

**Dr M's lawyers seek to quiz Najib on affidavit**  
**MalaysiaKini.com**  
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**Hafiz Yatim**

Lawyers for Dr Mahathir Mohamad filed an application today for leave to question Prime Minister Najib Abdul Razak on alleged conflicting facts in Najib's affidavit.

At the same time, the lawyers sought a stay of Najib's application to strike out the RM2.64 billion suit filed by Mahathir, along with former Langkawi Umno member Anina Saadudin and former Batu Kawan Umno division vice-chief Khairuddin Abu Hassan, which is related to the 1MDB issue.

The application was filed at noon with the High Court registrar in Kuala Lumpur.

The grounds for today's application come as a result of Najib on April 19 filing an application to strike out the suit.

Among others, the lawyers alleged that Najib's affidavit contained conflicting and inconsistent statements.

The statements in dispute included:

- In the seventh and eighth paragraphs of the affidavit, Najib said he is filing the application to strike out in his capacity as prime minister, finance minister, chairperson of BN and Umno president and not as a civil servant or government officer.

However, the lawyers pointed out that in paragraph 25, Najib admitted he is a civil servant and pleaded that the tort of misfeasance in public office and breach of fiduciary duty was just an effort to remove him from public office.

In paragraph 24 of Najib's affidavit, he denied the allegations in the statement of claim that he had a role in dismissing Muhyiddin Yassin and Shafie Apdal from being members of the cabinet and the fact that four of the Public Accounts Committee members have been appointed as minister and deputy minister in the cabinet reshuffle last July.

In the interest of justice and due process of the law, the three plaintiffs sought leave for Najib to be called to directly answer and be cross-examined over the unclear, non-precise and conflicting statements based on contemporary facts.

### **'Acted in bad faith'**

Mahathir, Khairuddin and Anina [had filed](#) the RM2.64 billion suit in March claiming that Najib had allegedly breached his fiduciary duty and committed malfeasance in public office to derail ongoing investigations against the sitting prime minister.

All three of them are part of the Citizens' Declaration movement to remove Najib as prime minister.

In their statement of claim, the plaintiffs said that due to Najib's position as the “numero uno” of Malaysia, he controls, commands and instructs or insists on omissions within the powers of each and every government machinery.

This includes, among others, ministries, ministers, parliamentary office (including the Public Accounts Committee) and legal enforcement agencies such as the Attorney-General's Chambers, the police, the Malaysian Anti-Corruption Commission (MACC) and the Malaysian Communications and Multimedia Commission (MCMC).

They further claimed that Najib had acted in bad faith to undermine, or cause to compromise various respective institutions involved in the probe of 1MDB scandals related to the remittance of RM2.6 billion and RM42 million or any other amount into the prime minister's personal bank accounts.

The three of them also filed a [mareva injunction](#) application to stop Najib from moving his assets and an application of discovery of the sitting prime minister's assets.

A new judge has been slated to hear the case and May 26 is fixed for the hearing of Najib's application for a stay of all proceedings, including his application not to file the defence and defence's striking-out application.

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