

### New Straits Times June 2020

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**1. It wasn't me, Najib argues through his lawyers**



**Former Prime Minister Datuk Seri Najib Tun Razak going out from the High Court after the hearing of oral submissions by both parties at the end of the defence case against SRC International Sdn Bhd case, today.**

KUALA LUMPUR: As the SRC International Bhd trial involving Datuk Seri Najib Razak inches to its end stages, lawyers representing him today argued that the former prime minister had done no wrong.

Instead, his defence team said if anyone should be blamed for misappropriating RM42 million of the company's money it should be third parties - namely notorious fugitive businessman Low Taek Jho @ Jho Low and former SRC chief executive officer Nik Faisal Ariff Kamil.

Najib's lawyer, Harvinderjit Singh, contended that the prosecution had failed to prove its case against the accused beyond all reasonable doubt.

In a lengthy oral submission which began before High Court Judge Mohd Nazlan Mohd Ghazali at 9.30am today, Harvinderjit also touched on the element of knowledge in terms of the RM42 million which had been banked into his client's accounts.

He said Najib did not have any knowledge of this transactions which happened in December 2014 and February 2015.

Referring to an affidavit in a civil suit against former MCA president Tun Ling Liong Sik where Najib had admitted receiving the RM42 million, Harvinderjit said that did not amount to an admission of guilt.

He said the affidavit cannot be relied on to convict his client of corruption and criminal breach of trust charges.

The defence argued that Najib had all the time thought the money was part of a donation from the late King of Saudi Arabia but only knew in 2016 that the RM42 million was from SRC following media reports.

Najib, 67, is facing charges of using the office of the prime minister for gratification, criminal breach of trust (CBT) and money laundering.

According to the charges, Najib as a public officer, namely Prime Minister and Minister of Finance, had used his office for gratification amounting to RM42 million by involving himself in the decision of the Government of Malaysia on August 17, 2011 and February 8, 2012 to provide SRC with Government Guarantees amounting to RM4 billion.

He was accused of committing the offence under Section 23 of the Malaysian Anti Corruption Commission (MACC) Act.

On the CBT charges, Najib was accused of misusing the money under Section 409 of the Penal Code.

On the third charge under Section 4(1)(b) of the Anti Money Laundering Act, Najib was accused of receiving proceeds of unlawful activity amounting to RM42 million in his account. His trial began on April 3, 2019 and spanned over 57 days, during which 57 prosecution witnesses were called.

The prosecution closed its case on August 27 last year before the court ordered Najib to enter his defence on all the charges on November 11, 2019.

Nazlan then ruled that the prosecution had established a prima facie case against the former Umno president.

He ruled that on the MACC charge, there was no dispute that Najib was a public officer and had involved himself in the Cabinet meetings on August 17, 2011 and February 8, 2012.

He said Najib had therefore 'taken an action or decision' and the prosecution had thus established its case under the MACC Act.

He said the second requirement of the Act where Najib was accused of acting 'in relation to a matter he had an interest in' had also been established as the accused's interest was beyond his professional and public office and was instead a private and personal interest.

Nazlan said Najib was behind the establishment of SRC which was designed to be and did in fact become a vehicle utilised for his own private advantage through his overarching control over the company.

He ruled that the existence of this interest in SRC could be seen from a series of acts and conduct of Najib related to the setting up of SRC, the RM4 billion loan given to SRC by the Retirement Fund Inc (KWAP), the government guarantees and other events which demonstrated that the accused had acted beyond his public office and in pursuance of a private interest in the company.

The judge said it was obvious that Najib had clearly acted in conflict between his public duty and his private interests in SRC in relation to matters relating to the company including the Cabinet Meetings to approve the government guarantees.

"Unlike other MOF Inc companies, Najib wielded considerable powers and control over SRC from the time of its incorporation including the powers to appoint and remove directors, amending the company constitution to solidify his position.

"He did this by creating the position of Advisor Emeritus. He further issued shareholder resolutions which compelled the board of SRC to follow all important decisions in the company," he said, adding all evidence established showed that the acts were not in the interest of the government.

Ruling that the prosecution had established that Najib indeed used his position for gratification, Nazlan said the RM42 million was gratification the accused intended to obtain and did in fact obtain.

He said there was in existence a continuous plot pursued with criminal intent and Najib had abused his position by participating in the Cabinet Meetings for gratification which materialised when the RM42 million was received in his accounts.

On the CBT charges, he said Najib's overarching control over SRC International as the sole shareholder and Advisor Emeritus was all encompassing.

He said the Board of SRC were at all times accustomed to act in accordance with Najib's instructions and shareholder resolutions which formed the basis of their decisions.

Nazlan said given the controlling position of Najib as prime minister, shareholder resolutions and as Advisor Emeritus, he (Najib) was found to have true control and ultimate power in SRC.

He ruled that evidence also showed there was dishonest misappropriation of RM42 as instruction to transfer the money was done on the authorisation of a link person to Najib.

He said Najib had knowledge that money was deposited into his accounts was from SRC based on several factual circumstances.

On the AMLA charges, he said the receipt of the RM42 million into Najib's accounts was established in the documentary and oral evidence relating to the bank records.

He said Najib had knowledge that the money was from the account of SRC and therefore proceeds of unlawful activity.

Alternatively, he said Najib had failed to take reasonable steps to ascertain whether the RM42 million was the proceeds of unlawful activity.

The defence case began on December 3, 2019 and spanned 31 days. Najib chose to testify under oath and his lawyers called a further 18 witnesses before closing their case on March 11.

In his defence, Najib argued that the decision to approve the setting up of SRC was made by the Economic Planning Unit (EPU) without compulsion.

He said the reasoning behind the establishment of the company was towards ensuring continuous security of the supply of energy.

Najib said this was a key national area of development identified in the 10th Malaysia Plan and the Energy Policy.

His lawyers argued that Najib endorsed the decision in furtherance of national interests.

On the issuance of the government guarantees, he argued that this was done in pursuance of the national interests intended to be met through SRC's proposed activities.

He argued that all due processes were complied with and at each stage at KWAP and at Ministry of Finance (MOF) and subsequently at both Ministerial and Cabinet level, decisions were made by all parties based on considerations to further the national interests intended.

