

### The Star August 2019

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**1. Jho Low asked witness to lie about RM139mil bank drafts issued by SRC**



KUALA LUMPUR (Bernama): Infamous fugitive businessman Low Taek Jho, better known as Jho Low, has requested former AmBank relationship manager Joanna Yu Ging Ping to lie for the purpose of cashing out three bank drafts, totalling RM139 million issued by SRC International Sdn Bhd's AmBank account, the High Court here heard.

Yu, 48, said the bank draft was supposedly issued to pay Putra Perdana Construction Sdn Bhd on behalf of Gandingan Mentari Sdn Bhd, which was not a subsidiary of SRC at that time.

The 54th prosecution witness said Jho Low asked her to lie about the bank draft in July 2014.

She said Jho Low also asked her to "make up a story" about the bank draft issued to AmBank and Public Bank.

She said this during cross-examination by counsel Harvinderjit Singh on the 47th day of former prime minister Datuk Seri Najib Razak's trial here on Thursday (Aug 1). Najib is facing seven counts of misappropriation of SRC funds totalling RM42 million.

**Harvinderjit:** He was asking you to make up a story?

**Yu:** Yes.

**Harvinderjit:** To your own bank (AmBank) and Public Bank?

**Yu:** Yes, he may be asking us to confirm the story.

**Harvinderjit:** He was asking you to lie?

**Yu:** Yes.

**Harvinderjit:** 'He' means Jho Low?

**Yu:** Yes.

Questioned further, Yu revealed that the SRC's money was transferred to Najib's account to avoid being overdrawn.

She said the instruction to transfer the money came from Jho Low.

**Harvinderjit:** The endeavour taken by Jho Low was to ensure (that) the cheques don't bounce?

**Yu:** Yes.

**Harvinderjit:** Nineteen cash deposits of substantial value. And all of it was for the purpose so that the cheques don't bounce?

**Yu:** Yes for the MNR's (Mohd Najib Razak) account.

**Harvinderjit:** Now let me count this. In February 2015, circumstances arose on an urgent basis requiring funds to be urgently (deposited) into the account.

**Yu:** Yes, to avoid overdraw.

**Harvinderjit:** You know for a fact that the money came from SRC?

**Yu:** Yes, SRC.

**Harvinderjit:** He (Jho Low) arranged for SRC funds to move out of SRC (and) to go into the "880" account (belonging to Najib)?

**Yu:** Yes.

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 funds amounting to RM42 million.

The hearing before Justice Mohd Nazlan Mohd Ghazali continues.

## 2. Witness rejects Jho Low's lucrative job offer at 1MDB



KUALA LUMPUR (Bernama): A former banker told the High Court here on Thursday (Aug 1) that she refused a lucrative job offer at 1Malaysia Development Berhad (1MDB) by fugitive businessman Low Taek Jho, also known as Jho Low, in November 2013, because she did not want to work with him.

Joanna Yu Ging Ping, 48, an AmBank former relationship manager, revealed this during cross-examination by lawyer Harvinderjit Singh on the 47th day of former prime minister Datuk Seri Najib Razak's trial, in relation to the misappropriation of RM42 million of SRC International Sdn Bhd's funds.

The accused, 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 funds amounting to RM42 million.

**Harvinderjit:** Did he offer a job for you with a salary of RM60, 000 per month at 1MDB?

**Yu:** Yes, but I did not want to work with him.

Earlier, Harvinderjit read out the transcript of the conversation between Yu and Jho Low on Nov 24, 2013.

**Jho Low:** Do you know any trusted person to be hired as a chief financial officer for SRC (International Sdn Bhd)? Looking to hire for SRC.

**Yu:** If I think of anyone then I will let you know.

**Jho Low:** Okay, thanks. Can I hire Daniel too?

Harvinderjit then asked the witness whether Jho Low was referring to Daniel Lee, a member of her team, and Yu replied "Yes, I think so... actually Jho Low wanted to hire all of us, but we did not want (to work with him).

The court then heard that Jho Low might have control over SRC's banking transactions.

To another question, Yu agreed that former SRC director Terence Geh was a subordinate to Jho Low in SRC's transactions.

**Harvinderjit:** Throughout 2011 up to 2015, were you aware of any issues that signatories claim that they did not sign any transactions? Yu replied "No."

At one point, the lawyer started raising his voice to the witness and said she was acting ignorant and evasive.

However, ad hoc prosecutor Datuk V.Sithambaram stood up and objected to Harvinderjit's style of questioning, which purportedly kept cutting Yu off before she could complete her answer.

"Let her finish, she is trying to explain, " said Sithambaram.

Harvinderjit replied that Yu was not explaining but acting ignorant and evasive.

Justice Mohd Nazlan Mohd Ghazali, who heard the case, intervened and asked the witness to proceed with her answer.

Earlier, Harvinderjit posed questions to Yu over AmBank documents seized by the Malaysian Anti-Corruption Commission (MACC).

The hearing continues.

**3. Jho Low tried to deceive bank manager, court told**



KUALA LUMPUR: Fugitive businessman Low Taek Jho had tried to deceive a former bank relationship manager that RM27mil going into Datuk Seri Najib Razak's bank account was a donation and not from SRC International Sdn Bhd, the High Court was told.

Joanna Yu, who was attached to AmBank, agreed to suggestions by Najib's lawyer Harvinderjit Singh that Low, or Jho Low, tried to deceive her.

The witness was testifying during cross-examination here yesterday in the corruption trial of Najib who is accused of misappropriating RM42mil in SRC International funds.

Harvinderjit: He's trying to get you to believe the money is not from SRC International. (But) That's a lie.

