

Najib has final legal recourse in Federal Court

Former prime minister's stay of execution granted, RM2mil bail extended

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PUTRAJAYA: Former prime minister Datuk Seri Najib Razak has one final legal recourse in the RM42mil SRC International Sdn Bhd case as he could still appeal his conviction and sentence at the Federal Court.

The Pekan MP had failed at the appellate stage yesterday in his attempt to overturn his conviction and sentence after the Court of Appeal dismissed his appeal.

In a unanimous decision, a three-man panel chaired by Justice Abdul Karim Abdul Jalil found that there was no reason to disturb the findings of the High Court.

"Overall, we find that the learned trial judge did not err in the application of the sentencing principles, neither is there an error on the part of the trial judge in appreciating the material facts placed before him, nor had he made a wrong decision as to the proper factual basis for the sentencing, nor do we

find the sentences to be manifestly excessive.

"In the final analysis, we dismiss the appellant's appeal against both the conviction and sentence on all charges and affirm the orders of the High Court," Justice Abdul Karim said in a hybrid proceeding.

The judges and the prosecution were in open court while Najib and his defence team participated via Zoom.

Najib, who wore a suit and a striped necktie, was seen taking notes intermittently throughout the proceedings.

Other judges on the panel were Justices Has Zanah Mehat and Vazeer Alam Mydin Meera.

The High Court had sentenced Najib to a total of 12 years in jail and RM210mil fine and the appellate court found this was not grossly excessive.

"The terms of imprisonment and fine imposed are wholly adequate and commensurate with the nature of the offences," the judge said.

In the decision, which took more than an hour to be read, the panel reaffirmed the findings of trial judge Justice Mohd Nazlan Mohd Ghazali.

Justice Abdul Karim said Najib's conduct regarding SRC could not have been for national interest, as the appellant had claimed, but rather a "national embarrassment".

"Once the funds had been secured by SRC, over which the appellant had overarching control, he was free to utilise them for his personal benefit.

"This is manifested by the flow of the RM42mil from SRC into his personal accounts," he said.

The panel also agreed with the High Court judge that Najib was indeed a "shadow director" of SRC.

A shadow director, he said, operated clandestinely without showing his hands but when evidence was scrutinised, the hands were "found".

The court found that Najib instructed SRC's board of directors

Who's who in Datuk Seri Najib Razak's SRC trial

PANEL OF COURT OF APPEAL JUDGES



JUSTICE
Has Zanah
Mehat

JUSTICE
Abdul Karim
Abdul Jalil

JUSTICE
Vazeer Alam
Mydin Meera

DEFENCE LEAD COUNSEL
Tan Sri Muhammad
Shafee Abdullah

PROSECUTION LEAD
Datuk V. Sithambaram

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through shareholder minutes on the company's operational and business aspects.

"The appellant was in fact directing the mind of SRC and took charge of the affairs of SRC," Justice Abdul Karim said.

On the Arab donation defence, the panel found it untenable for the same reasons as the trial judge.

"He (trial judge) considered this defence in some detail before rejecting it. He found that the appellant's belief that the funds in his accounts were Arab donations was unbelievable when weighed against the totality of the evidence," Justice Abdul Karim added.

The court, however, allowed a stay application by Najib on the execution of his jail time and fine pending an appeal at the Federal Court.

It also maintained the RM2mil bail fixed by the High Court.

The prosecution was led by ad hoc prosecutor Datuk V. Sithambaram while lawyer Tan Sri Muhammad Shafee Abdullah led the defence team.

Najib was found guilty by the High Court on July 28 last year on seven charges of criminal breach of trust, money laundering and abuse of position, involving SRC International funds, totalling RM42mil.

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