His lawyers said Najib participated in the Cabinet Meetings as per the usual processes in government and his actions were not to pursue any private interests.

They argued that Najib did not act corruptly or with any intention to obtain gratification from funds of SRC as it would be absurd given that SRC was an MOF Inc company and such transactions would be easily discovered.

Najib also dismissed instructing anyone to transfer funds into his accounts and contended that he always believed that funds in his accounts in 2014 onwards were from further donations being made to him by Arab royalty.

Najib's team argued that the accused's utilisation of funds in the accounts since 2011 were not towards personal enrichment or wealth but were towards corporate social responsibility (CSR) initiatives for political, social, communal and charitable causes and also for the 13th General Election (GE13).

Najib's lawyers will continue with their submissions tomorrow.

**2. June 9 decision on 1MDB-linked forfeiture suit against Jakel Trading**



**The High Court here will deliver on June 9, its verdict on the government's application to forfeit RM628,314 allegedly linked to the 1Malaysia Development Berhad (1MDB) scandal that was seized from Jakel Trading**

KUALA LUMPUR: The High Court here will deliver on June 9, its verdict on the government's application to forfeit RM628,314 allegedly linked to the 1Malaysia Development Berhad (1MDB) scandal that was seized from Jakel Trading.

The decision was supposed to be delivered by Judicial Commissioner Datuk Ahmad Shahrir Mohd Salleh on June 4 but has been rescheduled to June 9, at 9am.

Jakel Trading's lawyer Thevini Nayagam told Bernama this when contacted today.

In June last year, the Malaysian Anti-Corruption Commission (MACC) filed a civil forfeiture suit against 41 entities, comprising individuals, companies and political parties, under the Anti-Money Laundering and Anti-Terrorism Financing Act to recover about RM270 million believed to be linked to 1MDB.

The MACC believed the money was illegally transferred from the accounts of former prime minister Datuk Seri Najib Razak.

**3. Prosecution: We have proven our case against Najib**



**The prosecution in Datuk Seri Najib Razak's corruption trial involving RM42 million of SRC International Sdn Bhd money wrapped up its case today.**

KUALA LUMPUR: The prosecution in Datuk Seri Najib Razak's corruption trial involving RM42 million of SRC International Sdn Bhd money wrapped up its case today calling on the judge to convict the former Prime Minister of all seven charges.

Lead prosecutor Datuk V. Sithamparam in his closing submission said the prosecution had dealt with all issues raised during the trial to prove its case against Najib.

"If everything is looked at in totality, the seven charges (against Najib) have been proven.

"I have finished my submissions, tomorrow is their day," he said as he ended the prosecution's case against the 67-year old former Finance Minister and also Umno president this evening.

With the prosecution closing its case, lead defence counsel Tan Sri Muhammad Shafee Abdullah will be taking centre stage to present the rebuttal submissions on behalf of his client tomorrow.

The senior counsel is expected to take the entire day and continue on Friday if he fails to finish it in a day.

After Shafee completes his submissions, High Court judge Mohd Nazlan Mohd Ghazali will fix a date to deliver his judgment in the trial which began in April last year.

Najib is facing three counts of criminal breach of trust (CBT), one charge of abusing his position and three counts of money-laundering involving SRC International funds amounting to RM42 million.

The Pekan Member of Parliament is accused of committing the offences between Aug 17, 2011, and Feb 10, 2015.



In his submissions today, Sithambaram touched on key evidence which had been heard during the trial and said everything pointed to Najib's guilt.

He said Najib was fully aware of everything that happened involving the RM42 million right from the time the money left SRC International coffers and ended up in his personal account.

Sithambaram dismissed the defence arguments that Najib's mindset at that time was that the money in his account was part of Arab donations that he had received from the late King Abdullah Abdulaziz Al Saud.

He said all the money which Najib claimed was from the Arab donation was gone by the time the SRC International money was being pumped into his account.

On the defence claims that people like fugitive businessman Low Taek Jho or Jho Low had manipulated his account, the deputy public prosecutor said such claim was nothing but a myth.

"They (the defence) are making a lot of hue and cry that the accused was misled to believe he still had Arab funds when he used up the RM42 million.

"This is nothing but a myth. The fact that RM42 million came into his account is not disputed....he is just saying that he did not know it was SRC money.

"This is ridiculous. Any reasonable person, in particular a man of finance will know or ought to have known what was going on," he said.

Sithambaram said Jho Low had actually bankrolled Najib to the tune of RM86 million within a period of six months between September 2014 and December 2015.

He said SRC International had nothing to show in all the years it was formed except for RM9.3 billion debt that the country was left to deal with.

He said that Najib's claim that the company's formation was in the interest of the country as it needed to venture into energy and other natural resources was not true.

He said there were no checks and balances ever initiated to ensure the company performed but instead everything was rushed to the extent that RM4 billion loan was released even though the company had nothing to show for it.

"This is definitely not national interest...," he said before ending his submissions.

#### **4. Najib's 1MDB trial to resume June 29**

KUALA LUMPUR: Datuk Seri Najib Razak's 1Malaysia Development Berhad (1MDB) trial which was set to continue today has been postponed.

The reason for the postponement was because the defence had yet to wrap up its oral submissions in the former prime minister's corruption case involving RM42 million of SRC International Sdn Bhd funds.

Tan Sri Muhammad Shafee Abdullah who is Najib's lead counsel for both cases applied for the 1MDB trial to be vacated so that the defence can finish its submissions in the SRC International case.

"Regarding the submissions in the SRC case, we are doing the rebuttal today and it will take the whole day. As such, we respectfully ask for the 1MDB trial to be vacated," he said.

High Court judge Collin Lawrence Sequerah then fixed June 29 for the 1MDB trial to resume.

When trial continues, Muhammad Shafee is expected to proceed with his cross-examination of the ninth prosecution witness, former 1MDB chief executive officer (CEO) Shahrol Azral Ibrahim Halmi who has been on the stand since Sept 23, last year.

Najib, 67, faces four charges of abusing his position to obtain gratification totalling RM2.3 billion in 1MDB funds and 21 counts of money laundering involving the same money.