Yu: Yes.

Harvinderjit: A blatant, clear lie.

The lawyer then cut off the witness and indicated that he did not want her explanation.

Harvinderjit: Jho Low was trying to deceive you so that you would not be able to know that the RM27mil that entered into the bank account ending 880, which belonged to Najib, originated from SRC International.

Yu: He's trying to tell me that.

Harvinderjit: No. He's trying to make you believe that.

Yu: Yes.

The lawyer suggested that Low had lied to Yu by telling her that the RM27mil was a donation from royalty when the money actually came from SRC International.

This, he suggested, was so that Yu would write it off in bank documents as a gift or donation.

The witness, however, said that they would only do that for foreign money and not for the Ringgit.

Harvinderjit: Does he know this?

Yu: I don't think so.

Earlier, the court also heard from the same witness that Jho Low had moved funds from SRC International's account into Najib's account to avoid it from being overdrawn.

Harvinderjit asserted that Jho Low had taken great efforts to ensure Najib's cheques would not bounce, including foreign remittances of RM49mil and 19 cash deposits of various values.

Harvinderjit: 19 cash deposits of substantial value. And all of it was for the purpose cheques don't bounce?

Yu: Yes, for the MNR (Mohd Najib Razak) account.

Harvinderjit: Jho Low then moved money from SRC International Sdn Bhd, to Gandingan Mentari Sdn Bhd, to Ihsan Perdana Sdn Bhd and finally the account ending 880t.

Yu: We only know SRC International money came in. We were told to expect money.

Harvinderjit: You know the money came from SRC International.

Yu: Yes, SRC International.

Najib, 66, is facing three counts of criminal breach of trust, one count of abusing his position and three counts of money laundering amounting to RM42mil in SRC International funds.



**4. Witness: Jho Low said Najib refused to close his AmBank accounts**



KUALA LUMPUR (Bernama): A witness told the High Court here that the fugitive businessman Low Taek Jho informed her that Datuk Seri Najib Razak did not want to close his accounts with AmBank.

This was revealed by 48-year-old AmBank former relationship manager Joanna Yu Ging Ping during cross-examination by lawyer Harvinderjit Singh on the 48th day of the former prime minister's trial in relation to the misappropriation of RM42mil of SRC International Sdn Bhd's funds.

Yu confirmed the transcript of the conversation between she and Low, which was read out in court on Monday (Aug 5) by Harvinderjit.

Harvinderjit: On Dec 20, 2014 you pushed Jho Low to close Najib's accounts and he responded "asked MNR (Mohd Najib Razak), he does not want to close".

Yu: Yes.

The court previously heard that the senior management of AmBank at the end of 2014 proposed and discussed closing Najib's current accounts as they were constantly overdrawn and the bank often had to wait for adequate funds to be deposited in order to clear cheques issued by the former premier.

Yu also said she did not suspect anything amiss during her dealings with Jho Low.

Harvinderjit: Would you agree if during the time you dealt with Jho Low, you had a very strong suspicion that he did not communicate with the account holder (Najib), and you would raise it to the bank.

Yu: I would have raised it to (former group managing director of AmBank Group) Cheah Tek Kuang.

Harvinderjit: And you would have been very,very reluctant to deal with Jho Low on matters relating to the accounts (Najib's accounts)?

Yu: Yes

Harvinderjit: But you didn't get that strong suspicion. Not until at least 2014,2015.

Yu: When we told him (Jho Low) to close the (Najib's) account.

The witness also agreed to a suggestion by Harvinderjit that in a span of one day,an amount of RM5mil was transferred from a construction company,Putra Perdana Development Sdn Bhd,into Najib's MY account ending with 906.

The RM5mil transfer was meant to necessitate a cheque issued from the 906 account,causing some RM3mil to be overdrawn.

Yu also said Low had asked her to reverse transfers of RM27mil and RM5mil into the accused's AmBank account ending with 880 and 906,in 2014.

Earlier,judge Mohd Nazlan Mohd Ghazali set Aug 13 to hear Attorney-General Tommy Thomas's application to have Najib apologise for his Facebook post.

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 funds amounting to RM42mil.

5. Dr Wee questions why govt received RM175.8mil from Lynas



PETALING JAYA: MCA president Datuk Seri Dr Wee Ka Siong has questioned the Federal Government's silence on the US\$42.2mil (RM175.8mil) received from Lynas Malaysia.

Lynas Malaysia managing director Datuk Mashal Ahmad said that the company had deposited US\$42.2mil with the Federal Government to fund long-term residue management in a statement on Saturday (Aug 3).

Dr Wee is now questioning the government over its silence on the payment.

"Is it true that the government has received this payment and what is the purpose?" he asked in a Facebook post on Monday (Aug 5).

Dr Wee's statement comes as Opposition leaders want Pakatan Harapan MPs, who made pre-election promises to shut down the Lynas rare earth plant, to quit their posts or vacate their Parliament seats.

Former prime minister Datuk Seri Najib Razak had said Finance Minister Lim Guan Eng, DAP's Bentong MP Wong Tack and PKR's Kuantan MP Fuziah Salleh must take responsibility for the continued operations of the plant.

In May, Prime Minister Tun Dr Mahathir Mohamad said Lynas would be allowed to continue to operate in the country despite the Energy, Science, Technology, Environment and Climate Change Ministry's insistence for Lynas to repatriate its radioactive waste back to Australia.

Recent reports indicate that the Cabinet has instructed Lynas to construct a permanent disposal factory (PDF) to treat the water leach purification residue that is created from rare earth processing at its facility in Gebeng, Kuantan.

