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THE Dewan Rakyat debate on the amendments to the Road Transport Act 1987 tended to focus on the punitive rather than preventive aspects of the law.

Increasing the penalty for drink-driving offences will not stop a drunk driver from getting into his car as he is only thinking of going home.

It would be better to impose a duty on the seller of alcohol whose drink is the cause of the problem.

If a pub owner sees his customer

Make society responsible for drink-driving

getting drunk, he should be obliged to detain the person, seize his car key, call for a taxi to send him home and thereafter notify the police.

This is akin to the vicarious liability model used in the corporate liability provision of the Malaysian Anti-Corruption Commission (MACC) Act to prevent corruption. Under Section

17A of the MACC Act, commercial organisations are also liable and can be punished if their employees or associates are involved in corruption.

In the case of drink-driving, alcohol sellers should be vicariously liable for their customers. Pub and night club owners should be empowered and obliged to take charge of their drunk clients and

keep them away from their vehicles.

This is better than putting the drunk driver who has caused fatal accidents behind bars.

Drunkenness is a societal issue, so make society responsible, not just the perpetrator.

IDRUS ISMAIL
Shah Alam

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'Use national circuit breaker to stop graft'

PUTRAJAYA: Former Cabinet minister Tan Sri Rafidah Aziz has suggested a national circuit breaker to forge an anti-corruption culture within society.

Rafidah said there must be a concerted effort to stop corrupt activities, which have affected the people's confidence in institutions.

"Our greatest fear should be that corruption becomes a culture, a norm where we see everyone doing it and we validate it.

"We must educate the people to regard corruption as disgusting, shameful, unforgivable, sinful and must be rejected," she said at the Leadership Dialogue at the Anti-Corruption Forum.

She has suggested a circuit breaker as a "prescription" to stop the menace.

Rafidah said one of the prescriptions was the need to weed out and penalise the corrupt.

"This needs to be done. Sometimes we mollicoddle and label them as superior," she said.

"It is also important to instil educative processes to nurture and forge good values and principles across the board in society.

"At all levels, there must be a concerted effort to place priority on this national circuit breaker," said the former International Trade and Industry Minister.

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'Support letter not an order'

MACC: Normal for politicians to issue it, but no need to follow it

By MAZWIN NIK ANIS
mazwin@thestar.com.my

PUTRAJAYA: While it is not wrong for ministers or politicians to issue support letters, civil servants should not treat these letters as a directive that they must follow, says the Malaysian Anti-Corruption Commission (MACC).

Deputy chief commissioner Datuk Seri Shamsun Baharin Mohd Jamil said a support letter was not an order and that there was a guideline in the civil service which government officers could refer to when dealing with support letters.

"It is normal for politicians to issue support letters. However, civil servants must not treat these letters as a directive or decision," said Shamsun Baharin after presenting a keynote address at the Second Malaysia Anti-Corruption Forum.

He was commenting on the recent controversy in which Defence Minister Datuk Seri Ismail Sabri Yaakob had given his endorsement to the son of his deputy to be appointed to Pharmaniga's board of directors.

The letter, which went viral on social media, contained a handwritten note allegedly by Ismail to the Armed Forces Fund Board (LTAT) chairman. Ismail Sabri responded to the issue by saying that support did not mean that an appointment was a given.

On another matter, Shamsun Baharin said MACC was finalising a checklist that corporations could refer to when drawing up their own corruption prevention measures.

The checklist entails issues such as gift pol-



Championing integrity:

Shamsun Baharin speaking on the sideline of the anti-corruption forum. Also present is International Strategy Institute chairman Cheah Chyuan Yong. — MOHD SAHAR MISNI/The Star

icy, political donations and sponsorships.

He said the checklist would serve as a guideline on how corporations should deal with issues, citing gifts received by employees as an example.

"Instead of a no-gift policy which means an employee cannot accept any form of gift whatsoever, companies should instead determine the value of gifts that it deems acceptable," said Shamsun Baharin.

The implementation of the corporate liability law took effect on June 1.

MACC head of inspection and consultancy

division Zakiah Hassan said it was important for companies to have corporate governance guidelines so that they could establish defence should there be a case.

"They must prove that they have undertaken adequate procedures to prevent corruption from taking place in the company.

"MACC briefed corporations on this but we want to encourage non-governmental organisations and business societies to carry out advocacy and educate on the importance of having corporate governance guidelines," said Zakiah.

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Shahrol influenced by idea to protect PM, court told

By NURBAITI HAMDAN
nurbaiti@thestar.com.my

KUALA LUMPUR: A former 1MDB Development Bhd (1MDB) CEO has told the High Court that his testimony to the Public Accounts Committee (PAC) in 2015 had been "influenced by the idea" to protect the then prime minister.

Datuk Shahrol Azral Ibrahim Halimi, 50, admitted this when re-examined by lead prosecutor Datuk Seri Gopal Sri Ram during the 1MDB trial involving former prime minister Datuk Seri Najib Razak.

The witness – who was quizzed by the PAC during the probe into 1MDB in November 2015 – was asked on the reason he had destroyed speaking notes relating to the sovereign state fund.

Sri Ram: (During the cross-examination) You were asked about your

evidence before the PAC. You said you destroyed the speaking notes because your job was to protect the accused.

Shahrol: Correct.

Sri Ram: May I ask, this idea of protecting the accused, where did it come from?

Shahrol: Everybody, pretty much. Not just Low Taek Jho but people from the PAC that I've interacted with ... even from the beginning, I remember civil servants in the Finance Ministry used the phrase "must protect the PM".

Asked to clarify who the two members from PMO were, Shahrol said he could remember only Datuk Ahmad Farid Ridzuan, who was Najib's communications adviser at the time, and Najib's special officer Datuk Amhari Efendi Nazaruddin.

Shahrol was then asked about Paul Stadlen's role in Najib's camp.

"He was introduced to me by Jho. He was the boss's PR guy. He was managing PR and public perception.