**5. Shafee: Evidence does not point to the pathology of corruption**



**Tan Sri Muhammad Shafee Abdullah said the people wanted to know how RM42 million of SRC International Bhd money had ended up in the personal accounts of a sitting prime minister without his knowledge**

KUALA LUMPUR: Datuk Seri Najib Razak's lawyer today said the defence faced an uphill task to fight the former premier minister's corruption case as it needed to convince everyone that the one time most powerful man in the country did not do anything wrong.

Tan Sri Muhammad Shafee Abdullah said the people wanted to know how RM42 million of SRC International Bhd money had ended up in the personal accounts of a sitting prime minister without his knowledge.

"Here is this man with immense power who was the prime minister.

"By virtue of the position he held, there are a lot of prejudices drawn against him. The RM42 million went into his account...it went in three tranches. People want to know how this happened without his knowledge.

"This alone is seen as evidence of a smoking gun, The public prejudice is so fortified that running a defence like this is not an easy one," he said.

Shafee said the corruption case against Najib was a complicated one because of the circumstances and personality involved.

He urged High Court Judge Mohd Nazlan Mohd Ghazali to have an open mind to the defence put up by Najib.

The senior counsel said this in his closing submission while addressing abuse of power charges faced by his client.

Najib is accused of abusing his position in the decision to provide government guarantees for RM4 billion loan to SRC International from the Retirement Fund Incorporated (KWAP) in 2011 and 2012.

He also faces three other other charges of criminal breach of trust and three counts of money laundering involving SRC International funds amounting to RM42 million.

The Pekan member of parliament is accused of committing the offences between August 17, 2011 and Feb 10, 2015.

In arguing his client's case, Shafee today said evidence adduced in the course of the trial did not point to the pathology of corruption".

He said Najib was accused of taking RM42 million after helping SRC International secure a RM4 billion loan.

"The prosecution narrative of this case is quite outlandish. My client is accused of getting the gratification almost three years after the RM4 billion was given to SRC International.

"A person who is seeking for corruption money would have asked for the RM42 million upfront...not three years after securing the RM4 billion loan," he said.

Shafee said the court should acquit Najib if there was even a niggling doubt of his guilt.

He said it just did not make sense for Najib to have the RM42 million banked into his personal accounts right in his backyard in Kuala Lumpur.

The facts presented in the trial, he said, "just do not jive with logic."

"It does not jive with the pathology of corruption," he said.

The submission by Shafee and Najib's other counsel Harvinderjit Singh will continue tomorrow.

**6. Defence tries its luck by raising a technical point**



**Datuk Seri Najib Razak is seen leaving the court following today's session at Kuala Lumpur Courts Complex.**

KUALA LUMPUR: The defence in Datuk Seri Najib Razak's case today tried to pull a rabbit out of the hat by questioning a technical point in the charges which had been preferred against the former prime minister.

His lead counsel Tan Sri Muhammad Shafee Abdullah said Najib had been accused of committing two offences in one charge and such duality was against the law.

He said if this was the case, charges against Najib on the first count of abusing his position as Prime Minister to gain gratification should be dismissed.

He referred to a previous case file to drive home his point but was later countered by lead deputy public prosecutor Datuk V.Sithambaram.

The senior counsel said there was nothing wrong in the charges that had been filed against Najib and there was no reason for the court to consider Shafee's arguments.

He said Shafee's arguments that Najib had been accused of using his position to influence cabinet decisions over RM4 billion loan to SRC International Sdn Bhd between 2011 and 2012 should have been broken up to two did not hold water.

He said Najib had presided over both cabinet meetings in the same capacity and for the same gratification of RM42 million.

"There is no duplicity here... they are just trying for a technicality," he said, noting that the defence had only brought up the issue at the end of the case when everyone had finished their submissions.

Speaking to reporters later, Sithambaram was asked about Shafee's manoeuvre and he responded by saying that the latter was just trying his luck.

Najib, 67, is accused of abusing his position as prime Minister to provide government guarantees for RM4 billion loans to SRC International from the Retirement Fund Incorporated (KWAP) in 2011 and 2012.

He also faces three other charges of criminal breach of trust and three counts of money-laundering involving the RM42 million.

If he is found guilty, Najib faces lengthy jail terms for all the charges he has been slapped with.

**7. Govt fails in bid to seize 1MDB cash from Jakel Trading, JB BN**



**The government's application to forfeit RM628,314 linked to 1Malaysia Development Bhd (1MDB) which was seized from Jakel Trading, was dismissed by the High Court**

KUALA LUMPUR: The government's bid to seize RM1.31 million of 1Malaysia Development Bhd (1MDB) -linked money from Jakel Trading and Johor Baru Barisan Nasional (BN) was dismissed by the High Court here, today.

Judicial commissioner Datuk Ahmad Shahrir Mohd Salleh dismissed the application to forfeit RM628,314 from Jakel Trading and RM677,872.55 from the coalition party when the cases were called up this morning.

Jakel Trading and Johor Baru BN were accused of receiving the money from former prime minister Datuk Seri Najib Razak between 2011 and 2013.

In his ruling on the Jakel Trading case, Shahrir said it was not disputed that the company received the money in three payments of RM180,000 each on July 27, 2011 and Sept 8, 2011 respectively, and another RM268,314 on Aug 27, 2013.

He said Najib had issued cheques payable to Jakel Trading and it was clear the monies were connected with the decisions and actions taken by the Umno president and Finance Minister pertaining to investments and business ventures of 1MDB.

However, he said the RM628,314 paid to Jakel Trading was for goods sold and delivered to the prime minister's department.

Shahrir said one must not lose track of the timeline of the transactions which was between 2011 and 2013.

"Whereas the case against Najib only made the headlines in 2015.

"At the time Jakel Trading received the payments, how could it tell that something was rotten in the city of Denmark?"

Shahrir said in the absence of anything potentially suspicious in the purchase of the goods and subsequent transactions, Jakel Trading could not be faulted for the source of payments.

He said based on these reasons, the court was of the opinion that Jakel Trading had sold and delivered the goods in the ordinary course of its business, and the payment of RM628,314 was made for the goods which it sold and delivered.

Jakel Trading was represented by Habizan Habeeb Rahman and Thevini Nayagam, while the prosecution was conducted by Mahadi Abdul Jumaat.

The prosecution has applied for a stay pending an appeal.

Shahrir later also ordered RM677,872.55 seized by the Malaysian Anti-Corruption Commission (MACC) from Johor BN to be returned.