On Saturday, Energy, Science, Technology, Environment and Climate Change Minister Yeo Bee Yin said the Cabinet will announce its decision on Lynas Malaysia's licence renewal status by Aug 15.

Yeo said the government will also announce whether the rare earth producer has to repatriate its radioactive waste back to Australia.

She also indicated that the final decision may not be ideal but said that it is still better than the present situation.

## 6. Corruption cases for Tengku Adnan, businessman to be tried jointly

KUALA LUMPUR (Bernama): The High Court here Friday (Aug 9) allowed the prosecution's application for the corruption cases involving businessman Datuk Tan Eng Boon and former Federal Territories Minister Datuk Seri Tengku Adnan Tengku Mansor to be tried jointly.

In his judgment, Justice Mohd Nazlan Mohd Ghazali said Section 170 of the Criminal Procedure Code (CPC) empowers the court to jointly try more than one accused if the charges are related to offences that are committed in the same transaction.

He said based on the charges, the facts underlined in the transaction were the same.

"The date, location, the monetary amount, the cheque, the account holder, the approval seeking the development project are all identical.

"Furthermore, the list of documents submitted to the defence under section 51A of CPC in both cases are the same, so it is very likely that the same witnesses will be called, so I therefore allow this application for a joint trial," said Justice Mohd Nazlan, who then fixed Aug 20 for case management to fix the trial dates.

Deputy Public Prosecutor Julia Ibrahim prosecuted while counsel Faisal Moideen represented Tan.

On Nov 15 last year, Tan, who is a director of a property development company, pleaded not guilty to a charge of giving a bribe to Tengku Adnan, 68, by depositing a RM1mil Public Bank cheque belonging to Pekan Nenas Industries Sdn Bhd into Tengku Adnan's CIMB Bank account.

It was allegedly a reward for Tengku Adnan for approving Nucleus Properties Sdn Bhd (now known as Paragon City Development Sdn Bhd) to increase the plot ratio relating to the development of Lot 228, Jalan Semarak, here.

The offence was allegedly committed at CIMB Bank Bhd, Putra World Trade Centre, Jalan Tun Ismail, here on Dec 27, 2013.

The charge, under Section 16(b)(A) of the Malaysian Anti-Corruption Commission (MACC) Act, provides for imprisonment of up to 20 years and a fine of not less than five times the amount of the gratification or RM10,000, whichever is higher, if found guilty.

Tan also faces an alternative charge, made under Section 165 of the Penal Code and punishable under 109 of the same law, with abetting Tengku Adnan in committing the offence.

On Nov 15, last year, Tengku Adnan pleaded not guilty to a charge of corruptly receiving RM1 million from Tan to approve an application by a company to increase the plot ratio relating to a development at Jalan Semarak here.

**7. Five witnesses in Najib's SRC trial have since passed away, says witness**

KUALA LUMPUR: The High Court here was told that five witnesses in the corruption case involving SRC International Sdn Bhd have since passed away.

Investigating officer Rosli Hussain, of the Malaysian Anti-Corruption Commission (MACC), said this during examination-in-chief at the corruption trial of Datuk Seri Najib Razak here on Friday (Aug 9).

The deceased are Najib's chief private secretary Datuk Azlin Alias, Economic Planning Unit director-general Datuk Noriah Ahmad, former Umno Penang liaison chairman Datuk Seri Zainal Abidin Osman, Retirement Fund Inc (KWAP) chief investment officer Ahmad Norhisham Hassan and a man named Izzad Izzairi Osman.

"Ever since the MACC launched its investigation on SRC International in 2015, five from the witness list have passed on," he said.

The witness also said his team obtained and studied more than 1,000 documents in the investigation.

Rosli said the documents were obtained from banks, financial institutions and companies such as KWAP, SRC International and Gandingan Mentari Sdn Bhd.

Najib, 66, is facing three counts of criminal breach of trust, one count of abusing his position and three counts of money laundering amounting to RM42mil in SRC International funds.

**8. Witness: Interpol issued red notice for Jho Low, SRC's Nik Faisal in June 2018**



KUALA LUMPUR: The High Court here was told the Interpol issued a red notice for fugitive businessman Low Taek Jho, also known as Jho Low, on June 11 last year.

Investigating officer Rosli Hussain, 54, of the Malaysian Anti-Corruption Commission, said the same notice was also issued for former SRC International Sdn Bhd CEO Nik Faisal Ariff Kamil.

The witness testified on Tuesday (Aug 13) that after the notices were issued, the MACC informed the Bukit Aman National Centre Bureau to distribute it to several countries where the two men might be.

They included Hong Kong, Macau, China, Thailand, Indonesia and Myanmar.

Rosli was testifying in the corruption trial of former prime minister Datuk Seri Najib Razak, who is accused of misappropriating RM42mil in SRC International funds.

A red notice is issued by the international police in their effort to find and arrest wanted individuals for the purpose of extradition.

The witness said this when he was questioned in the examination-in-chief conducted by Deputy Public Prosecutor Datuk Ishak Mohd Yusoff and added that the authorities revoked the Malaysian passports for Jho Low and Nik Faisal on June 14, 2018 and July 25, 2018 respectively.

"The official information from the Immigration Department stated that Jho Low's last movement was him departing through Terminal Three at Subang Airport on May 29, 2015.

"For Nik Faisal, he departed through KLIA on May 7, 2018, " he added.



9. 'MACC interviewed Jho Low in 2015'



KUALA LUMPUR: Two central figures in the 1Malaysia Development Bhd (1MDB) scandal, who remain as fugitives, were found by the Malaysian Anti-Corruption Commission (MACC) in 2015, the High Court heard.