"I met him at Putrajaya Marriott Hotel. Paul was steadfast when I had a brief discussion with him on protecting the prime minister," he said.

Sri Ram: Protecting him from what?

Shahrol: Reputational damage at that time. At that time, the *Wall Street Journal* was coming in thick and fast.

The witness also said that he had met with then PAC chairman Datuk Seri Hasan Ariffin and at least one or two others at Farid's home.

"The objective of that discussion at Farid's home was, again, to protect the PM," said Shahrol.

Sri Ram: Was your evidence in the PAC in any way influenced by this?

Shahrol: Of course. The fact that any mention of Jho was removed and the responsibility for all of the decisions was put on my shoulders.

Sri Ram: So you would take the blame?

Shahrol: Yes.

Sri Ram: Americans would say you're "the fall guy".

Shahrol: Yes. The Malays have a saying: "kambing hitam."

Earlier, Shahrol disagreed with the suggestion by Najib's lead counsel Tan Sri Muhammad Shafee Abdullah that he had committed serious offences involving 1MDB and could have been charged for criminal breach of trust under Section 409 of the Penal Code.

Shafee suggested that due to the offences, Shahrol could not travel outside of the country and that he was black marked by the immigration as he was regarded as a "domi-

nant accomplice of Jho Low".

"Correction. I have been able to travel since early 2020 and I disagree that I am an accomplice of Jho. My passport was never taken.

"I did not formally apply but I just found out one day it was removed," Shahrol responded, referring to the Immigration black mark.

He also disagreed that the authorities "went soft" on him as to make him the principal witness of the case.

Shahrol, who is the ninth prosecution witness, first took the stand on Sept 23 last year.

Najib, 67, is facing four charges of abusing his position to obtain gratification totalling RM2.28bil in 1MDB funds and 21 counts of money laundering involving the same money.

The hearing before Justice Collin Lawrence Sequerah continues on Monday.

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Ex-CEO to read full witness statement

Court rules Hazem's evidence must be admitted in its entirety

By NURBAITI HAMDAN
nurbaiti@thestar.com.my

KUALA LUMPUR: Former 1Malaysia Development Bhd (1MDB) chief executive officer Mohd Hazem Abdul Rahman will be able to read his witness statement in full as he takes the stand next Monday after the High Court ruled that his evidence must be admitted in its entirety.

Justice Collin Lawrence Sequerah made the ruling after hearing further submissions by both parties here yesterday.

The judge said it was premature to decide on the admissibility issue of Hazem's evidence at this juncture and he suspended the decision to determine whether the evidence was indeed hearsay until the end of the prosecution's case.

On Monday, the defence of former prime minister Datuk Seri Najib Razak, who is accused of misappropriating RM2.28bil from 1MDB's funds and 21 counts of money laundering involving the same money, raised the issue on Hazem's witness statement despite it not being read in court yet as it claimed some paragraphs were hearsay and therefore inadmissible.

The disputed paragraphs were on the involvement of fugitive businessman Low Taek Jho and how the witness was purportedly told by Low that 1MDB was

formed to channel funds to Umno when Najib was its president.

The defence applied to remove the disputed paragraphs from the witness statement but this was objected to by the prosecution who insisted the evidence must be read in its totality as it formed "part of the transaction".

Justice Sequerah said that if the passages were excluded, the prosecution could be deprived of the opportunity to include their evidence in court.

"The prosecution may be prejudiced against if they are not able to unfold their narrative," he said.

In the case that the evidence did fall under hearsay rules, Justice Sequerah opined that the evidence would be excluded from his findings altogether.

Justice Sequerah also said the defence had the ability to tailor its arguments in advance during cross-examination of the witness.

During the height of the 1MDB scandal, not much is known about Hazem, who joined 1MDB as a chief operating officer in August 2012.

He took over as CEO from Datuk Shahrol Azral Ibrahim Halmi on March 25, 2013, before stepping down in January 2015.

Hazem's position was replaced by Arul Kanda Kandasamy.

The hearing continues on Monday with Hazem to appear before the court.

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Commission of inquiry to address river pollution

THE Consumers' Association of Penang (CAP) calls upon the government to set up a Commission of Inquiry to study the root causes of river pollution, including in catchment areas, in the country. It must come up with recommendations that will put an end to the perennial problem of river pollution in Malaysia.

Among the issues the commission must look into:

- > Is there an adequate body of laws to protect rivers and their sources?
- > Is there effective enforcement of those laws?
- > Identify and rectify the underlying problems associated with the state/federal relationship on river management.
- > Look into governance issues, such as whether there should only be one agency in charge of managing all rivers, with power to enforce all related laws.
- > Look into corrupt practices in the public and private sectors that enable the dumping of waste into rivers and water bodies.

We urge the government to avoid ad hoc measures that have proven to be ineffective in addressing this

long-festering problem. A holistic solution is needed because whenever a crisis occurs, all sorts of promises are made about addressing it but nothing effective happens.

The situation is serious because, according to the Malaysian Environmental Quality Report 2017, only 219 (46%) of the country's 477 supervised rivers are categorised as clean; 207 (43%) are slightly polluted; and 51 (11%) are polluted. Furthermore, it was reported in 2019 that Malaysia has 25 "dead" rivers – 16 in Johor, five in Selangor, three in Penang and one in Melaka.

Discharge of waste from industries, workshops, residential areas, animal husbandry and agriculture farms is the major contributor to river pollution. Until September 2019, parts of Selangor suffered four unscheduled water cuts as a result of pollutants detected in Sungai Selangor. Again this year, there were the recent water cuts in Kuala Lumpur and Selangor for four days affecting five million people due to pollution caused by a factory.

The government must revamp the entire system to eliminate any legal loopholes. For example, the

Department of Environment (DOE) has power only to summon polluters under the Environmental Quality Act (EQA) 1974. Thus, the DOE is unable to take action against illegal or unlicensed factories, wet markets, food stalls and squatters.