That decision will be appealed by the prosecution.



#### **8. High Court dismisses bid to recover RM100k from Yayasan PBAKM**

KUALA LUMPUR: The government's bid to recover money linked to 1Malaysia Development Bhd (1MDB) suffered another blow today after the High Court dismissed its forfeiture suit against Yayasan Persatuan Bekas Anggota Kemas Malaysia (Yayasan PBAKM) for RM100,000.

The decision comes in the wake of a similar outcome on Tuesday when the government also failed to seize RM1.31 million of alleged 1MDB-linked money from Jakel Trading and Johor Baru Barisan Nasional (BN).

High Court Judge Datuk Muhammad Jamil Hussin today ruled that the prosecution had failed to prove that the money in Yayasan PBAKM's account which had been frozen, was either partly or totally from former prime minister Datuk Seri Najib Razak.

He said the RM100,000 cheque was issued to the foundation on Oct 19, 2013.

However, he said evidence showed that many transactions occurred in the account after that.

After dismissing the prosecution's claim, Jamil ordered the frozen funds to be released back to the foundation.

The prosecution was conducted by deputy public prosecutor Nik Haslinie Hashim while Yayasan PBAKM was represented by Datuk Julita Ilhani Abdul Jabbar and Mohamad Azahari Matiasin.

Meanwhile, in another development, the court fixed July 21 to hear the RM677,872.55 forfeiture suit against Umno Johor and July 27 for the RM2.74 million forfeiture suit against Umno Selangor.

In June last year, the Malaysian Anti-Corruption Commission (MACC) filed a civil forfeiture suit against 41 entities, comprising individuals, companies and political parties, under the Anti-Money Laundering and Anti-Terrorism Financing Act to recover about RM270 million believed to be linked to 1MDB.

The MACC believed the money was illegally transferred from Najib's accounts

**9. PH, Amanah lodge MACC report over 'dubious' Sabah road project**



**Amanah Nasional Communications director Khairuddin Daud lodged report to MACC against KPLB minister over reopen tender for a project at Ulu Tomani in Tenom**

KOTA KINABALU: Parti Amanah Nasional (Amanah) and Pakatan Harapan (PH) have lodged a report with the Malaysian Anti-Corruption Commission (MACC) on a road project at Ulu Tomani in Tenom, Sabah.

Amanah Communications director Khairuddin Daud said the Finance Ministry appointed a contractor for the RM154 million project in an open tender on Feb 6, this year.

"The implementation of open tender by Pakatan Harapan (in the awarding of projects)... saved RM24 million of the people's money.

"However, a memo or the minutes of a meeting (on the Ulu Tomani project) has revealed that the Rural Development Minister, Datuk Dr Abd Latiff Ahmad, ordered his chief secretary to have a 're-tendering of direct negotiations or limited tender' for the said project," he said at the MACC's office at the state Federal Administrative Complex here.

Khairuddin said the order raised doubts, and he questions the purpose of having another open tender when the appointed contractor was qualified and fulfilled requirements.

Last week, both political parties had asked for confirmation from the ministry on the matter, but no response was provided.

Khairuddin added he had also asked Kemabong assemblyman, Jamawi Jaafar, about the project's progress.

He said that Jamawi had expressed disappointment over the progress, as there are about 6,000 people in Ulu Tomani who have been waiting patiently to see the road upgraded for the past eight years.

"With the current political situation, we have seen state Infrastructure Development Minister Datuk Peter Anthony being investigated for corruption which (allegedly) happened many years ago.

"This (Ulu Tomani project) could be more pressure for the rakyat (to achieve political gains)", Khairuddin said.

**10. Lawyer remanded to assist CBT probe**



**A lawyer has been remanded for seven days, starting yesterday, to assist with investigations into the Rubber Industry Smallholders Development Authority's (Risda) land acquisition case in Tongod**

KOTA KINABALU: A lawyer has been remanded for seven days, starting yesterday, to assist with investigations into the Rubber Industry Smallholders Development Authority's (Risda) land acquisition case in Tongod.

Magistrate Lovely Natasha Charles granted the remand application filed by the Malaysian Anti-Corruption Commission (MACC).

The 63-year-old suspect was arrested by the MACC at 4.15pm yesterday, after arriving at the agency's office here at 1.30pm to give statement pertaining to the case.

The suspect, who was on the authorities' wanted list since 2017, was detained to assist in the investigation under Section 409 of the Penal Code for criminal breach of trust.

Earlier, the suspect, accompanied by his lawyer Zahir Shah and several MACC personnel, were seen arriving at the court complex at about 9.40 am.

**11. PPSPM CEO charged with receiving RM260,000 in bribes**



**Melaka River and Beach Development Corporation (PPSPM) chief executive officer, Mohd Fariz Mohd Ali (C) pleaded not guilty in the Sessions Court to four counts of accepting bribes**

MELAKA: Melaka River and Beach Development Corporation (PPSPM) chief executive officer pleaded not guilty in the Sessions Court here today to four counts of accepting bribes, amounting to RM260,000 three years ago.

Mohd Fariz Mohd Ali, 38, made the plea after the charges were read out to him before Judge Datuk Mohd Nasir Nordin.

He was charged with receiving bribes totalling RM260,000 from LEC Impressions Sdn Bhd chief executive officer Lim Boon Peng, through a third party, by the name of Osman Abdul Rahman in four transactions.

The money was allegedly an inducement for the accused to help the company to secure a project to supply 10 Melaka River Cruise boats to PPSPM.

The offence was allegedly committed in Taman Peringgit Jaya and Taman Puncak Bertam here between Jan 4 Jan and Nov 15, 2017.

The charges were framed under Section 17(a) of the Malaysian Anti-Corruption Commission (MACC) Act 2009 and punishable under Section 24(1) of the same act which carries a maximum jail term of 20 years and fine not less than five times the amount of gratification or RM10,000, whichever is higher, upon conviction.

Mohd Fariz also pleaded guilty to four alternative charges of accepting for himself something valuable with no reciprocity, namely, RM260,000 from Lim in four transactions at the same date and place.

The charges were framed under Section 165 of the Penal Code which provides for a jail up to two years or fine or both, if found guilty.

MACC deputy public prosecutor Wan Shaharuddin Wan Ladin appeared for the prosecution while counsel Mohamed Shahrul Fazli Kamarulzaman represented the accused.