MACC's investigating officer Rosli Husain said they found former SRC International Sdn Bhd CEO Nik Faisal Ariff Kamil in Jakarta, Indonesia.

Businessman Low Taek Jho, better known as Jho Low, was found in Abu Dhabi, the United Arab Emirates.

Rosli said his team recorded statements from Nik Faisal in Jakarta on Oct 17, 2015 and Jho Low in Abu Dhabi on Nov 27, 2015.

Because their statements had already been recorded, he said, the MACC believed both would return to Malaysia to testify in court.

He was testifying in the corruption trial of former prime minister Datuk Seri Najib Razak, who is accused of misappropriating RM42mil in SRC International funds, here yesterday.

Rosli, who was questioned by deputy public prosecutor Datuk Ishak Mohd Yusoff during an examination-in-chief, said due to that belief, they did not place the two men under bond.

The men, however, did not return and have been missing since.

Efforts to trace the duo at offices and home residences were futile.

The witness said they went to Nik Faisal's office in Shah Alam on May 21, 2018 and were met by his staff who told them that he was out of the country.

"Efforts to trace him at his home in Jalan Maarof, Bangsar, were also unsuccessful.

"My officer traced Jho Low to a residence in Tanjung Bungah, Penang, but did not find him there and his father was also unreachable," he added.

Rosli said arrest warrants for Nik Faisal and Jho Low were issued on May 22, 2018 to obtain Interpol's help.

The witness said the authorities revoked the Malaysian passports of Jho Low and Nik Faisal on June 14, 2018 and July 25, 2018 respectively.

"The official information from the Immigration Department stated that Jho Low's last movement was of him departing through Terminal Three at Subang Airport on May 29, 2015.

"For Nik Faisal, he departed through KLIA on May 7, 2018," he added.

## 10. Malaysia set to begin biggest 1MDB trial involving ex-PM Najib



KUALA LUMPUR (Reuters): Malaysia's former prime minister, Datuk Seri Najib Razak, on Monday faces the biggest of five trials linked to a multi-billion-dollar scam at state fund 1MDB, although lawyers are seeking a delay to allow time for the completion of a previous trial.

Najib, who lost a general election last year, has been hit with 42 criminal charges of graft and money laundering at 1Malaysia Development Berhad (1MDB) and other state entities.

1MDB, founded by Najib in 2009, is being investigated in at least six countries, and the U.S. Department of Justice says about \$4.5 billion was misappropriated from the fund.

In his second trial at the Kuala Lumpur High Court, Najib will have to fight 21 charges of money laundering and four of abuse of power for receiving illegal transfers of about 2.3 billion ringgit between 2011 and 2014.

On Friday, prosecutors handed to the defence thousands of pages of documents related to the case, government lawyer Ahmad Akram Gharib told Reuters.

"Under the rules, a trial can only begin at least two weeks after all the related documents are handed over," he said, adding that about 60 witnesses were expected to be called in the second case.

The first trial, which began in April and revolves around former 1MDB unit SRC International, was adjourned on Aug. 14 after Najib contracted an eye infection, halting the cross-examination of the prosecution's final witness.

That case is also expected to resume on Monday, and lawyers from both sides hope the second trial can be delayed to allow prosecutors to wrap up the first.

"The accused can only be at one place at a time, " Najib's lawyer, Harvinderjit Singh, said. "We are hoping the judge will allow us some leeway in this matter."

After the shock election loss, Najib and his wife Rosmah Mansor were barred from leaving Malaysia and their luxurious lifestyle came under scrutiny, with the discovery of nearly \$300 million worth of goods and cash at properties linked to him.

Rosmah, known for her designer handbags and jewellery, has also been charged with corruption. She has pleaded not guilty.

Najib's lawyers say he had no knowledge of the transfers into his accounts and was misled by Malaysian financier Low Taek Jho and SRC's former chief executive, Nik Faisal Ariff Kamil, who are both at large.

Low, who faces charges in the United States and Malaysia over his alleged central role in the 1MDB case, has consistently denied wrongdoing. A spokesman for Low did not respond to a request for comment.

Nik Faisal, who has never publicly commented on the matter, could not be reached for comment.

### 11. Court to fix Tengku Adnan's corruption trial dates on Aug 23

**KUALA LUMPUR:** The dates for the trial of the corruption cases involving former federal territories minister Datuk Seri Tengku Adnan Tengku Mansor and businessman Datuk Tan Eng Boon will be determined on Aug 23.

High Court judge Justice Mohd Nazlan Mohd Ghazali set the date for case management.

Deputy Public Prosecutor Julia Ibrahim said the court had previously set the date for Tengku Adnan's trial to begin on Sept 3 and Tan on Sept 17.

"The court allowed the two cases to be tried jointly because the facts of the cases are the same," she said during case management yesterday in the presence of Tengku Adnan's lawyer, Datuk Tan Hock Chuan.

Justice Mohd Nazlan allowed an application by the prosecution on Aug 9 for a joint hearing of the cases involving Tan and Tengku Adnan.

On Nov 15 last year, Tengku Adnan pleaded not guilty to a charge of corruptly receiving RM1mil from Tan through a Public Bank cheque belonging to Pekan Nenas Industries Sdn Bhd that was deposited into his CIMB Bank account. It was allegedly as a reward for Tengku Adnan for approving Nucleus Properties Sdn Bhd (now known as Paragon City Development Sdn Bhd) to increase the plot ratio relating to the development of Lot 228 in Jalan Semarak here.