There should be a single agency to enforce the law for the protection of rivers and catchment areas with power to imprison violators and close down the source of the pollution, including factories.

The latest Sungai Selangor pollution incident must be investigated thoroughly, and effective measures must be taken to ensure such incidents do not happen in the future. It should also be used as an example to emphasise the importance of our water sources.

We are puzzled how the factory has been operating since 2014 without a licence and yet the authorities took no action to close it down. It is a repeat offender, previously caught and compounded RM60,000 by the DOE for releasing contaminants into Sungai Gong in March 2020. Why did the relevant municipal council not demolish the unlicensed factory instead of giving the operator three days to submit a plan for

approval? The dereliction of duty by the public office involved must be investigated and it must be held accountable.

The state government should not legalise illegal factories through its so-called legalising process. This would only encourage the building of factories in contravention of the laws. Instead, owners of illegal factories should be blacklisted and should not be allowed to apply for an operating licence and the factories should be demolished. We wish to remind the Selangor state government that it had declared in 2016 that factories would not be allowed to operate along the main rivers in Selangor to prevent contamination. In fact, no human polluting activities should be permitted as they will result in contaminating water sources.

We also urge the Malaysian Anti-Corruption Commission to investigate whether there was corruption involved in allowing 2,978 illegal factories to function in Selangor in 2016.

MOHIDEEN ABDUL KADER
President, Consumers'
Association of Penang (CAP)

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Guan Eng slapped with more charges

Ex-Penang CM pleads not guilty to two accusations of misappropriation of property

By N. TRISHA
and LIEW JIA XIAN
north@thestar.com.my

BUTTERWORTH: Former finance minister Lim Guan Eng has been slapped with two charges of misappropriation of property amounting to RM208.7mil.

Lead deputy public prosecutor Wan Shaharuddin Wan Ladin said the latest two were the final round of charges against Lim, who is also a former Penang chief minister.

"There are 10 main witnesses, all in Kuala Lumpur," Wan Shaharuddin said outside the court here yesterday.

Earlier, Lim, who appeared calm and composed, pleaded not guilty to two charges of dishonest misappropriation of property at the Butterworth Sessions Court here.

Lim is charged with disposing two properties in the form of land to two companies linked with the controversial undersea tunnel project.

Based on the charge sheet, Lim is charged with dishonest misappropriation of property leading to the disposal of state land located in Bandar Tanjung Pinang in Penang worth RM135,086,094 to Ewein Zenith Sdn Bhd on Feb 17, 2015, at level 21 in Komtar, as the then-chief minister.

He is also charged with dishonest misappropriation of property leading to the disposal of another plot of state land located in Bandar Tanjung Pinang worth RM73,668,986 to Zenith Urban Development Sdn Bhd on March 22, 2017, at the same location.

Both charges are under Section 403 of the Penal Code, which states that whoever dishonestly misappropriates, or converts to his own use, or causes any other person to dispose of, any property, shall be jailed for six months or up to five years, whipped and fined, if found guilty.

Lim appeared before Special Corruption Sessions Court Judge

Ahmad Azhari Abdul Hamid and was represented by lawyers Gobind Singh Deo, RSN Rayer, Ramkarpal Singh and A. Sivanesan.

The prosecution team led by Wan Shaharuddin was supported by deputy public prosecutors Francine Cheryl Rajendram and S. Selvaranjini from the Malaysian Anti-Corruption Commission (MACC).

In court, Wan Shaharuddin requested for the charges to be transferred to Putrajaya to be heard with Lim's other cases. He cited the safety of the documents that would be submitted as evidence in court.

"The documents are in Putrajaya and it will be a question of logistics and the safety of transporting them back and forth. The main witnesses in the case are from Kuala Lumpur as well.

"I do not deny that there are witnesses from Penang but the main ones are in Kuala Lumpur," he said.

Gobind objected to the proposal to transfer the case as the land is located

in Penang and the alleged offences had taken place in Penang.

Judge Ahmad Azhari allowed the transfer for the case to be heard on Oct 12 with Lim's soliciting charges.

The court then allowed his RM1mil bail posted for the three previous charges to be extended to the two additional charges.

Last month, Lim was slapped with multiple charges over the span of one week.

He was charged under Section 16(a)(A) of the MACC Act on Aug 7 for soliciting a 10% cut of profits from Consortium Zenith Construction Sdn Bhd in March 2011 in exchange for helping the company secure the RM6.3bil Penang undersea tunnel project.

On Aug 10, he was charged under Section 23(1) of the MACC Act for soliciting a bribe of RM3.3mil from Consortium Zenith Construction between January 2011 and August 2017 in exchange for helping the company be appointed as the build-

er of three roads related to the project.

He was then charged on Aug 11 along with his wife Betty Chew and businesswoman Phang Li Koon.

Lim was charged with abusing his public office for gratification under Section 23 of the MACC Act when he was chief minister and Penang Development Corporation chairman between Aug 19, 2013, and March 3, 2016.

Chew faced three counts of money laundering while Phang was charged with abetting Lim in gaining RM372,009 for Chew.

The charges against Lim were during his tenure as Penang chief minister.

Lim, Chew and Phang pleaded not guilty to all the charges.

Watch the video
[thestartv.com](https://www.thestartv.com)



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Court denies bail for brothers

Four directors claim trial over river pollution that led to water cuts

By MARTIN CARVALHO
and LUTFIL HADI
newsdesk@thestar.com.my

KUALA LUMPUR: The Sessions Court here has denied bail to four brothers who claimed trial to charges of river pollution that led to a water supply disruption affecting some 1.2 million people in the Klang Valley earlier this month.

Yip Kok Wai, 52; Yip Kok Mun, 58; Yip Kok Kuin, 50; Yip Kok Weng, 60, who are directors of a company, and manager Ho Voon Leong, 59, pleaded not guilty to the charges under Section 430 of the Penal Code and Section 25 of the Environmental Quality Act.

