

Statement on Behalf of Dato' Sri Najib Razak Regarding the 1782 Application Filed in New York

Dato' Sri Najib Razak, through his legal team, filed a section 1782 application in New York to obtain crucial evidence following the guilty plea of Tim Leissner, a former Goldman Sachs executive, who admitted on oath to bribing 1MDB officials and government officials.

A 1782 application is a legal mechanism that allows parties to seek evidence located in the United States for use in foreign legal proceedings. This effort underscores Dato' Sri Najib's unwavering commitment to uncovering and presenting the truth, particularly in light of Tim Leissner's admission of bribery, which has significant implications for the allegations against him in Malaysia and would tend to expose the actual culprits in Malaysia.

The application sought to depose Tim Leissner and representatives of Goldman Sachs, as well as obtain documentary evidence related to the alleged bribery of 1MDB and government officials. Notably, the U.S. judge hearing the 1782 application initially granted Dato' Sri Najib's application for the issuance of subpoenas, a critical step toward securing evidence that could illuminate key facts and provide exculpatory evidence for Dato' Sri Najib's defence, including determining whether the witnesses testifying against him in the Malaysian proceedings were bribed by Tim Leissner and rendering their testimonies compromised or tainted.

However, out of the blue, the Department of Justice (DOJ) intervened in the 1782 proceedings, requesting a stay to halt Goldman Sachs and Tim Leissner from

complying with the subpoenas and disclosing the information sought by Dato' Sri Najib.

Roger Ng's lawyer, Marc Agnifilo, who was perplexed by this intervention by DOJ described their actions as favouring and representing Goldman Sachs rather than their commitment to justice.

This intervention led Marc Agnifilo to formally request permission from the judge in Roger Ng's criminal matter to lift a protective order, which would allow Ng to provide exculpatory evidence to Dato' Sri Najib. Agnifilo explicitly stated in his court submission that he was ethically and morally bound to disclose evidence that could benefit Dato' Sri Najib's defence in Malaysia. Despite this, the DOJ objected, arguing against the release of evidence on the grounds that it would prejudice their ongoing prosecutions.

Unfortunately, the judge overseeing Roger Ng's case ultimately sided with the DOJ and disallowed the disclosure of this exculpatory evidence, despite Marc Agnifilo's ethical and moral assertions.

This obstruction raises profound concerns about fairness and transparency, particularly when the withheld evidence has the potential to exonerate Dato' Sri Najib. By blocking access to such critical evidence, the DOJ's actions undermine the principles of due process and the right to a fair trial.

To compound matters further, the judge in the 1782 application subsequently granted the government's motion to stay, effectively halting Dato' Sri Najib's ability to depose Goldman Sachs representatives and Tim Leissner or obtain documentary evidence. This decision denied access to information that could clarify the identity of the 1MDB and government officials allegedly bribed and reveal the full extent of the scheme. It also hinders Dato' Sri Najib's ability to defend himself in the Malaysian courts against allegations that he received gratification in relation to 1MDB transactions.

It is important to emphasize that Dato' Sri Najib's decision to initiate a legal application in the very jurisdiction where allegations were first leveled against him in 2016 through the DOJ's civil forfeiture applications would be unthinkable if he were culpable of the allegations against him. As Dato' Sri Najib himself testified in court earlier today, filing such an application for the disclosure of who were the 1MDB and government officials bribed by Tim Leissner, in the United States—the very jurisdiction that made these damaging allegations—would be “insane” if he had been complicit. This action underscores his innocence and his determination to uncover the truth about the scheme orchestrated by Jho Low, Goldman Sachs, and others.

Despite these efforts, Dato' Sri Najib is now forced to fight his case with his hands tied behind his back. The obstruction of access to evidence that could exonerate him is not just an injustice to him as an individual but a broader assault on the principles of fairness and due process.

This case is not merely about defending Dato' Sri Najib; it raises broader issues of transparency, accountability, and the politicization of legal processes. Marc Agnifilo's acknowledgment of his ethical obligation to share exculpatory evidence highlights the universal importance of fairness in judicial proceedings. The deliberate suppression of such evidence by the DOJ contradicts these principles and reflects a troubling approach to justice.

Dato' Sri Najib's unwavering commitment to uncovering the truth and ensuring justice remains steadfast. The actions taken by his legal team serve not only his defence but also the broader cause of preserving the integrity of the legal process.

Even as he fights with these severe disadvantages, Dato' Sri Najib remains resolute in his pursuit of justice. Despite these challenges, he will continue to pursue all available legal avenues to defend his name, his actions, and the principles of justice that he holds dear. This is a fight for more than his own freedom; it is a stand against the misuse of power and the suppression of truth—a fight for justice itself.