The offence was allegedly committed at CIMB Bank Bhd, Putra World Trade Centre, Jalan Tun Ismail on Dec 27, 2013.

The charge, under Section 16(a)(A) of the Malaysian Anti-Corruption Commission Act, provides for imprisonment of up to 20 years and a fine of not less than five times the amount of the gratification or RM10,000, whichever is higher, if found guilty.

On Nov 15 last year, Tan, who is a director of a property development company, pleaded not guilty to a charge of giving a bribe to Tengku Adnan by depositing a RM1mil Public Bank cheque belonging to Pekan Nenas Industries Sdn Bhd into Tengku Adnan's CIMB Bank account

**12. Witness: Jho Low denied texting AmBank manager handling Najib's account**



KUALA LUMPUR (Bernama): A witness told the High Court today that fugitive businessman Low Taek Jho, or Jho Low, denied conversing via Blackberry Messenger (BBM) with former AmBank relationship manager, Joanna Yu Ging Ping when she was handling Datuk Seri Najib Tun Razak's accounts.

Malaysian Anti-Corruption Commission (MACC) Special Operations Division senior assistant commissioner Rosli Husain, 54, said Jho Low made the denial in Abu Dhabi, United Arab Emirates (UAE) on Nov 27, 2015 when shown a transcript of the BBM conversation.

He said this in response to Najib's lawyer Harvinderjit Singh's questions on the statements recorded from a number of individuals who were not called as witnesses at Najib's trial.

**Harvinderjit:** Was this BBM transcript shown to Jho Low?

**Rosli:** Yes it was.

**Harvinderjit:** Did he admit or deny it?

**Rosli:** He denied it.

Earlier, the court heard that the BBM conversations between Yu and Jho Low were related to entry and withdrawal transactions from the former prime minister's bank accounts.

The 57th prosecution witness testified that the MACC also recorded statements from former chief executive officer of SRC International Sdn Bhd, Nik Faisal Ariff Kamil, on two occasions in October 2015, in Jakarta, Indonesia.

He also said his officers had taken statements from former Bank Negara Malaysia Governor Tan Sri Zeti Akhtar Aziz in 2018.

"I did not meet with Tan Sri Zeti but my officer recorded her statement in 2018 after the (SRC) charge (against Najib in July 2018)," said Rosli, who was assigned as the investigating officer in the SRC case on July 6, 2015.

Asked if he had met with former 1Malaysia Development Bhd (1MDB) director Terence Geh to record his statement, the witness replied, "I have not. He fled."

Najib, 66, faces 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 RM42mil.

### 13. MACC unfreezes Arul Kanda's share-trading accounts



KUALA LUMPUR: The Malaysian Anti-Corruption Commission (MACC) has unfrozen two share-trading accounts belonging to former 1Malaysia Development Bhd (1MDB) CEO Arul Kanda Kandasamy, who is currently embroiled in a corruption case.

The MACC released the two CDS (Central Depository System) accounts on Tuesday (Aug 20) following a notice of motion filed by Arul Kanda who sought to unfreeze them.

The accounts were earlier frozen due to investigations related to the 1MDB scandal.

Arul Kanda's lawyer Datuk S. Sivananthan told the court the applicant withdrew the notice of motion as the accounts had been released.

"My client no longer wishes to pursue the motion and also withdrew the claim of damages," he said here on Wednesday (Aug 21).

High Court judge Justice Mohamed Zaini Mazlan then struck out the notice of motion.

Deputy Public Prosecutor Mohd Isa Mohamed appeared on behalf of the legal representatives for the MACC.

Arul Kanda was not present as he was on sick leave.

On Monday (Aug 19), the 43-year-old filed the notice of motion on Monday claiming that the order to freeze his accounts under Section 44 of the Anti Money-Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act - issued by the MACC on July 12 last year - was null and void.



He had sought for the two CDS accounts holding his shares to be released by the MACC.

He also sought damages for loss of investment opportunities with interest from the date his accounts were supposedly released on July 13, 2019, until the date of the release of the accounts.

Speaking to the press, Sivananthan said his client filed the notice of motion as there was no prosecution or forfeiture action taken against him throughout the one-year period since the account was frozen.

"We filed the application since neither of these had been done but the application is now academic as the MACC has released the accounts on Tuesday," he said.

In total, there were nine accounts - which included the two CDS accounts - frozen by the MACC due to a money-laundering investigation.

Sivananthan said seven of them, which were his client's personal bank accounts, were released by the MACC earlier.

On Dec 12, last year, Arul Kanda was charged with abetting former prime minister Datuk Seri Najib Razak in making amendments to the 1MDB final audit report to protect the Pekan MP from being subjected to disciplinary, civil or criminal action in connection with 1MDB.

He allegedly committed the offence at the Prime Minister's Office in Putrajaya between Feb 22 and Feb 26, 2016.

The charge under Section 28(1)(c) of the Malaysian Anti-Corruption Commission Act 2009 carries a maximum 20 years' jail and a fine of no less than five times the amount of gratification or RM10,000, whichever is higher, if convicted.

He faces a maximum 20-year jail term, and a fine no less than five times the graft involved or RM10,000, whichever is higher.

Arul Kanda will go on trial together with Najib who was accused of abusing his position as then prime minister to order the (then) auditor general to remove certain parts from the same audit report.

**14. MACC officer: Only Najib had interest in misappropriating SRC funds**



KUALA LUMPUR (Bernama): A Malaysian Anti-Corruption Commission (MACC) investigating officer told the High Court here on Thursday (Aug 22) that only former prime minister Datuk Seri Najib Tun Razak, and not fugitive businessman Low Taek Jho, had an interest in the misappropriation SRC International Sdn Bhd's funds.