The five were jointly charged with discharging waste without a licence into the irrigation near the Yip Chee Seng & Sons Sdn Bhd workshop in Rawang, Gombak, between Sept 2 and 3 which led to pollution of Sungai Gong.

Judge Syafeera Said refused to grant bail despite a passionate plea by lawyers Datuk M Reza Hassan and Abdul Rashid Ismail, including offering to post RM100,000 for each of their clients.

"My clients are over 50 years old and categorised in the Covid-19 high-risk group, and at risk of infection if kept in prison," Abdul Rashid said, citing the recent Covid-19 outbreak at a prison in Sabah as an example.

The offences were non-bailable, but the court could exercise discretion to grant bail, he said.



To be tried:
The accused being led out of the courthouse by police officers. —
AZMAN
GHANI/The
Star

Reza also refuted previous reports that this was the second time since March that his clients had allegedly polluted the river.

"To say that it is their second offence is not accurate and misleading as it was a compound and not the same as the present charge under Section 430.

"The compound was reduced from RM60,000 to RM26,000 for non-compliance of standard operation procedure such as labelling of barrels and employing untrained workers," he said.

In response, Deputy Public Prosecutor Mohamad Iskandar Ahmad reminded Syafeera that the

alleged crime caused hardship to more than a million residents in the Klang Valley who were forced to endure five days of water cuts.

"This is the sixth time that there was water disruption in the state where five were due to river pollution," he said.

He suggested a RM2mil bail for each of the accused if the court were to grant bail.

Syafeera fixed Oct 27 for mention.

If convicted under Section 430, they face a jail sentence of not less than five years and not more than 30 years, a fine or both. If convicted under Section 25, they face a fine not exceeding RM100,000, a jail sentence

not exceeding five years or both.

Meanwhile, the Malaysian Anti-Corruption Commission chief commissioner Datuk Seri Azam Baki confirmed that investigation papers had been opened on the Sungai Gong pollution case.

"I cannot divulge the full details but we are currently scrutinising it and looking at several issues under our purview," he told reporters attending the "Corporate Liability – Are You At Risk Forum" yesterday.

Watch the video
[thestartv.com](https://www.thestartv.com)



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MACC may file charges over Mara's Melbourne property scandal

KUALA LUMPUR: The Malaysian Anti-Corruption Commission (MACC) is looking at the possibility of charging certain individuals in the country over the acquisition of a student housing facility in Melbourne by Majlis Amanah Rakyat (Mara) seven years ago, in the wake of the latest move on the case by Australian authorities.

Previous reports claimed that the Malaysian government agency had overpaid by A\$4.75mil for the Dudley International House.

MACC chief commissioner Datuk Seri Azam Baki said the probe into the case had been completed at the domestic level but investigators faced a "slight hiccup" as they had to give some leeway to other authorities, including the Australian Federal Police (AFP), to complete their case before it was concluded recently.

"With that, we have already communicated with AFP and there is progress where evidence that we need will be given to us soonest.

"Therefore, we are discussing with the deputy public prosecutor to see if there are possible charges against certain people in the country based on the evidence provided by AFP," he told reporters at the "Corporate Liability – Are You At Risk?" forum here yesterday.

Azam was asked to comment on the latest report on the Mara property scandal as Australian authorities seized properties and cash totalling A\$1.6mil from a man said to be a Malaysian living in Australia who is accused of bribing a Malaysian official to secure Mara's purchase of the multimillion-dollar apartment complex in Melbourne in 2013.

The Dudley property scandal was first highlighted by the Australian media, which led to a revelation of other properties said to have also been bought at inflated prices.

"If the law allows us to, we will charge certain people over the Mara case," said Azam.

Asked if MACC would meet with the individuals involved, Azam said he would not comment on it.

Meanwhile, the MACC chief commissioner confirmed that investigation papers were opened by the Pahang MACC into the issue of alleged encroachment in Raub for the cultivation of Musang King durian.

Mentri Besar Datuk Seri Wan Rosdy Wan Ismail recently said the state government had never intended to oppress durian farmers, who cultivated the crop illegally in Raub district.

He also stressed that action taken by the state government was based on the provisions allowed under the law.

On Aug 28, Kuantan High Court judge Justice Zainal Azman Ab Aziz allowed the farmers' application to obtain a temporary suspension order against the eviction notice issued by the Raub District and Land Office and the Pahang Forestry Department.

The application was made after the state government began taking action against farmers who allegedly cultivated durian plantations around Raub illegally in early August and caused losses to the state government as well as water pollution issues.

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Ex-political aide slapped with six graft charges

By WANI MUTHIAH
wani@thestar.com.my

SHAH ALAM: A former political aide to an ex-minister has been slapped with six charges for graft at the Sessions Court here.

Mohd Saifullah Mohd Minggu @ Mohd Hisham, 29, who was a senior private secretary to then tourism, arts and culture minister Datuk Mohamaddin Ketapi, was accused of soliciting and receiving bribes amounting to RM106,500 from Ronald Seto Kong Seng, the owner of Syarikat Inter Bev Network Sdn Bhd, through one Roslan Lahada.

For the first three charges, Saifullah is accused of receiving bribes amounting to RM90,000 as remuneration to help secure tenders for creative branding and advertis-

ing space from the ministry.

For the remaining three charges, he is accused of soliciting RM16,500 from Seto for the rental deposit of a property at Vipod Residences, Jalan Kia Peng, Kuala Lumpur.

He is accused of committing the offences between Dec 21, 2008, and March 30, 2019, at several locations, including Temasya Anggun Glenmarie, Shah Alam; Bandar Puteri Puchong, Kota Damansara and Dengkil.

Saifullah claimed trial to all six charges, which were read to him before Judge Rozilah Salleh.

Malaysian Anti-Corruption Commission (MACC) Deputy Public Prosecutor Muhammad Asraf Mohamed Tahir asked for the charges to be transferred to the Kuala Lumpur Sessions Court,

where the accused had been slapped with 18 charges related to the same allegations last month.

