

# Najib fails in bid for UK-based QC

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## Local lawyers good enough to handle matter, says judge in SRC case


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**KUALA LUMPUR:** The final appeal by former prime minister Datuk Seri Najib Razak in the RM42mil SRC International Sdn Bhd case will proceed in August without the presence of the UK-based Queen's Counsel he sought to represent him.

This is following the High Court's decision that dismissed an application by English barrister Jonathan Laidlaw to be admitted as an advocate and solicitor here, an adhoc admission required to have him appear as the Pekan MP's lead counsel in the SRC appeal at the Federal Court.

In his brief decision, Justice Ahmad Kamal Md Shahid said while it was undeniable that Laidlaw was deemed as "the star silk in financial crimes" but that alone would not suffice as having the special skills, qualifications and knowledge on the application of the local laws.

He said there were no novel, complex or serious issues in the appeal that would



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require the QC's participation.

"Local advocates and solicitors are well capable of handling such cases at all tiers of the courts in Malaysia. This does not justify the need to have the applicant (Laidlaw) to be admitted on an adhoc basis for the (SRC)

appeal before the Federal Court," he said in a Zoom proceedings here yesterday.

The judge said the applicant has not shown himself as one who possesses special qualifications or experience of a nature not available among local lawyers.

"Furthermore, I find there is no single evidence to suggest that the applicant has knowledge of or much experience in the local law compared to local advocates and solicitors here," he added.

"It is my considered judgment that the applicant has failed to satisfy me under Section 18(1) of the Legal Profession Act (LPA) 1976. As such, the originating motion is hereby dismissed," he said.

The court made no order as to costs.

On May 31, Laidlaw filed a notice of originating motion through Messrs Shafee & Co at the High Court for his admission as a lawyer in Malaysia.

It said that Najib, as the appellant in the SRC appeal, had sought to engage Laidlaw's professional services to act as lead counsel in the appeal.

It further said that Laidlaw was eligible and qualified to be admitted and enrolled to practise as an advocate and solicitor of the High Court of Malaya pursuant to Section 18(1) of the LPA 1976 to appear as counsel for Najib in the appeal and all other causes or matters related to the appeal.

Najib's appeal will be heard in August in a 10-day hearing from Aug 15 to 19, and Aug 22 to 26 at the Federal Court.

On July 28, 2020, Justice Mohd Nazlan Mohd Ghazali (now a Court of Appeal judge) convicted and sentenced Najib on seven charges involving criminal breach of trust (CBT), money laundering, and abuse of position, involving SRC funds, totalling RM42mil.

He was sentenced to 12 years in jail and a fine of RM210mil.

The conviction and sentence were upheld by the Court of Appeal.

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