Senior Assistant Commissioner (Special Operations Division) Rosli Husain, 54, said this when questioned by Harvinderjit Singh, counsel for Najib, who is on trial for misappropriating RM42mil in SRC funds.

Harvinderjit: Overall, the misappropriation of SRC funds is by Jho Low and his allies?

**Rosli:** I don't agree.

**Harvinderjit:** Generally, based on the transcript of the Black Berry Message (BBM), I'd suggest Datuk Seri Najib was not involved in any withdrawals of funds from SRC?

**Rosli:** Jho Low has no interest in this case; only Najib has interest.

Rosli strongly disagreed when Harvinderjit put it to him that MACC pressured former SRC director Datuk Suboh Md Yassin, the 42nd prosecution witness, to change the testimony he gave to the commission.

**Harvinderjit:** I put it to you that MACC pressured Suboh to change his statement so that Najib can be charged in court?

**Rosli:** No

**Harvinderjit:** I suggest that you received instructions to change Suboh's statement?

**Rosli:** No. I am the case investigating officer. I am responsible for this case.

He told the court that the MACC recorded Suboh's statement six times, with the first in Abu Dhabi, which was also attended by his lawyer, Selvam Mutiah.

"It was recorded abroad. I felt a little uncomfortable with the result. I felt there were doubts.

"I wanted to record his statement again because Suboh is the witness in this case and not the accused. Then I instructed Suboh to come back from Indonesia.

"I then ordered my officer to record Suboh's statement. I had never met Suboh. I did not interfere in the recording of Suboh's statement because the case involved the number one man," he added.

He said when Suboh returned from Indonesia on May 27 last year, he (Suboh) requested for safe accommodation at Pullman Hotel in Putrajaya.

"He requested MACC's assistance a safe accommodation. MACC paid for the accommodation," he added.

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 funds amounting to RM42mil.

**15. Najib's 1MDB trial to commence on Aug 28**



KUALA LUMPUR: Former prime minister Datuk Seri Najib Razak's 1Malaysia Development Bhd (1MDB) criminal trial will start on Aug 28, rules the High Court on Friday (Aug 23).

Justice Collin Lawrence Sequerah decided on the date after Najib's counsel, Tan Sri Muhammad Shafee Abdullah, requested that the trial start on Sept 3 because the defence team needed time to prepare.

"Yesterday (Aug 22), we were served with another two volumes of documents," said Shafee, adding that the defence would appreciate a later date, as it was already having difficulty with earlier documents.

"Ideally, it should start on Sept 3, but at worst end of next week.

Prosecutor for the SRC International trial, Datuk V. Sithambaram, also said the prosecution needed time to conclude reexamination of the last witness.

He added that the defence was also still in the midst of cross-examining the witness.

Sequerah also asked lead Prosecutor for the 1MDB trial Datuk Seri Gopal Sri Ram on whether he could start on Aug 28.

"Wednesday (Aug 28) morning, we can open our case; we have six formal witnesses," said Gopal.

Najib, 66, faces 25 charges - four for abuse of power that allegedly brought him financial benefit to the tune of RM2.3bil; and 21 for money laundering involving the same amount of money.

Najib was charged for the four abuse of power charges under Section 23(1) of the Malaysian Anti-Corruption Commission (MACC) Act, punishable under Section 24 (1) of the same law.

He faces imprisonment of 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.

He was alleged to have committed the offences at the Jalan Raja Chulan branch of AmIslamic Bank Bhd, at 55, Jalan Raja Chulan, Bukit Ceylon here between Feb 24,2011 and Dec 19,2014.

For the 21 money-laundering charges, Najib was charged under Section 4(1)(a) of the Anti-Money Laundering and Anti-Terrorism Financing Act (Amlatfa), which carries a maximum fine of RM5mil and a jail term of five years, or both, if convicted.

He is alleged to have committed the offences at the same bank between March 22,2013 and Aug 30,2013.

#### 16. MACC to probe plotting, monopoly in bids for govt projects



KUALA TERENGGANU (Bernama): The Malaysian Anti-Corruption Commission (MACC) will investigate those who plot and monopolise the bidding for government projects.

Chief commissioner Latheefa Koya acknowledged that the MACC received numerous reports of government tender and procurement cases and the matter had received MACC's attention.

"There are many reports of cases regarding tenders received, but the MACC cannot disclose this information as it is likely to interfere with the investigation," she told reporters at the 2019 Gohek Beskal and Khabak Merdeka Programme in Bukit Besar here Sunday (Aug 25).

She was commenting on a local newspaper report that at least 10 government projects worth millions of ringgit, were now under investigation by the Malaysia Competition Commission (MyCC), as the company that had won the tender was suspected of plotting in monopolising the bids, resulting in the loss of public funds.

Latheefa, meanwhile, said the Gohek Beskal and Khabak Merdeka 2019 Programme was an MACC initiative to combat corruption among young people.

She said this was because corruption cases involving youths were worrying and one of the main factors for the problem was the lack of awareness of corruption among them.

"We will increase prevention-type programmes aside from carrying out operations or arrests, we want to emphasise on programmes that are more educational and preventive," said Latheefa, who also climbed the summit of Bukit Besar with about 100 local youths.

#### 17. No plans to axe undersea tunnel project



**GEORGE TOWN:** The proposed Penang undersea tunnel project report submitted for review by the technical consultant is over 90% complete and there's no plan to stop the project, said Chief Minister Chow Kon Yeow

The 7.2km tunnel project costing RM6.3bil connects Gurney Drive to Bagan Ajam in Seberang Prai and is part of the Penang Transport Master Plan (PTMP).

