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Prosecution to call up 70 witnesses in case against Najib, Irwan Serigar

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Datuk Seri Najib Razak arrives at the Kuala Lumpur High Court, July 4, 2018. — Picture by Azneal Ishak

KUALA LUMPUR, Jan 7 — The prosecution in the case of former prime minister Datuk Seri Najib Tun Razak and former Treasury secretary-general Tan Sri Mohd Irwan Serigar Abdullah, who are facing six counts of criminal breach of trust (CBT) involving RM6.6 billion, will call 70 witnesses in the trial, scheduled in July this year.

Deputy public prosecutor Datuk Jamil Aripin told High Court Judge Mohd Nazlan Mohd Ghazali that the prosecution had listed about 138 witnesses, but would only call half of them.

He also informed the court that the prosecution had served 70 per cent of the documents pertaining to the case to the defence team and had requested for one and half month to submit the balance as some of it were classified under the Official Secret Act.

“We will serve the remaining documents in due course as we need to declassified the documents. It would take one and half month,” he said.

Mohd Nazlan set 28 days from July 8 to Aug 22 for the trial, except on Friday, and ordered the prosecution to serve all the documents to defence team by Feb 15.

Earlier, lawyer Tan Sri Muhammad Shafee Abdullah representing Najib and Datuk Geethan Ram Vincent who acted for Mohd Irwan informed the court that pending the discovery of the documents, they would apply to recuse the judge as Mohd Nazlan had also heard Najib's CBT and power abuse involving SRC International Sdn Bhd's case.

Muhammad Shafee said this was because of the nexus of all these charges as all the witnesses may be the same from the office of Prime Minister and Finance Minister.

He further said that there would be prejudice on the part of the judge in hearing the case.

Questioned by Mohd Nazlan, although the charges were different, Muhammad Shafee replied:

"Yes, although the charges are different, but there were nexus of all witnesses. How trained the judge is, we are still human being".

Earlier, Najib and Mohd Irwan maintained their not guilty pleas to six counts of CBT after the charges were read out separately to them. As this was the first time the case was mentioned in the High Court, the charges had to be read out on the accused and their pleas were recorded again.

On Oct 25, Najib, 65, and Mohd Irwan, 61, pleaded not guilty to six counts of CBT when the case was brought before the Sessions Court.

On the first count, they were jointly charged with, in their capacity as Finance Minister and Treasury Secretary-General, respectively, and who were entrusted with the dominion of RM1.2 billion belonging to the Malaysian government, committing CBT of the fund.

On the second count, Najib and Mohd Irwan were jointly charged with committing CBT of RM655 million belonging to the Malaysian government which were entrusted to them.

On the third count, they were jointly charged, in their capacity as public servants and holding the same post, with committing CBT of RM220 million belonging to the Malaysian government in the Federal Consolidated Fund under the "Belanja Mengurus di bawah Maksud B11 Perkhidmatan Am Perbendaharaan, Aktiviti 021700 KL International Airport Berhad (KLIAB)" that were entrusted to them.

The two men were also jointly accused of committing CBT of RM1.3 billion that were entrusted to them Federal Consolidated Fund under "Maksud B11 Perkhidmatan Am Perbendaharaan, Aktiviti 020500 Subsidi Dan Bantuan Tunai", belonging to the Government of Malaysia.

On the fifth and sixth charges, they were allegedly committed CBT of CNY1,950,000,000 (RM1.26 billion) and RM2 billion, respectively, belonging to the government.

Najib and Mohd Irwan were alleged to have committed all the offences at the Finance Ministry Complex in Putrajaya between Dec 21, 2016, and Dec 18, 2017.

They were charged under Section 409 of the Penal Code, read together with Section 34 of the same Code, which provides for a maximum jail term of 20 years and whipping, and liable to fine, if found guilty. —
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