Judge Mohd Nasir granted bail at RM50,000 in one surety for all the charges with additional conditions, namely the accused had to report himself to the Melaka MACC Office and surrender his passport to the court.

**12. Isa Samad to answer 9 corruption counts, freed of CBT charge**

KUALA LUMPUR: Tan Sri Mohd Isa Abdul Samad was today ordered to enter his defence against charges that he corruptly received more than RM3 million in the purchase of Merdeka Palace Hotel & Suites by Felda Investment Corporation Sdn Bhd (FICSB).

High Court judge Mohd Nazlan Mohd Ghazali ordered the former Felda chairman to enter his defence on nine counts of corruption in connection with the purchase of the hotel in Kuching, Sarawak.

However, Mohd Isa was acquitted and discharged of a criminal breach of trust (CBT) charge he faced which involved the same hotel.

In his findings, Nazlan said credible evidence was successfully adduced during the course of trial and there was sufficient evidence to prove every essential elements of the offence of accepting gratification.

This, he said included the series of cash withdrawals which went through three individuals before it was handed over to Mohd Isa's special officer who finally gave the cash to him as stated in all the nine charges under Section 16 (a)(A) of the Malaysian Anti-Corruption Commission (MACC) Act 2009.

"In view of the evidence of the receipt of the cash by the accused, I therefore invoke the statutory presumption under Section 50 of MACC for the defence to rebut and show that the gratification was not received corruptly and that it was not obtained as a reward for the accused's involvement in the approval of the hotel purchase by the FICSB board.

"A prima facie case has therefore been made out against the accused in respect of the nine charges under Section 16 (a)(A)," he said at the end of the prosecution's case.

He added that the charges which if left unrebutted or unexplained, would warrant a conviction.

Three days were fixed from August 17 for Mohd Isa to make his case.

Mohd Isa told the court that he would give sworn evidence from the witness box.

Meanwhile, in acquitting Mohd Isa of the single CBT charge, Nazlan said the minutes of the 10th meeting of the FICSB board on April 29, 2014 clearly showed that the purchase of Merdeka Palace for RM160 million was approved by the FICSB board and this fact was not disputed.

He said under the law, the accused although as the chairman or director of FICSB entrusted with the company's funds, did not have the requisite authority, thus could not had approved the purchase.

"Since it was the board of FIC and not the accused who approved the purchase of the hotel and the accused was never authorized to approve the disposal of company funds for investment purposes, the allegation in the charges that the accused had approved the disposal of company funds cannot be established.

"On this ground alone, the CBT charge cannot be sustained," Nazlan said.

Mohd Isa's lawyer Datuk Salehuddin Saidin when met after the proceedings said the defence will make their rebuttal on the presumption of Section 50 of the Act on their day in court.

"In August, the defence will make its rebuttal on the presumption of Section 50 and at that stage, the court will again decide whether the defence succeeds in its rebuttal against the charge," he said.

Deputy public prosecutor Afzainizam Abdul Aziz led the prosecution team.

On Dec 14, 2018, Mohd Isa pleaded not guilty to one count of criminal breach of trust (CBT) and nine counts of receiving gratification amounting to more than RM3 million, by approving a proposal for the purchase of a hotel in Kuching, Sarawak, for FICSB

He allegedly committed the CBT offence at Level 50, Menara Felda, Platinum Park, No. 11, Persiaran KLCC near here on April 29, 2014.

The charge under Section 409 of the Penal Code carries an imprisonment for up to 20 years, whipping and fine, if found guilty.

On the corruption counts, Mohd Isa was charged with committing the offences at Level 49, Menara Felda, between July 21, 2014, and Dec 11, 2015.

The charges framed under Section 16(a)(A) of the Malaysian Anti-Corruption Commission (MACC) Act 2009, punishable under Section 24(1) of the same law carries a jail term of not exceeding 20 years and a fine of at least five times the bribe amount, or RM10,000, whichever is higher, upon conviction.



**13. Shafee: It is not just typos they are changing**



**Datuk Seri Najib Razak attends the hearing at the court in Kuala Lumpur.**

KUALA LUMPUR: The lead prosecutor in Datuk Seri Najib Razak and former 1Malaysia Development Bhd (1MDB) chief executive Arul Kanda Kandasamy's audit tampering trial today downplayed the defence objection to proposed amendments in the charge sheet against the duo.

Deputy Public Prosecutor (DPP) Datuk Seri Gopal Sri Ram said the prosecution was not springing any surprises against the accused by making some changes to wordings in the charge sheet.

He said this after Najib's lawyer Tan Sri Muhammad Shafee Abdullah immediately sprung to his feet to object when another DPP, Ahmad Akram Gharib, read out what the prosecution planned to amend in the charge against both accused.

Sri Ram said the most important thing that everyone needed to focus on in the trial is the offence that had been committed.

The prosecution, he said, just wanted to make it clear in the charge sheet that the audit report which had been allegedly tampered was the final copy and not a draft.

"There is no substantial change in the charges. We are just making it absolutely clear that the audit report which is the subject matter of this trial was not a draft copy but the final report.

"Even previous witnesses have testified that the said audit report was not a draft copy.

"However, if they (the defence) feel we have put them on a bad footing - which we haven't - we have no objections to hear their arguments against the amendments," he said.

Earlier, Shafee argued that the changes were not just typos which were being corrected but the entire gist of the charge against his client was being altered.

He said the changes would have serious implications for the defence case.

"Yesterday we were told that there were just some typos in the charge sheet which needed to be changed, where the word sebelum (before) would be changed to selepas (after).

"However, today the entire prosecution's case has changed," he said.

Shafee said he had all this while focused his cross-examination on the fact that there was nothing wrong for his client to request an amendment to an audit report which had yet to be finalised.

He said the prosecution now wants to say that the AG had finalised the audit report and that it was later amended.

"With these proposed amendments, it changes the position quite drastically.

"I am quite a slave driver and my team worked till 1am after we were alerted to the prosecution's plan to correct the typo yesterday. However, we now have to take a complete turn as the amendments are more than that," he said, adding that the defence would require some time to prepare their arguments against the proposed changes.



**Arul Kanda Kandasamy gestures as he arrives at the court ahead of the trial.**

High Court judge Mohamed Zaini Mazlan later agreed to hear submissions from both sides next Wednesday.