Chow said the state had been receiving reviews and comments on the proposed project from the state's technical consultant, HSSI Sdn Bhd.

"It has always been a to-and-fro process. We submit the report, then HSSI reviews and gives comments.

The state, he said, had no plans to stop the undersea tunnel project despite Transport Minister Anthony Loke's statement about upgrading the Penang ferries and using catamarans.

"We have not made any decision to stop the project as the feasibility studies are still being done.

"Our top priority project is the 5.7km Ayer Itam-Tun Dr Lim Chong Eu Expressway (LCE) bypass, which we hope can start in one to two months," he said.

**18. Former clerk charged with misappropriating RM2.4mil scholarship fund**



MELAKA: A former Melaka Education Trust clerical assistant has pleaded not guilty at the Sessions Court here to 146 counts of misappropriating scholarships totalling RM2.4mil.

Mohd Hanafi Ismail's plea was recorded before Judge Mohd Nasir Nordin on Wednesday (Aug 28)

The 31-year-old is charged with committing the offences at Unit Kewangan Tapem in Ayer Keroh between Jan 23, 2017 and Dec 22, 2018.

If found guilty under Section 408 of the Penal Code, he faces a maximum 14-year jail term, whipping and a fine upon conviction.

The court granted a bail of RM250,000 and one surety for all the charges and fixed Oct 2 as the mention date.



**19. Over 100 documents verified by witness in court during 1MDB trial**



KUALA LUMPUR: The 1Malaysia Development Bhd (1MDB) trial involving Datuk Seri Najib Razak, who is accused of the misappropriation of RM2.3bil from the state fund, saw over 100 documents being verified by a single witness.

Companies Commission of Malaysia (SSM) assistant registrar Rafidah Yahaya, 48, spent the entire afternoon verifying the documents during an examination-in-chief, conducted by deputy public prosecutor Mohamad Mustaffa P. Kuryalam.

The documents were in relation to four companies - Powertek Investment Holding Sdn Bhd, Powertek Energy Sdn Bhd, Merpati Energy (Langat) Sdn Bhd and Mastika Lagenda Sdn Bhd.

The seventh witness said the information on the companies was requested by the Malaysian Anti-Corruption Commission (MACC).

"I processed these applications; these documents were obtained from filing by these companies to SSM, which were stored in the Company and Business System (CBS)," she told the High Court here on Thursday (Aug 29).

Rafidah verified 152 documents and all of them were marked as evidence.

Najib's lead counsel Tan Sri Muhammad Shafee Abdullah later asked for the proceeding to be adjourned at 4.30pm as his client was suffering from back problems from sitting through long hours in the dock.

"My client said he suffered a sore back as he sat for too long in the dock.

"Perhaps we can adjourn this proceeding at 4.30pm," he said.

Justice Collin Lawrence Sequerah, however, decided to call it a day at 4.45pm.

Najib, 66, faces 25 charges - four for abuse of power that allegedly brought him financial benefit to the tune of RM2.3bil; and 21 for money laundering involving the same amount of money.

He was charged for the four abuse of power charges under Section 23(1) of the Malaysian Anti-Corruption Commission (MACC) Act, punishable under Section 24(1) of the same law.

He faces imprisonment of 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.

**20. Prosecution ordered to speed up handing over of documents to defence in Najib, Arul Kanda 1MDB report tampering case**



KUALA LUMPUR: The High Court Thursday (Aug 29) ordered the prosecution team handling the 1Malaysia Development Bhd (1MDB)'s alleged audit report tampering case, involving former prime minister Datuk Seri Najib Razak and former 1MDB chief executive officer Arul Kanda Kandasamy, to speed up the process of handing the pre-trial documents to the defence.

High Court judge Justice Mohamed Zaini Mazlan ordered the prosecution, led by deputy public prosecutor Rozaliana Zakaria, to hand over all the documents needed by the defence so that the trial, originally set to start on Nov 18, will not be delayed.

"I hope that the prosecution can hand over all the documents - as many as you can - so that the defence will have time to prepare (for the trial).

"I don't want this case to be delayed," said Justice Mohamed Zaini, adding that the documents should be given to the defence at least a week before trial starts.

He also set Oct 7 for case management.

Earlier, Rozaliana informed the court that the prosecution has yet to finalise the list of witnesses.

"We have yet to confirm the list of witnesses and hence the delay in the witness statement preparation," she said, adding that the prosecution will hand over more documents to the defence as soon as the documents were ready.

On Dec 12, 2018, Najib was charged with using his position to order amendments to the 1MDB final audit report before it was tabled to the Public Accounts Committee (PAC) to avoid any action against him.

He was charged, in his capacity as the then prime minister, with using the position to obtain gratification for himself, which was to evade disciplinary, civil or criminal action against him in connection with 1MDB, by ordering alterations to the 1MDB final audit report before it was finalised and tabled to the PAC, where he directly had interest in.

The charge under Section 23(1) of the Malaysian Anti-Corruption Commission (MACC) Act 2009 carries a maximum 20 years imprisonment and a fine of no less than five times the amount of gratification or RM10,000, whichever is higher, upon conviction.

The Pekan MP was accused of committing the offence at the Complex of the Prime Minister's Department, Federal Government's Administrative Centre, Putrajaya between Feb 22 and Feb 26, 2016.

Meanwhile, Arul Kanda was charged with abetting Najib in making amendments to the report to protect the Pekan MP from being subjected to disciplinary, civil or criminal action in connection with 1MDB, at the same place and time.

