

Can incarcerated Najib be GE15 candidate, Shafee asks

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Can former premier Najib Abdul Razak, who is in jail, stand as a candidate in the upcoming 15th general election (GE15)?

This was the poser raised by the incumbent Pekan MP's counsel Muhammad Shafee Abdullah during case management of the BN advisory chairperson's legal action to be allowed to attend Parliament.

During the matter initially fixed for hearing before the Kuala Lumpur High Court this morning, senior federal counsel M Kogilambigai applied for it to be adjourned to another date.

The legal representative for the three respondents - government, home minister, and Prison Department commissioner-general - informed that they needed time to peruse the written submissions filed by the former finance minister's legal team.

Kogilambigai said this is so that the respondents can prepare their own written submissions in response to the contentions by the incumbent Pekan MP.

She added that there is no sense of urgency anymore as Parliament was dissolved two days ago.

At this juncture, Shafee informed the court that the hearing should be rescheduled to Friday as there are several serious legal issues that needed to be determined.

Among them are whether Najib could be nominated again to contest the upcoming election, said the lawyer.

“Najib has the right to attend Parliament. The legal provisions grant the right to a prisoner to be accompanied (by prison authorities when going to Parliament).

“However, reports said that Parliament has been dissolved, the issue raised then is whether Najib could be present at the place of nomination and be nominated,” Shafee added.

Therefore, the legal action needs to be heard as soon as possible due to the core issue linked to Article 48 of the Federal Constitution, he said.

Judge Ahmad Kamal Md Shahid rescheduled the hearing for next Wednesday (Oct 19).

On Oct 5, incarcerated Najib filed the judicial review leave application to be allowed to participate in Dewan Rakyat proceedings.

The BN lawmaker is seeking a court order to have access to his parliamentary officers in order for him to do his work as an MP, and secondly, for him to attend Parliament.

Adversely affected

Via an affidavit in support of the legal action, Najib claimed that from Sept 19 onwards, he had been “adversely affected” by the respondents’ refusal to allow him access to his officers/aides for the purposes of parliamentary, legislative and constituent work.

Najib also alleged that he was adversely affected by the respondents who declined him to have “access and attendance in Parliament on the scheduled dates of session/sitting”.

Among the reliefs sought are declarations that he is entitled to attend Parliament

on the scheduled session dates and to have reasonable access to his officers/aides for parliamentary, legislative and constituent work.

Najib also seeks a mandamus order to compel the respondents to take necessary steps to allow him to partake in the Dewan Rakyat sessions and have reasonable access to his said officers/aides.

Shafee's 'interesting arguments'

During a press conference at the Kuala Lumpur High Court later today, Shafee teased that he has many interesting arguments he will present to the court over Najib's bid to attend Parliament.

However, the lawyer said he will not reveal the arguments in public yet.

Najib is serving a 12-year jail term in relation to the RM42 million SRC International corruption case.

Initially a subsidiary of sovereign wealth fund 1MDB, SRC became wholly owned by the Minister of Finance Incorporated (MOF Inc).

Najib also used to be chairperson of 1MDB's board of advisers as well as adviser

emeritus of SRC.

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