Najib, 67, is accused of using his position to obtain immunity from legal action in relation to allegations that he tampered with the 1MDB audit report before it was presented to the Public Accounts Committee (PAC).

He is accused of committing the offence at the Prime Minister's Office (PMO) in Putrajaya between Feb 22 and Feb 26, 2016.

The charge under Section 23(1) of the Malaysian Anti-Corruption Commission Act (MACC) 2009 carries a maximum 20 years' jail and a fine of no less than five times the amount of gratification.

Arul Kanda is accused of abetting Najib in making amendments to the audit report and faces the same penalties if convicted.

#### **14. Court rejects govt's bid to stay ruling on RM194mil forfeiture suit**

KUALA LUMPUR: The government has failed in its bid to postpone the High Court's ruling in dismissing its forfeiture suit of more than RM194 million from Umno, Wanita MCA, and two companies.

This after High Court judge Mohamed Zaini Mazlan dismissed its application to stay the court's decision (on the forfeiture) pending appeal at the Court of Appeal.

Zaini made his decision as soon as he heard submissions from the government failed in its bid to postpone the High Court's ruling dismissing its forfeiture suit of more than RM194 million from Umno, Wanita MCA, and two companies.

High Court judge Mohamed Zaini Mazlan dismissed its application to stay the court's decision (on the forfeiture) pending appeal at the Court of Appeal.

Zaini made his decision as soon as he heard submissions from both parties during the hearing of the case today.

"I have made my decision... I have to stick to my findings that the money did not originate from 1Malaysia Development Berhad (1MDB).

"I reject all applications (to stay the decision) and the applicants can run up to Court of Appeal to apply for a stay," he said.

Deputy public prosecutor Mahadi Abdul Jumaat appeared for the applicants and counsel Datuk Hariharan Tara Singh, Datuk Ben Chan, N. Thevini, and Tengku Shazuan Tengku Shariffudin appeared for the respondents.

When met after the proceedings, Mahadi said he would brief and wait for instructions from the Attorney-General's Chambers before taking any further action.

Earlier, Samihah said the application for a stay was aimed at preventing the respondents from using the monies in their respective bank accounts.

She said according to the respondents' affidavit in reply, Umno said monies totalling RM192 million will be use to pay their operation expenses.

"RM59 million from the said amount will be used to pay backdated salaries of their staff, programme providers, allocation for its wing's movement, and the states Umno liaison offices.

"Thus, we will not be able to return to the position before it is released," she said.

Meanwhile, Hariharan, who represented Umno, said the court in its previous judgment ruled there was no evidence that the money was from former prime minister Datuk Seri Najib Razak or result from any illegal activities.

"The deputy public prosecutor never disputed that the assets owned by Umno were beyond the value of the confiscation.

"They (prosecution) were only concerned about the time it would take to liquidate the assets to recover the (confiscated) money.

"The affected account was only for operating costs and the prosecution failed to show that Umno could not repay it.

"Umno is capable of returning the monies if the Court of Appeal finds that the monies belong to 1MDB," he said.

The prosecution had filed forfeiture suits against the four entities alleging that the monies were allegedly linked to the 1MDB scandal and were proceeds from unlawful activities transferred from the personal bank account of Najib, Umno's then president.

On Feb 7, Zaini dismissed the government's application to forfeit the amount from the bank accounts of Umno, Wanita MCA, and two other companies; Binsabi Sdn Bhd, an event management company which supplies tents; and Perano Sdn Bhd, a clothing company.

Zaini in his decision said the remaining monies left in Umno's bank account as at May 13, 2019, were not linked to any monies deposited by Najib.

Zaini said he also found that the withdrawals from the bank account from the time the monies were deposited justifies that it had long been spent.

He also made similar findings for the applications against the three other entities.

The government had sought to forfeit RM192,965,413.61 from Umno; RM300,000 from Wanita MCA; RM827,250 from Binsabi; and RM337,634.78 from Perano.

On June 21 last year, the Malaysian Anti-Corruption Commission (MACC) filed civil forfeiture applications against 41 people and entities, including Umno, to recover RM270 million allegedly taken from 1MDB.

MACC's then chief commissioner, Latheefa Koya, said the funds were allegedly transferred from Najib's personal Ambank account.

**15. July 9 hearing for Ahmad Maslan's bid to quash money-laundering charges**



**Datuk Seri Ahmad Maslan (centre) at the Sessions Court in Kuala Lumpur today.**

KUALA LUMPUR: The Sessions Court will hear former deputy finance minister Datuk Seri Ahmad Maslan's application for his money-laundering charges to be quashed on July 9.

Judge Azman Ahmad set the date when the matter came up for mention today.

Ahmad's counsel, Hamidi Mohd Noh, told the court that parties had filed their submissions in regards to his client's application.

Deputy public prosecutors Mohd Mukhzany Fariz Mohd Mokhtar and Siti Noor Hafizan Zakaria, who appeared for the prosecution, confirmed that the relevant documents had been handed over to the court this morning.

Ahmad, 52, had on Feb 21, filed an application for his charges to be dropped on grounds that the charges under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act (AMLATFAPUAA) 2001 against him were 'baseless'.

On Jan 21, the Pontian Member of Parliament was charged with involvement in money laundering by not declaring to the Inland Revenue Board RM2 million he received from former Prime Minister Datuk Seri Najib Razak via a cheque dated Nov 27, 2013, in his tax filing for the year.

He also faces another charge of giving a false statement to the Malaysian Anti-Corruption Commission (MACC) when it was recorded under Section 32 of AMLATFAPUAA by the agency's investigating officer Mohd Zairi Zainal.

According to the charge sheet, among Ahmad's statements which were allegedly false was his denial that he had received any money from Najib.

He allegedly committed the offence at a media conference room at the Parliament building at Jalan Parliament here, between 2.45pm and 3.30pm on July 4, last year.

**16. MACC to appeal court decision on RM194 million**



The Malaysian Anti-Corruption Commission (MACC) will be appealing against the Kuala Lumpur High Court's dismissal. -NSTP

KUALA LUMPUR: The Malaysian Anti-Corruption Commission (MACC) will be appealing against the Kuala Lumpur High Court's dismissal of the government's application to stay the return of RM194 million in funds belonging to Umno, Wanita MCA and two companies.

