

Dr M: I'm personally affected by Najib's abuses
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Dr Mahathir Mohamad has claimed that he is personally affected by the alleged abuses of Prime Minister Najib Abdul Razak.

In the 37-page statement of claim in the suit he and two others filed against Najib, the former prime minister cited the police investigations against him and his removal as Petronas adviser as examples of abuses suffered.

Mahathir noted that he publicly announced his withdrawal of support for Najib and criticised the prime minister for "abusing the due process of law" during the Bersih 4 rally.

"Following this, I was questioned by the police on Nov 6, during which the police made it clear that I was being investigated for alleged defamatory statements made during Bersih 4.

"I also write constantly on the weblog at www.chedet.cc to criticise Najib's impropriety in 1MDB, including the abrupt dismissal of Abdul Gani Patail as attorney-general and in one of my writings, I wrote that Gani's replacement, Mohamed Apandi Ali, has no credibility to clear Najib of any criminal offences," he added.

As a result of this, Mahathir said, he was once again investigated by the police for defaming Apandi.

On Petronas, he cited the cabinet decision to remove him from the post.

"On March 11, the Prime Minister's Officer issued a statement that since Mahathir no longer supports the current administration in the government, the cabinet therefore has unanimously agreed to terminate Mahathir's role as the advisor of Petronas," he said.

Mahathir along with former Batu Kawan Umno vice-head Khairuddin Abu Hassan and former Langkawi Umno member Anina Saadudin are suing Najib for RM2.6 billion for exemplary damages and another RM42 million for aggravated damages for misfeasance in public office and also the tort of breach of fiduciaries in public office.

Khairuddin: Illegal detention and charge

Khairuddin, in the statement of claim, argued that his detention under Section 124C and charge under 124L of the Penal Code following the reports he filed against 1MDB here and abroad are illegal.

He said on Sept 18 last year, a travel ban was imposed on him and his lawyer Mathias

Chang by the director of the Immigration Department and on the same afternoon, he was called in by the police and arrested at his Mont Kiara home.

He was subsequently released on Sept 23 only to be rearrested under Section 4 of the Securities Offences (Special Measures) Act 2012.

Khairuddin also narrated the legal process he underwent to secure bail and that he had also filed a judicial review process against Apandi for clearing Najib as well as challenged the constitutionality of Gani's removal as AG.

As for Anina, she said that after The Wall Street Journal and Sarawak Report disclosed that RM2.6 billion went into Najib's personal accounts, she filed a derivative action with the Kuala Lumpur High Court on behalf of Umno for breach of trust.

As a result of filing the action, Anina (photo) said Umno secretary-general Tengku Adnan Tengku Mansor issued a letter dated Sept 2 last year and removed her from the party.

She then filed another suit against Tengku Adnan and Umno organising secretary Ab Rauf Yusoh, seeking a declaration that her removal from the party be nullified.

However, both of Anina's suits were struck out and dismissed by the High Court and she is awaiting her appeals to be heard in the Court of Appeal.

The plaintiffs said as citizens of Malaysia and being among the rightful beneficiaries of the fiduciaries owed by Najib in his capacity as prime minister to the citizens, they possess the right to bring this action of the tort of misfeasance in public office and tort of breach of fiduciaries in public office.

Their statement of claim further states they are suing Najib in his personal capacity in allegedly committing the two torts, and that they are part of the 42 who initiated the petition called the Citizens's Declaration, and therefore represent the group calling for Najib to step down.