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# NAJIB'S LEGAL TEAM FAILS APPLICATION BID

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'No legal requirement that letter of authority must be produced to the accused'

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**T**HE High Court has dismissed an application by Datuk Seri Najib Razak's defence team for Datuk Sulaiman Abdullah to produce the letter of authority (fiat) on his appointment as the lead prosecutor in the former prime minister's case.

Judge Mohd Nazlan Mohd Ghazali, in his decision, said there was no legal requirement that a letter of authority must be produced to the accused.

"The instrument of the appointment is only required to be shown to the court," he said, while

noting, however, that there was a certain lack of clarity in Sulaiman's appointment in the criminal breach of trust case against Najib, involving monies from SRC International Sdn Bhd.

Nazlan said the attorney-general (A-G) had made it clear that Sulaiman was appointed as lead prosecutor in a press release bearing the A-G's name.

"The A-G had issued a media release on Aug 31 and this was exhibited in the respondent's bundle of authority. However, the media release cannot be a substitute for a fiat," he said.

Nazlan said since the letter had been classified as an official secret under the Official Secrets Act (OSA) 1972, it could not be questioned in court.

"I consider this application to be less than meritorious... in view of the above, I dismiss the application," he said.

Earlier, Najib's lead counsel, Tan Sri Muhammad Shafee Abdullah, questioned whether the media release issued by the A-G appointing Sulaiman was sufficient as there was no signature at the end of the statement.

He argued that it was the duty of the prosecution to tender the authority letter before the court, adding that the production of the document was a prerequisite.

Sulaiman, in his reply, refused to produce the letter as it has been classified under the OSA.

"The A-G had prosecuted the matter before and had stated he was handing the case over to Sulaiman Abdullah," he said.

The application for Sulaiman to produce the letter of authority on his appointment as the lead prosecutor in Najib's case was filed by the defence team on Nov 26.



Datuk Seri Najib Razak