

# Court rejects Najib's appeal

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## Sri Ram can continue as prosecutor in 1MDB-related trial

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**KUALA LUMPUR:** The Federal Court has dismissed an appeal by former prime minister Datuk Seri Najib Razak in yet another attempt to disqualify Datuk Seri Gopal Sri Ram from prosecuting his 1Malaysia Development Bhd-related criminal trial.

In the unanimous decision, Justice Vernon Ong Lam Kiat, who chaired a three-judge panel, ruled that there was no real danger of bias in the complaint, as argued by Najib's defence team.

"We do not think the High Court nor the Court of Appeal have committed any error in law or in fact that would warrant an appellate intervention.

"The appeal is dismissed," he said yesterday.

The other judges on the panel were Justices Zabariah Mohd Yusoff and Hasnah Mohammed Hashim.

Najib was appealing against a High Court decision on Feb 15, 2021, where Justice Mohamed Zaini Mazlan dismissed his application to remove Sri Ram from the 1MDB audit report tampering trial.

In his application, Najib contended that a communication between former attorney general Tan Sri Mohamed Apandi Ali and Sri Ram was proof that the latter was biased against him, and that Sri Ram was also involved in the 1MDB-related investigations prior



**Appeal verdict:**  
Prisons Department vehicles bringing Najib to the Palace of Justice in Putrajaya for his court case.  
— Bernama

to the court case.

Apandi had filed an affidavit in support of Najib's recusal application in which he claimed that Sri Ram had met him in January 2018 to persuade him to prosecute Najib over the 1MDB fiasco.

The prosecution, however, argued that there was no evidence to show that Sri Ram participated in the 1MDB investigation.

It also gave its own version of what had transpired between Sri Ram and Apandi in the WhatsApp exchanges where the prosecution contended that the messages were

Sri Ram's personal opinion.

On this matter, the Federal Court ruled that it was for the High Court to scrutinise the content of the communication and come to a finding of a version that was most probable with the circumstances.

At the outset of the proceedings, the apex court heard submissions from Sri Ram and Najib's lead counsel Tan Sri Muhammad Shafee Abdullah.

On Sept 8, 2021, the Court of Appeal affirmed the Feb 15 dismissal by the High Court.

Najib, 68, is charged with using

his position to order amendments to the 1MDB final audit report before it was presented to the Public Accounts Committee to prevent any action from being taken against him, while former 1MDB CEO Arul Kanda Kandasamy is charged with abetting Najib in making the amendments to the report to protect Najib from being subjected to action.

The High Court has fixed Jan 30 to deliver its decision on whether Najib and Arul Kanda will be acquitted or ordered to enter their defence on the 1MDB audit tampering case.