

# Postponement of Najib's trial proof rule of law being upheld, says expert

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**KUALA LUMPUR:** The Court of Appeal's decision to allow a postponement of Datuk Seri Najib Razak's money-laundering trial is proof that the rule of law is being upheld in the legal process.

Constitutional law expert Nizam Bashir Abdul Kariem Bashir said under most circumstances, lawyers would file for stay applications to ensure that the outcome of an appeal was not rendered useless.

He said the court's three-man bench must have felt that the outcome of the defence counsel's

appeal would have been rendered futile if a stay was not granted.

"I think the Court of Appeal's decision also showed that the rule of law is being observed in Najib's trial and the defence counsel are given room to ventilate the legal issues relevant to the trial. So it may be time to put to rest a 'delay tactic' claim," he told the *New Straits Times*.

Former deputy public prosecutor Farhan Read, who is Najib's counsel for the case, said the adjournment granted by the court

was not a delaying tactic.

He said the application for postponement by Najib's defence team followed the move by Attorney-General (A-G) Tommy Thomas on Thursday to withdraw three charges against Najib.

"It is not a delay tactic. What the A-G did on Thursday is unprecedented and amounts to an usurpation of the court's jurisdiction," he said.

He said the A-G should have withdrawn the original seven charges and re-charged Najib at the Sessions Court.

Last Thursday, Najib was given a discharge not amounting to an acquittal by the High Court on three additional charges of money-laundering totalling RM47 million levelled against him on Jan 28.

Judge Mohd Nazlan Mohd Ghazali had made the ruling after allowing the application by the prosecution, led by Thomas.

Thomas had informed the court at the time that the prosecution sought to withdraw the certificate of transfer of the case relating to the previous seven charges involving SRC Interna-

tional Sdn Bhd to avoid any possible argument that the transfer was null and void.

Najib was charged again with the three counts the following day.

The money laundering case had originated from the Sessions Court, and this was pointed out by Najib's defence team, who told the court on Thursday that the prosecution should have mentioned the case before the Sessions Court before transferring it to the High Court. However, the prosecution had, on Jan 28, charged Najib at the High Court.