

Najib being 'MO1' a better judicial notice, says youth leader
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The court should have issued a judicial notice that "Malaysian Official 1" (MO1) described in the US Department of Justice's civil forfeiture action involving 1MDB is Prime Minister Najib Abdul Razak, an opposition leader said.

Parti Amanah Negara Youth deputy chief Faiz Fadzil said this in describing his shock over the ruling made by the Court of Appeal yesterday that it took judicial notice that Najib had been cleared of the 1MDB affair by Malaysian authorities.

"Being a law practitioner myself, I am surprised as a judicial notice is only applicable when the facts are known in public and do not create doubt.

"Najib's alleged involvement in the abuses involving 1MDB is still the subject of US Department of Justice investigations and even the attorney-general (Mohamed Apandi Ali) had recently said 1MDB is still being investigated by the police," he said.

Faiz, the son of late PAS president Fadzil Noor, added that Najib had not been cleared by any court on the 1MDB issue and hence the court could not have made a judicial notice.

In its unanimous decision yesterday, a three-member Court of Appeal bench led by Justice Abang Iskandar Abang Mahmud said it had taken judicial notice that the AG, the police, the Malaysian Anti Corruption Commission, the Public Accounts Committee and Bank Negara had cleared Najib of any wrongdoing with regard to 1MDB funds.

The bench then dismissed Petaling Jaya Utara MP Tony Pua's appeal against the interim injunction imposed on him for his Facebook Live session last April.

Najib had sued Pua for defamation after Pua, in the live session, claimed that the tabling of amendments to the Syariah Courts (Criminal Jurisdiction) Act (Act 355) by PAS was to divert attention from the problems plaguing 1MDB.

Faiz is also a member of a Pakatan Harapan Youth group called GANT1, which has filed an action against Najib, 1MDB and the government over settlement payments by 1MDB to International Petroleum Investment Company (IPIC).

'PAC did not investigate the RM2.6b'

He said claims that the PAC, AG, MACC and police had cleared Najib were questionable.

"PAC did not investigate the RM2.6 billion allegedly making its way into Najib's personal accounts while the AG only chose not to charge Najib.

"Only the courts have the jurisdiction to find Najib guilty as there are many alleged cases of abuse, as revealed in the DOJ action.

Faiz added that the move to clear Najib by the PAC, AG and MACC should not be considered a judicial notice under Section 57 of the Evidence Act.

"For me, the evidence that should have been considered as judicial notice is Najib being 'MO1', as described by DOJ in their civil suit," he said.

Najib has consistently denied any wrongdoing or misusing of public funds with regard to 1MDB.

Minister in the Prime Minister's Department Abdul Rahman Dahlan (*photo*) had previously identified "MO1" as Najib but stressed that Najib was not named in the DOJ filing as he was not subject to any US investigation.

Besides GANT1's suit, Najib, 1MDB and government are also facing another suit by former senator Ezam Mohd Noor, which is still pending.

Suits against the prime minister related to 1MDB filed by Pua, former minister in the Prime Minister's Department Zaid Ibrahim and Dr Mahathir Mohamad, along with politicians Khairuddin Abu Hassan and Anina Saadudin, have all been struck out by the High Court.

However, several of these are in the process of being appealed.

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