"The key witnesses and documents related to the Kuala Lumpur Sessions Court would probably all be the same with the witnesses and documents related to these cases," said Muhammad Asraf.

Defence counsel Md Yunus Sharif informed the court that his client had paid RM200,000 bail, surrendered his passport to the court and had been ordered to report to the nearest MACC office once a month for the previous 18 charges.

He asked for the RM200,000 bail to be extended to the current six charges.

The judge agreed for the transfer of the charges to the Kuala Lumpur Sessions Court, as well as extending

the bail to the new charges.

The 18 charges at the Kuala Lumpur Sessions Court are set for mention on Sept 23 where the additional six charges will be re-read.

Saifullah had claimed trial to the earlier 18 charges at the Kuala Lumpur Sessions Court on Aug 19, where he was accused of soliciting and receiving bribes amounting to RM3.1mil from Seto for the ministry's branding and advertising contracts.

Saifullah's fiancée Nurfadziana Abdul Kadir, 28, had also claimed trial on Aug 9 to a charge of allegedly abetting him in receiving the bribes.

If found guilty, Saifullah can be jailed up to 20 years and fined not less than five times the amount of gratification or RM10,000, whichever is higher.

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'Rosmah paid cybertroopers'

Ex-aide: Bloggers like Papagomo received thousands to promote her

KUALA LUMPUR: Bloggers like Papagomo, Parpukari and The Unspinnars were among 40 cybertroopers paid by Datin Seri Rosmah Mansor (pic) to portray a good image of her on social media, the High Court here was told.

Her ex-special officer Datuk Rizal Mansor, 46, said the three received a payment of RM5,000 per month from the allocated RM100,000 for nearly six years since 2012.

"They were among the three or four team leaders of the cybertroopers team. There were also 12 to 15 bloggers who were paid around RM3,000 and about 30 'Facebookers' who were paid around RM2,000 each over those six years," he said during cross-examination by Rosmah's lawyer Datuk Jagjit Singh.

Rizal, who is the 21st prosecution witness, is testifying in the trial of the wife of former prime minister Datuk Seri Najib Razak, who is facing one charge of soliciting RM187.5mil and two counts of receiving bribes totalling RM6.5mil from Jepak Holdings' ex-managing director Saidi Abang Samsudin.



Rizal had earlier testified that on Rosmah's instruction in 2012, he set up the cybertroopers team whose task was to monitor the social media content and fend off any slander or accusation made against her.

The witness, who worked for Rosmah between May 2009 and May 2018 under the First Lady of Malaysia Division (FLOM), which was later renamed Special Division, said the cybertroopers team was funded by Rosmah.

He added that Rosmah gave him RM100,000 in cash every month for the purpose.

Jagjit asserted that the RM100,000 monthly budget was directed from the Prime Minister's Office to FLOM and not directly from Rosmah, to which Rizal disagreed.

Rizal: I didn't know the source, but I collected the money from her (Rosmah).

Jagjit: The money never came personally from her (Rosmah) bank account?

Rizal: I cannot confirm.

The lawyer further asserted that Rizal did not issue any receipt as proof of payments made to the cybertroopers, to which Rizal agreed.

Jagjit then suggested that the reason the receipt was not issued was because Rizal pocketed most of the monies for himself, to which the witness disagreed.

Jagjit: There were cybertroopers who claimed that you did not pay them, and you took a large portion of it for your personal use on a monthly basis.

Rizal: I don't agree.

Jagjit: I put it to you, there would have been no need to set up a cybertroopers team if you did your job well.

Rizal: It was subjective.

Jagjit: I put it to you, you failed in your duty because you solicited corrupt monies for personal use to support your lavish lifestyle.

Rizal: I don't agree.

Rosmah, 68, is alleged to have received the bribes through Rizal as a reward for helping Jepak Holdings secure the Hybrid Photovoltaic Solar System Integrated Project, as well as the maintenance and operation of diesel gen-sets, for 369 Sarawak rural schools worth RM1.25bil from the Education Ministry through direct negotiation.

The offences were allegedly committed at Lygon Cafe in Sunway Putra Mall here, Rosmah's residence at Jalan Langgak Duta, Taman Duta, and at Seri Perdana, Putrajaya, between January 2016 and September 2017.

The hearing before Judge Mohamed Zaini Mazlan continues. — Bernama

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Former CEO was paid RM97,000, court told

By NURBAITI HAMDAN
nurbaiti@thestar.com.my

KUALA LUMPUR: Former 1Malaysia Development Bhd (1MDB) chief executive officer Mohd Hazem Abd Rahman received a cool RM97,000 in remuneration as his last drawn salary when he headed the sovereign wealth fund in 2014, the High Court heard.

Hazem first joined 1MDB as a chief operating officer (COO) with a monthly pay of RM65,000 in 2012. He received a hefty bump when he replaced Datuk Shahrol Azral Ibrahim Halimi as the CEO in 2013, earning RM93,000.

The court had heard that Shahrol's last drawn salary as the CEO was RM99,000 and that he had received an 18-month bonus once.

In contrast, Hazem said he received bonuses twice during his tenure as CEO.

"The first was a five-month bonus in 2013 and the second was a 10-month bonus in 2014," he said.

Hazem, who is the 10th prosecution witness, was under examination-in-chief conducted by deputy public prosecutor Mohamad Mus-

“ The first was a five-month bonus in 2013 and the second was a 10-month bonus in 2014.

Mohd Hazem Abd Rahman

taffa P. Kunalam in the 1MDB trial involving former prime minister Datuk Seri Najib Razak here yesterday.

To another question, the witness said he did not receive a sen from the funds raised through loans or bonds from 1MDB.

He also denied conspiring with fugitive businessman Low Taek Jho, better known as Jho Low, to swindle money from 1MDB.

During cross-examination, Najib's lead counsel Tan Sri Muhammad Shafee Abdullah went through Hazem's work experience,

during which the witness said his first drawn salary was a meagre RM1,800.

