

Newspaper	NEW STRAITS TIMES
Date	29 APRIL 2017

1MDB ISSUE

COURT STRIKES OUT SUIT AGAINST PM

Najib a member of administration, not public officer, judge rules

KHAIRAH N. KARIM
KUALA LUMPUR
news@nst.com.my

DATUK Seri Najib Razak yesterday succeeded in striking out a suit brought against him by Tun Dr Mahathir Mohamad and two others, over claims he had wrongfully exercised his authority in public office in regard to 1Malaysia Development Bhd (1MDB) funds.

High Court judge Abu Bakar Jais made the decision in chambers yesterday, after finding that the prime minister is not a public officer in public office, but a member of the administration.

In his judgment, Abu Bakar ruled that the important elements of "public officer" and "public office" were not satisfied by Dr Mahathir, Batu Kawan member

of parliament Datuk Seri Khairuddin Abu Hassan and Langkawi Wanita Umno ex-member Anina Saadudin in their suit claiming tort of misfeasance, or wrongful exercise of authority, in public office.

He then ordered the trio to pay RM30,000 in costs to Najib.

Defence counsel Datuk Mohd Hafarizam Harun said the court allowed the prime minister's application to strike out the suit on the basis that there was no reasonable cause of action and that the claim was frivolous and vexatious.

"The court agreed with our argument that the prime minister, deputy prime minister, ministers and political secretaries are not in public service, but are members of administration, as defined in the Federal Constitution.

"Because they are not public officers in public office, therefore the cause of action that they (the trio) filed cannot stand," he said.

Counsel Mohamed Haniff Khatri Abdulla, who represented Dr Mahathir, Khairuddin and Anina, said they would be filing an appeal against the decision.

NST- 29/4/2017
Najib had, on April 19 last year, filed the bid to strike out the trio's suit filed on March 23 on grounds that there were no elements of tort of misfeasance as they had claimed.

In their suit, they had alleged that Najib had abused his power by obstructing in-

vestigations into the 1MDB issue, involving the remittance of RM2.6 billion and RM42 million into Najib's personal accounts, among others.

They had sought exemplary and aggravated damages of RM2.6 billion and RM42 million, respectively, among others.