The charge under Section 28(1)(c) of the MACC Act 2009, read together with Sections 23(1) and 24(1) of the same Act, carries a maximum 20 years imprisonment and a fine of no less than five times the amount of gratification or RM10,000, whichever is higher, upon conviction.

Both pleaded not guilty to the charges.

The trial dates for the case had been fixed for Nov 18 to 29, and Jan 13 to 17, 2020.

**21. 1MDB trial: Payments to Chinese weekly and Ah Jib Gor page admin made through tycoon middleman**

KUALA LUMPUR: Payments made by Datuk Seri Najib Razak, meant for two organisations for a weekly Chinese publication and the administration of a Facebook page, went through a middleman instead of the entities directly, the second day of the 1Malaysia Development Bhd (1MDB) trial heard Thursday (Aug 29).

Former political secretary to the former premier Datuk Wong Nai Chee told the High Court that this was to prevent the cheque from circulating on Facebook.

He said it was to prevent other people from trying to claim credit for the cheque to enhance their own credibility.

The RM246,000 cheque, signed off by Najib, was issued to tycoon Tan Sri Lim Soon Peng, who would then make back-to-back payments to Taima Journalism and Information Academy - the publisher of Chinese Weekly - and to AD Network - the administrators of Najib's Chinese Facebook page "Ah Jib Gor".

During the cross-examination by lead prosecutor Datuk Seri Gopal Sri Ram, Wong said they would rather pay someone they trust to make the payments so that the cheque would not be circulated on Facebook.

Sri Ram: Tan Sri Lim Soon Peng, did he have any connection with these two entities?

Wong: No.

Sri Ram: If that be the case, can you explain to his Lordship why the cheque was not paid out to these two entities?

Wong: It was paid to Lim Soon Peng for a back-to-back payment to these two parties, because we trusted Lim Soon Peng. He wouldn't run away with the money because the cheques were paid for the expenses incurred for the Chinese weekly publication, as well as to maintain the Ah Jib Gor Facebook page.

Sri Ram: Throughout your evidence cross-examined, you said "We did not want the prime minister's cheque to come out on Facebook". When you said we; who are you referring to?

Wong: The Prime Minister's Office (PMO).

Sri Ram: That is just fiction. The PMO is fiction. It's made up of human beings, so when you say the PMO, who are you referring to?

Wong: We... myself and the prime minister.

Wong also told the High Court that he was introduced to Lim through Najib, when he took on the job as one of Najib's three political secretaries.

He described Lim as the man mobilising the grassroots for Najib's activities as the Prime Minister.

In a following cross-examination by Najib's lead counsel Tan Sri Muhammad Shafee Abdullah, Wong said the main thrust of the Facebook page was for users of the social media platform to receive "fully correct information" from the government.

Wong had also received a cheque dated Jan 21, 2012, amounting RM30,000 signed by Najib, but could not remember exactly when he received the cheque.

He believed that the amount was paid to political analysts. There was also another RM2,600 cheque dated May 29, 2012, which Wong could not recall.

Shafee: The cheque, which is a smaller amount of RM2,600, you cannot remember what?

Wong: I cannot remember.

Shafee: It could be your own disbursement or something that you did on behalf of the government or prime minister?

Wong: Cannot be. I can't remember this. I tried to check with my own bank to get the statement, even the bank couldn't trace it.

Shafee: It could be for another political analyst or anything like that?

Wong: It can't be that cheap.

## 22. Isa Samad changes legal team in RM3mil graft and CBT case



KUALA LUMPUR: The High Court was informed that Tan Sri Mohd Isa Abdul Samad (pic) has changed his legal team for his criminal breach of trust (CBT) and graft case involving RM3.09mil.

His new lawyer Datuk Salehuddin Saidin informed High Court judge Justice Mohd Nazlan Mohd Ghazali of the matter on Friday (Aug 30).

Salehuddin, who has replaced lawyers Ridha Abdah Subri and Lavinia Kumaraendran, said that he would also send a representation letter to the Attorney General's Chambers in relation to the former Felda chairman's charges.

"The two lawyers will no longer be handling this case, and we will send a representation letter to the Attorney General's Chambers on the charges," he said.

The prosecution, led by deputy public prosecutor Afzainizam Abdul Hamid, confirmed the matter.

Justice Mohd Nazlan fixed Sept 23 as the next case management date and set Sept 20 as the delivery date for the prosecution to send all the documents related to the case to the defence, including the witness statements.

He also told the defence to inform the court should there be any updates on the representation.

The trial dates had earlier been fixed for Oct 7-9, Oct 14-18, and Oct 21-25 before Justice Mohd Nazlan.

Mohd Isa, 70, was charged on Dec 14 last year (2018) with one count of CBT and nine counts of corruption at the Sessions Court, before the case was moved to the High Court.

On the CBT charge, he was alleged to have approved RM160mil for the purchase of the Merdeka Palace Hotel and Suites in Kuching, Sarawak, without approval from Felda's board of directors.

The charge was under Section 409 of the Penal Code, which carries a maximum jail term of 20 years, whipping and a fine, upon conviction.

On the corruption charge, he was alleged to have received a cash gratification of RM3.09mil from Ikhwan Zaidel, a board member of *Gegasan Abadi Properties Sdn Bhd*, through one Muhammad Zahid Md Arip, in return for helping approve the hotel purchase by *FIC Sdn Bhd*, for RM160mil.

The charges was filed under Section 16 of the Malaysian Anti-Corruption Commission Act 2009, which carries a maximum of 20 years in jail and a fine of up to five times the amount of bribes received, upon conviction.