This was when he started work at Arab Malaysian Merchant Bank (AMMB) Bhd as a senior executive in 1996 after graduating from Case Western Reserve University in the United States.

Shafee then quipped that nobody would forget one's first salary.

"I earned RM670 as a deputy public prosecutor," he added.

Hazem then worked at Dana Modal Nasional Bhd as a senior executive between 1998 and 1999 with a monthly salary of RM2,500.

In 2000, he became an investment analyst with Credit Lyonnais Securities Asia Kuala Lumpur with a starting pay of RM7,500. His last drawn salary there was about RM12,000.

Between 2002 and 2006, he moved to Deutsche Bank Kuala Lumpur with the same job title and a monthly salary of RM15,000.

In 2008, he joined Sime Darby Bhd as group head of value management with an entry salary of RM15,000.

Hazem later moved on to Sime Darby's motor division as head of

strategic initiative with a RM20,000-odd pay.

In the same year, Hazem became the managing director of Sime Darby Auto Connexion with his last drawn salary being RM38,000. This was his last position before joining 1MDB.

Prior to joining 1MDB, the witness said he was interviewed by Shahrol over lunch at Eastin Hotel, Petaling Jaya, in 2012.

Shafee: Were you headhunted by Shahrol?

Hazem: He did not headhunt me. It was my former boss Datuk Nor Badli Mohd Alias in AMMB and he was a friend of Tan Sri Ismei Ismail, who was a board member in 1MDB.

Hazem said Nor Badli told him that 1MDB was looking for a COO and he (Hazem) could send in his resume if he was interested.

Najib, 67, is facing four charges of abusing his position to obtain gratification totalling RM2.28bil in 1MDB funds and 21 counts of money laundering involving the same money.

The hearing before Justice Collin Lawrence Sequerah continues on Oct 5.

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Ex-1MDB chief: I was concerned about firm's debts

KUALA LUMPUR: A former 1Malaysia Development Bhd (1MDB) CEO told the High Court that he wanted to resign from the position amid concerns that the company was riddled with debts.

Mohd Hazem Abd Rahman - who replaced predecessor Datuk Shahrol Azral Ibrahim Halimi in 2013 - said he began worrying that 1MDB was knee-deep in debts and doubted its capacity to repay them in early 2014.

"Among the debts that had to be paid in 2014 was a RM2.5bil Maybank loan taken by 1MDB to buy Tanjong Power shares in 2012.

"There were many 1MDB expenses which involved project financing funds such as the development of infrastructure for TRX (Tun Razak

Exchange) and JIMAH (JIMAH Energy Ventures), which were financed through new debts," he said.

The 10th prosecution witness was reading his 110-page witness statement at the 1MDB trial involving former prime minister Datuk Seri Najib Razak yesterday.

Hazem, 48, also said he did not know whether 1MDB still had its funds abroad or if it had been used for Umno.

"The funds abroad, based on my estimation, were about US\$3.8bil (RM13bil), enough to pay off the Maybank debt and serve as capital for any 1MDB project in Malaysia," he added.

He said he became increasingly worried about the management of

the funds abroad because he did not have access to them despite being the CEO.

"Only (fugitive businessman) Low Taek Jho and (general counsel) Jasmine Loo knew about this (the funds abroad)," he said.

Hazem said as the CEO, he ought to have had full authority to control the ins and outs of the funds from abroad into the country.

However, he received instructions from Low not to disturb those funds, he added.

Hazem said he often met with Najib's late principal private secretary Datuk Azlin Alias to relay his concerns.

"I told Azlin about my intention to resign and be replaced by somebody who could head 1MDB in its

debt-laden state.

"I emailed (1MDB chief financial officer) Azmi Tahir about my worries regarding the unreasonable plans made by Low for 1MDB as early as September 2013.

"I also told Azmi about my intention to resign," he added.

Hazem said Azlin often advised him to wait and resign after the listing of 1MDB Energy on Bursa Malaysia.

However, at the end of October 2014, Hazem said he came back from performing the hajj and spoke seriously about resigning to Low and Azlin.

"I told Azlin to tell Low to find a candidate that could replace me because all the officers below me did not want to fill in the post as the

CEO position was exposed to a lot of political elements," he added.

On Jan 3, 2015, Hazem returned from a holiday and was informed by Azlin that they had found a candidate for the post of assistant CEO.

Hazem said he was asked to hold the CEO post until the listing of Edra Energy (1MDB's subsidiary) on Bursa Malaysia in mid-2015.

"On Jan 5, 2015, Arul Kanda Kandasamy came to report as 1MDB president, which meant that as the CEO, I should report to him.

"I thought that was the appropriate time to resign as the post of president is similar to a CEO," he said.

The hearing before Justice Collin Lawrence Sequerah continues on Oct 5.

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Ex-army officer held for making false claims

PUTRAJAYA: A former senior officer with the Armed Forces was arrested along with a company director for allegedly making false claims for a road upgrading project in the interior of Sarawak.

The former officer, a Datuk, and a director for a supply company have been remanded for three days to allow the Malaysian Anti-Corruption Commission (MACC) to investigate the case, which earlier saw the arrest of two businessmen in Kuching.

Assistant registrar Siti Rozilawati Mohd Zanin allowed the MACC's application to remand the suspects until tomorrow.

Both suspects, aged 62 and 56, were arrested at the MACC headquarters at 5pm and 11pm respectively on Friday when they were summoned to have their statements recorded.

According to sources, the false claims were for works under the Defence Ministry for 10 stretches of road in Sarawak.

It is understood that the total value of the project was RM800mil.

The road upgrading works were under the "Jiwa Murni" project under the ministry and the company was awarded the project from 2010 to 2016.

The project was an initiative to connect small towns in the interior of Sarawak.

It was meant to benefit those living in the interior, including Miri, Kapit, Ba'kelalan, Limbang and Belaga.

On Sept 8, two company directors in Kuching were arrested in connection with the same case.