In a statement today, the MACC said the Attorney-General's Chambers would file an application with the Court of Appeal soon.

Last week, High Court judge Mohamed Zaini Mazlan dismissed the prosecution's application to stay the return of the funds frozen by MACC in its 1Malaysia Development Berhad (1MDB) investigations, allowing Umno, which owns RM192 million of the money, to retrieve it.

The balance of the funds belong to Wanita MCA, Perano Sdn Bhd and Binasabi Sdn Bhd.

The High Court had dismissed the prosecution's application to forfeit the RM194 million after ruling in February, that the funds were not from unlawful proceeds sourced from 1MDB.



**17. Judge allows prosecution to amend charges against Najib and Arul Kanda**



**The High Court has dismissed Datuk Seri Najib Razak's objection to proposed amendments in the charges against him in the 1Malaysia Development Bhd (1MDB) audit tampering trial**

KUALA LUMPUR: The High Court has dismissed Datuk Seri Najib Razak's objection to proposed amendments in the charges against him in the 1Malaysia Development Bhd (1MDB) audit tampering trial.

Judge Mohamed Zaini Mazlan ruled that there was no merit in the former prime minister's application to object the proposed changes in the charge sheet.

He said the amendments will in no way cause any prejudice or disadvantage the accused.

"This trial is still in its infancy. The accused will be given every opportunity to mount their defence.

"You will be given the right to recall and re-examine any of the witnesses who have testified," he said.

The prosecution had last week informed the court its intention to make some amendments to the wording in the charge against Najib and his co-accused, former 1MDB chief executive Arul Kanda Kandasamy.

In their submissions today, lead prosecutor Datuk Seri Gopal Sri Ram and Deputy Public Prosecutor (DPP) Ahmad Akram Gharib argued that it was the prosecution's prerogative to amend charges against an accused.

Akram said the power of the Public Prosecutor (PP) to amend a charge is conferred by Article 145(3) of the Federal Constitution read together with section 376 of the Criminal Procedure Code.

He said the discretion of the PP to amend a charge at any time before the judgment is explicitly spelt out in previous case laws.

He added that the application to amend the charge must be allowed as it was done to give clearer details on the charges preferred against the accused.

"This application is consistent with the principles of law and is in no way prejudicial to the accused.

"Amendments of charges are permitted in all cases unless real prejudice is shown as opposed to possibility of prejudice," he said.

Najib, 67, is accused of using his position to obtain immunity from legal action in relation to allegations that he tampered with the 1MDB audit report before it was presented to the Public Accounts Committee (PAC).

He is accused of committing the offence at the Prime Minister's Office (PMO) in Putrajaya between Feb 22 and Feb 26, 2016.

The charge under Section 23(1) of the Malaysian Anti-Corruption Commission Act (MACC) 2009 carries a maximum 20 years' jail and a fine of no less than five times the amount of gratification.

Arul Kanda is accused of abetting Najib in making amendments to the audit report and faces the same penalties if convicted.

**18. Court to decide on 1MDB forfeiture suit against Kasitah Gaddam on July 24**

Court to decide on 1MDB forfeiture suit against former Land and Cooperative Development minister Tan Sri Kasitah Gaddam on July 24 - NST

KUALA LUMPUR: The High Court here today set July 24 to decide on the prosecution's application to forfeit RM100,000 seized from former Land and Cooperative Development minister Tan Sri Kasitah Gaddam, allegedly linked to the 1Malaysia Development Berhad (1MDB) scandal.

Judicial Commissioner Datuk Ahmad Shahrir Mohd Salleh announced the date after hearing the submissions from both parties.

Earlier, deputy public prosecutor from the Malaysian Anti-Corruption Commission (MACC) Nik Haslinie Hashim said although the money had been spent by the respondent, the court still has the power to issue an order under Section 59 of the Anti-Money Laundering Act 2001 for him to repay the amount.

"Even though the respondent said that the money was spent for the purpose of the 2013 General Election (GE13), the fact remains the money was received from former Prime Minister Datuk Seri Najib Tun Razak and that the respondent had admitted it himself," she said.

Lawyer Sasila Basri representing Kasitah, however, said that although his client had admitted receiving the money from Najib in 2012, it was meant for the GE13, which was held on May 5, 2013.

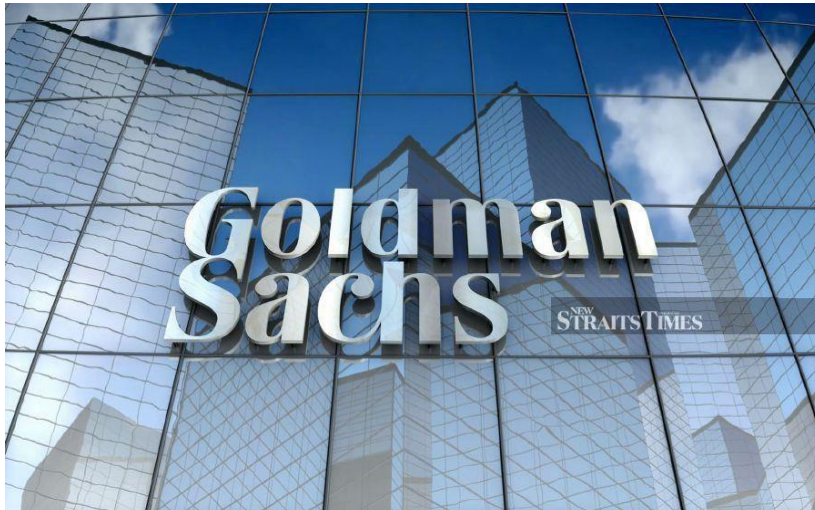
"Your Honour, my client is a government retiree and former minister in the federal Cabinet. The account in question was created to facilitate deposits of his pension money, long before he retired in 2004. It was not created for unlawful activities...allegation of such activities must be proved first.

"The money of RM100,000 was received in 2012, seized by the MACC in 2018...but my client also received pension money of more than RM100,000 a year. The seized money was actually his money," he said.

The lawyer added that the proof of deposits of the pension money had also been submitted as exhibits to the court.

