent times and looked set for a comeback, especially after he successfully led BN, headed by his party Umno, to a landslide victory in the Melaka state polls in November.

"But this doesn't mean he can't make a comeback, it just means that he's not 'flying' as fast as yesterday," said University of Tasmania's director of Asia Institute James Chin.

"Najib is still the top leader in Umno. As long as he's not in jail, he will remain a key political player, especially among the wider Malay community," Professor Chin told The Straits Times. "Despite the fact that he's been found guilty, he's still the most popular Malay politician (and) far ahead in terms of social media outreach."

Malaysia's next general election is not due until 2023, but political observers say one could be called as soon as early next year. This means the Umno-led government and the opposition might opt to disregard the terms of the existing

cooperation pact between them, which state that Parliament should not be dissolved before July 31, 2022.

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