The directors, both aged 44, are business partners and own three companies which the authorities believe were monopolising the project.

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Plain speaking
YAP LENG KUEN



'Green' recovery as companies restructure

AS companies restructure their business models and operations, following the Covid-19 attack, a "green" recovery should be their top priority.

With intensified focus on environmental, social and governance (ESG) principles, the current thinking is to integrate them into the overall business strategy, down to the day-to-day operations.

As companies focus on financial health, senior leadership should also look to include sustainability, and ESG principles, as a core to their recovery plans.

While 70% of Malaysian companies have put in place a business continuity plan, about 31% noted that their boards were insufficiently experienced or provided no guidance in crisis preparation, a recent survey by the Institute of Corporate Directors (ICDM) showed.

There is a notion that these principles will negatively impact revenues and profits.

But in terms of investments, it was sustainable funds that had held up better than conventional ones in the first quarter.

"This out-performance appears to have benefitted from selecting stocks with better ESG credentials," said Institute of Corporate Directors Malaysia (ICDM) president and CEO Michelle Kyrle Lim.

Seven out of 10 sustainable equity funds finished in the top halves of their Morningstar categories, and 24 of 25 ESG-tilted index funds did better than their closest conventional counterparts, said Morningstar.

The emergence of new technology and socioeconomics has also led to a re-examination of corporate governance principles and board practices.

With growing concerns on cybersecurity, personal data privacy and ownership, companies need to bolster ESG and data stewardship.

Highlighting the growing demand for knowledge in cybersecurity, ICDM's programme in "cybersecurity considerations amidst the pandemic" had attracted strong interest from directors across all companies.

The implementation of Section 17(A) of the Malaysian Anti-Corruption Commission Act 2009, effective on June 1, signifies an increased emphasis on the roles and responsibilities of boards.

Under this law, commercial organisations are also liable if their employees are involved in corruption.

"With the burden of liability shifting to boards and directors, senior leaders will need to step up their efforts to imbue the right culture and governance processes," said Lim.



ESG trend: In terms of the environment, Duopharma Biotech is targeting a reduction of 5% in energy intensity on a yearly basis.

ICDM was set up by the Securities Commission to enhance the professionalism and effectiveness of corporate directors in Malaysia.

ESG, which involves a company's management of the environment, relationships and leadership, is becoming an important investment criteria among socially conscious investors.

The launch of the FTSE4Good Bursa Malaysia index of companies in 2014, supports ESG integration and the transition to a lower carbon and more sustainable economy.

A PwC survey shows that private equity houses and their investors are engaging more in responsible investments; increasingly, investors want to know that a company has robust policies in place to ensure a safe operating environment.

ESG efforts should be more than box-ticking items but true integration measures especially in reporting.

CIMB Group, which provides sustainability-linked loans (SLLs), will also fund more companies keen on adopting carbon reduction technologies, and robust sustainability standards.

"The 'greening' of our financing portfolio is happening in stages; we will have a strong focus on attracting and encouraging clients

across various industries to raise their sustainability standards," said CIMB group CEO Datuk Abdul Rahman Ahmad.

CIMB has issued a US\$680mil sustainable development goal bond, with proceeds channelled towards sustainable outcomes.

It has allocated RM3bil towards SLLs to serve customers implementing impactful sustainability initiatives.

As a signatory of the Collective Commitment to Climate Action, CIMB is developing concrete actions to increase its contributions to positive climate impacts, and align its lending with the objectives of the Paris Agreement on climate change.

CIMB is an active participant of Bank Negara's value-based intermediation community of practitioners where sustainability drivers are being aligned and integrated with Islamic banking products and services.

From the governance perspective, Duopharma Biotech is targeting to adopt integrated reporting which covers all aspects of the company's performance and value creation, in three years' time.

Duopharma Biotech does not fall under the remit of a large company as defined by the Malaysian Code on Corporate Governance; it is not subjected to Practice 11.2 where large companies are encouraged to adopt integrated reporting based on a

globally recognised framework.

But several measures undertaken have positioned the group to adopt integrated reporting.

"Duopharma Biotech, which is a constituent company in the FTSE4Good index, will strive to maintain this status by managing and monitoring ESG practices strategically," said group managing director Leonard Ariff Abdul Shukur.

In terms of the environment, Duopharma Biotech is targeting a reduction of 5% in energy intensity on a yearly basis.

It aims to reduce water consumption by at least 1% annually, through initiatives such as rainwater harvesting in its sites at Bangi and Klang.

It also plans to reduce its production of scheduled wastes by 3% annually; the volume of effluent discharge has decreased at the Bangi and Klang sites due to more efficient production processes.

Out of its training budget last year, 82.82% was utilised amounting to RM1.04mil.

Duopharma Biotech has updated its learning and development framework to be in line with its competency model that defines the competencies and interventions required at progressively higher levels.

The new framework covers five modules in on-boarding of new recruits and core learning in compulsory soft skills for an effective and harmonious working environment.

Also included are professional learning in foundation and technical courses; leadership learning applicable to supervisors onwards and talent development.

Women make up about half of its workforce, and 55% of mid-senior management; job opportunities are also provided for persons with disabilities.

CIMB Group and Duopharma Biotech are corporate members of ICDM, that are at the forefront of ESG issues.

Besides, enhancing a company's attractiveness to investors, ESG performance can also help to improve employee satisfaction and attract more talent.

Enthusiastic employees will strengthen the talent picture and provide a boost to much needed human capital.

Yap Leng Kuen is former editor of StarBiz. The views expressed here are the writer's own.

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Prosecution to apply for in-camera proceedings

KUALA LUMPUR: The prosecution in the criminal breach of trust case involving a former Malaysian External Intelligence Organisation (MEIO) chief will be applying to the High Court for the proceedings to be conducted in camera.

Deputy public prosecutor Muhammad Iskandar Ahmad informed Justice Ahmad Shahrir Mohd Salleh that the prosecution would be requesting for in-camera proceedings for several witnesses who will be testifying in the trial of Datuk Hasanah Abdul Hamid on grounds of national security issues.