In June last year, former MACC chief commissioner Latheefa Koya said that the MACC had filed civil forfeiture suit against 41 respondents to forfeit about RM270 million allegedly linked to the 1MDB fund scandal and received by the respondents from Najib.

**19. Court sets Sept 4 for former Goldman Sachs banker Roger Ng's case**



**On Dec 19, 2018, former Goldman Sachs banker Roger Ng Chong Hwa was charged at the Sessions Court here with four counts of abetting Goldman Sachs pertaining to the sale of guaranteed notes and bonds belonging to a 1MDB subsidiary by omitting material facts and making false statements.**

KUALA LUMPUR: The High Court today set Sept 4 for further case management to obtain the latest development on the status of former Goldman Sachs banker Roger Ng Chong Hwa's case in the United States (US).

Ng is facing four counts of abetting Goldman Sachs pertaining to the sale of guaranteed notes and bonds belonging to a subsidiary of 1Malaysia Development Berhad (1MDB) totalling US\$6.5 billion.

However, he is currently in the US for a trial over 1MDB-related offences.

Judge Mohamed Zaini Mazlan adjourned the matter to Sept 4 so that the court could be informed on the position of Ng's case in the US.

He also maintained the trial dates that were previously fixed from Nov 9 to 13 this year.

Earlier, Ng's counsel, Datuk Tan Hock Chuan, said he was informed that a case management date has been fixed in July for Ng's case at the US District Court, Eastern District of New York.

He said, however, he was not involved in his client's case in the US.

"I do not intend to attend the trial (in the US)... There is a case management there in July and then the court in New York will fix trial dates.

"When I know (more) I can inform (the court). But the Attorney-General's Chambers (AGC) is in a better position (to update), because they are in touch with the US' Department of Justice (DoJ)," he said.

Deputy public prosecutor Zaki Asyraf Zubir appeared for the prosecution.

In the US, Ng pleaded not guilty to bribery and other charges in the multi-billion-dollar 1MDB scandal after being extradited from Malaysia in May, last year.

On Dec 19, 2018, Ng was charged at the Sessions Court here with four counts of abetting Goldman Sachs pertaining to the sale of guaranteed notes and bonds belonging to a 1MDB subsidiary by omitting material facts and making false statements.

Meanwhile, media reports in New York indicate that Ng's trial has been postponed until late January next year due to the Covid-19 outbreak.

Ng, who has been under house arrest in New York since entering his not guilty plea a year ago was due to stand trial on Sept 4.

His lawyer was reported to have said that the defence team had been trying to arrange for travel to Southeast Asia for several months to carry out interviews related to the case and review documents but had been unable to do so due to shutdowns caused by the virus.

Ng's lawyers said it could take another month or two before they are able to do so.

It was reported that pre-trial work is now due to begin before a New York court on Jan 19, with the trial itself starting before a jury on Jan 25.

20.1MDB trial set to drag on



KUALA LUMPUR: The 1Malaysia Development Bhd (1MDB) trial involving former prime minister Datuk Seri Najib Razak is set to drag on for several months more as there is still a long list of witnesses yet to be called and lengthy cross-examination of those already on the stand.

Najib's lead counsel Tan Sri Muhammad Shafee Abdullah said he wouldn't be surprised if the trial goes on until the end of next year considering the time it took to grill key witnesses directly involved in the day to day operations of the sovereign wealth fund.

As it is, former 1MDB chief executive Datuk Shahrol Azral Ibrahim Halmi, who is just the ninth prosecution witness, has already been on the witness stand since late last year.

He is now being cross-examined by Shafee, who today informed the court that it would probably take another three weeks for him to end his questioning.

Shahrol will then be subjected to re-examination by the prosecution team before the next witness is called.

Deputy Public Prosecutor Ahmad Akram Gharib, when asked by Judge Collin Lawrence Sequerah how many more witnesses the prosecution intended to call, said there were another 55 individuals lined up as witnesses in the case.

He said these included several from overseas, including bankers from Singapore who had dealings with 1MDB.

During proceedings today, Shahrol spent much of the day warding off accusations that he was in cahoots with fugitive businessman Low Taek Jho @ Jho Low in ripping off 1MDB to the tune of RM10 billion.

Shafee repeatedly tore into the 50-year old, who previously admitted his last drawn salary as 1MDB chief executive was in excess of RM100,000 per month despite him having no knowledge of finance matters when he took the job.

Shahrol acknowledged that Jho Low, along with several others close to him who were working in the company, played a big role in keeping much of the shenanigans involving 1MDB from the board of directors' knowledge.

He, however, insisted that his hands were clean and that he played no role in whatever was going on then.

Asked if this meant the entire 1MDB board had been hoodwinked by Jho Low, Shahrol responded by agreeing to the suggestion.

Shafee had earlier quizzed Shahrol over a series of transactions purportedly aimed at repatriating 1MDB's foreign investments amounting to about US\$2.38 billion (RM10 billion).

Referring to a United States Department of Justice (DOJ) report, Shafee said it was stated that there were actually no plans to repatriate anything back but those involved had actually embarked on a complex restructuring exercise to hoodwink the 1MDB board.

Shahrol then admitted that in hindsight the multiple restructuring of 1MDB's investments abroad was a mechanism to hoodwink the 1MDB board into believing that the company's investments were still secure.

Shafee: The board was hoodwinked because now we know that 1MDB's investments were not worth the paper they were written on.

Shahrol: Correct

Shafee: Now I suppose one question I must ask you is that if the whole board can be hoodwinked...can the prime minister and the Finance Minister also be hoodwinked?

Shahrol: I cannot comment on that because I don't know if he had more information than the board.

Shahrol eventually answered most of Shafee's questions on various other 1MDB transactions and decisions by either denying knowledge or blaming those appointed in the company by Jho Low.

Shahrol also claimed he did not know what had been revealed by the DOJ on 1MDB as he had not read the report.

This eventually prompted Shafee to respond by saying: "I recommend that you read the report as your name is mentioned a lot in it. A lot of things were done in 1MDB under your watch."

Shafee later told the judge he would probably take another three weeks to grill Shahrol as the defence case was that most of what went wrong in 1MDB rested on the latter's shoulders.

Najib, 68, is facing 25 charges of abuse of power and money laundering over 1MDB funds amounting to RM2.28 billion deposited into his accounts between February 2011 and December 2014.