

Day 2: Najib's team to make counter-submission

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The Federal Court hearing of Najib Abdul Razak's application to adduce fresh evidence in the RM42 million SRC International corruption case enters the second day this morning.

Malaysiakini will bring to you live reports of the proceedings.

'Judge Nazlan has bias risk due to past bank job'

9.48am: Najib Abdul Razak's lawyer Hisyam Teh Poh Teik contends that despite the matter of SRC trial judge Mohd Nazlan Mohd Ghazali being in the public domain, there still exists the risk of bias even if it's just a possibility.

'Affidavits scandalous, irrelevant'

9.41am: Deputy public prosecutor V Sithambaram submits that Najib Abdul Razak's affidavits in support of his additional evidence bid do not comply with

rules for affidavits.

The prosecutor contends that the affidavits are scandalous and irrelevant as they have no nexus between the SRC charges against Najib and the allegation of conflict of interest levelled against trial judge Mohd Nazlan Mohd Ghazali.

Proceedings begin

9.37am: Najib Abdul Razak enters the dock as the hearing of his SRC additional evidence bid resumes.

Najib inside apex court

9.20am: Najib Abdul Razak is seen sitting in the public gallery while waiting for the hearing of his additional SRC evidence application to begin.

Also seen at the front of the courtroom waiting for proceedings to begin are the former prime minister's counsel Hisyam Teh Poh Teik and deputy public prosecutor V Sithambaram.

The former prime minister's counsel, Hisyam Teh Poh Teik, will make a counter-submission against the prosecution's arguments that the bid is based on hearsay

and unsubstantiated affidavits.

Under the law, hearsay is the report of another person's words by a witness, which a court would usually disallow as evidence during a trial.

Yesterday, before the five-person apex court bench chaired by Chief Justice Tengku Maimun Tuan Mat, the defence counsel submitted that Najib and his legal team were not aware of the alleged conflict of interest of trial judge Mohd Nazlan Mohd Ghazali when the matter was before him in the High Court.

The former finance minister's legal team contended that they only became aware of the issue following the anonymous delivery of envelopes containing the alleged fresh evidence to Najib between May 9 and July 7.

Najib's additional evidence bid is backed by his affidavits over what three MACC officers and two bankers purportedly told the anti-graft watchdog during the SRC investigation.

His lawyers contended that the conflict of interest arose from Nazlan's previous tenure as general counsel with Maybank.

The appellant claimed that the commercial bank was then involved in the

formation of SRC.

Following Najib's conviction and sentencing in the SRC case in July 2020, Nazlan, as the then High Court judge in Kuala Lumpur, has since been elevated to the Court of Appeal.

The other Federal Court bench members hearing Najib's application in the SRC International corruption case are Chief Judge of Sabah and Sarawak Abang Iskandar Abang Hashim and senior judges P Nallini, Mary Lim Thiam Suan and Mohamad Zabidin Mohd Diah.

Through the fresh evidence bid, Najib seeks to nullify his conviction over one count of abuse of power, three counts of criminal breach of trust (CBT) and three money laundering charges involving RM42 million of funds from SRC, a former subsidiary of 1MDB.

On Dec 8 last year, the Court of Appeal upheld the High Court's guilty verdict against him.

In the event the Federal Court court dismisses the new evidence bid, it will proceed to hear Najib's main SRC appeal, which also seeks to quash his sentencing of 12 years in jail and an RM210 million fine.

Previously a subsidiary of 1MDB, SRC later became fully owned by the Minister of Finance Inc - which also owned 1MDB - in 2012.

Najib also used to be SRC's adviser emeritus and chairperson of 1MDB's board of advisers.

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