"We also would like to ask the court to maintain the hearing proceedings which are expected to commence on Oct 5," he said.

In camera refers to the court proceedings, or parts of it, conducted without the presence of the public or others unrelated to the case.

DPP Iskandar also told the court yesterday that the prosecution had submitted 22 additional documents to the defence team so far.

Hasanah's lawyer Hamdan Hamzah confirmed that the defence had received the documents.

"We also asked the court to fix ample time for us to review the prosecution's application," he said.

The court fixed Oct 5 to hear the application.

When met outside the court, DPP Iskandar said that about 15 prosecution witnesses were expected to testify in camera during the proceedings.

On Oct 25, 2018, Hasanah pleaded not guilty at the Sessions Court to a CBT charge involving US\$12.1mil (RM50.4mil) belonging to the Malaysian government.

She was released on RM500,000 bail.

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Ex-electricians fined RM6,000 for cheating

JOHOR BARU: Two former electricians were fined RM6,000 each after pleading guilty to an alternative charge for cheating.

The accused, Mohd Azizul Saripudin and Mohd Iskandar Rosly, pleaded guilty before judge Kamarudin Kamsun when the alternative charge was read at the Sessions Court here.

They admitted to have cheated a man by claiming they were able to reduce the fines the man had received for modifying his electric meter if given RM1,000 in cash.

They committed the offence about two years ago at a restaurant in Bukit Saujana at about 4.10pm.

Mohd Azizul and Mohd Iskandar were originally charged under Section 16(a)(A) of the Malaysian Anti-Corruption Commission (MACC) Act for accepting a RM1,000 bribe from the man.

However, an alternative charge was offered during the hearing under Section 417 of the Penal Code for cheating which carries the penalty of maximum five years' jail or fines or both upon conviction.

The court fined them RM6,000 each or six months' jail if they failed to pay it.

Both paid the fine.

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Najib loses suit against banks

Ex-PM's application said to be 'frivolous and unsustainable'

By NURBAITI HAMDAN
nurbaiti@thestar.com.my

KUALA LUMPUR: A former bank official together with AmBank Islamic Bhd and AMMB Holdings Bhd have successfully struck out a suit filed by former prime minister Datuk Seri Najib Razak over allegations of mishandling his bank accounts.

High Court judge Justice Khadijah Idris, in allowing the application by Joanna Yu and the two banks, said Najib's suit was unsustainable, scandalous, frivolous, vexatious and an abuse of court process.

In her ruling, the judge also took note that Najib initiated the suit against Yu and the two entities after she testified in the SRC International Sdn Bhd trial.

Yu was the 54th prosecution witness testifying against the Pekan MP in the trial.

"This action by the plaintiff is not to seek damages but for a collateral purpose to bolster the plaintiff's defence in the SRC case and thus an abuse of court process," the judge said here yesterday.

Najib has since been convicted for the SRC International case.

The court also ordered Najib to pay RM30,000 in costs to AmBank and AMMB Holdings and RM25,000 in costs to Yu.

Lawyer Tan Sri Muhammad Shafee Abdullah, who represented Najib, informed the court that they would be filing an appeal against the decision soon.

Lawyers Datuk Dr Gurdial Singh Nijar and Yoong Sin Min appeared for Yu and AmBank, respectively.

Both Yu and Najib were not in court during the proceedings.

On Dec 9 last year, Najib filed the lawsuit at the High Court registry and named AmBank, AMMB

Holdings and Yu as defendants.

According to the statement of claim, the plaintiff contended that AmBank and Yu had committed negligence when handling his bank accounts (ending with 694, 880, 898 and 906) by disclosing these to fugitive businessman Low Taek Jho, better known as Jho Low.

Najib claimed that the defendants without authorisation had disclosed his bank statements, debit and credit remittance transactions, and balances of funds of account 694 to Low as the third party.

He claimed that the defendants did not engage with him to report on Low's actions regarding the said bank account and that the bank had facilitated the unauthorised third party to make money transfers between accounts 880, 898 and 906.

Najib claimed that he had been kept in the dark about the details of his own bank account statements

and other related documents by the bank under Low's instruction.

He alleged that Low with the help of other unauthorised third parties had made 20 transactions to regularise the accounts totalling RM12mil through several local and foreign remittances of funds and that the accounts had been "red-flagged" by Bank Negara.

He claimed the defendants failed to report and get direct instructions from him despite the accounts being red-flagged.

Najib also claimed that he only discovered the act committed by the defendants during the SRC International trial after the prosecution had revealed the conversations between Yu and third parties.

On July 28, Kuala Lumpur High Court judge Justice Mohd Nazlan Mohd Ghazali convicted and sentenced Najib to 12 years' imprisonment and fined him RM210mil.

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USM admin officer denies 52 gratification charges

BUTTERWORTH: An assistant administrative officer at Universiti Sains Malaysia (USM) pleaded not guilty at the Sessions Court here to 52 counts of gratification totalling RM135,445.90.

Zurina Abdul Hamid, 43, made the plea before judge Ahmad Azhari Abdul Hamid.

She allegedly used her position to submit documents on delivery orders and invoices from TZP Ventures, a company she had interests in, for payment of office and sports equipment supplies.

The offences were allegedly committed at the USM Sports and Recreation Centre between Dec 31, 2013, and Dec 15, 2017.

All the charges were framed

under Section 23 (1) of the Malaysian Anti-Corruption Commission (MACC) Act which provides imprisonment for up to 20 years and a fine of not less than five times the sum of the gratification or RM10,000, whichever is higher, if found guilty.

Ahmad Azhari allowed Zurina, who was represented by lawyer S. Meharaj, bail of RM24,000 with one surety.

Zurina was also ordered to surrender her passport to the court and report herself to an MACC office every month.

Deputy Public Prosecutor Azlan Basri from MACC prosecuted.

The court set Nov 4 for mention.
— Bernama