

Mahathir not appealing decision to cross-examine Najib

MalaysiaKini.com

Aug 4th, 2016

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Former premier Dr Mahathir Mohamad and two others are not appealing the Kuala Lumpur High Court's [decision](#) not to allow their application to cross-examine Prime Minister Najib Abdul Razak in their RM2.6 billion suit.

Lawyer Mohammad Rafique Rashid Ali, who appears for Mahathir, along with former Langkawi Umno member Anina Saadudin and former Batu Kawan Umno vice-chief Khairuddin Abu Hassan, informed the court of this today.

Rafique said this is because judge Abu Bakar Jais had ruled that they could raise the matter again when Najib's application to strike out the trio's suit is heard.

Mahathir's lawyers had wanted to cross-examine Najib on his status as a public officer, following alleged contradictions found in his affidavit.

Rafique and lawyer Mohd Hafarizam Harun, who represents Najib, said Justice Abu Bakar had fixed Nov 7 to hear the prime minister's striking-out application.

Mahathir, Anina and Khairuddin had filed a [RM2.6 billion suit](#) against Najib in March for misfeasance in public office and abuse of his position to hamper investigations into 1MDB.

Last week, Justice Abu Bakar dismissed the trio's application to cross-examine Najib on the grounds that it should be decided after Najib's application to strike out the suit is heard.

The judge said the cross-examination was not needed at that point, since Najib's assertions in his affidavit were clear.

However, Mahathir's lawyers had earlier argued that Najib contradicted himself in his affidavit.

They pointed to paragraphs seven and eight of his affidavit, where Najib had said that he is neither a public servant nor a public officer.

But in paragraph 25, the Umno president said the plaintiffs in the lawsuit were trying to drive him out of public office.

However, Justice Abu Bakar had said that what Najib said in those paragraphs were as "clear as daylight".

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