

SRC INTERNATIONAL GRAFT CASE APPEAL

# DPP REJECTS NAJIB'S BID TO ENGAGE QC

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Application devoid of merit, person does not have prerequisite BM qualification, argues prosecution

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**T**HE prosecution shot down Datuk Seri Najib Razak's application to appoint a Queen's Counsel (QC) from the United Kingdom in a final bid to overturn his conviction in the SRC International Sdn Bhd corruption case.

It argued that Najib's application was devoid of any merit and that he had failed to provide the necessary justification to have QC Jonathan Laidlaw represent him.

Deputy public prosecutor Mohd Ashrof Adrin Kamarul, in an affidavit to oppose Laidlaw's bid to represent Najib, said it was difficult to accept that out of the 21,625 advocates and solicitors in Malaysia, not one was deemed by Najib to possess the special qual-

ification or experience to handle his appeal.

Laidlaw, he said, also does not have the Bahasa Malaysia qualification as required under the law for admission as an ad hoc advocate and solicitor under Act 166.

"It is strange for the applicant to say that there are no local lawyers to defend the charges faced by him when his own lead counsel, Tan Sri Muhammad Shafee Abdullah and his team, defended him right from the start over the past three years.

"It is an irony to say that there are no local lawyers with special qualification or experience to do it.

"It is actually Laidlaw who has no experience in arguing these charges before the Malaysian courts."

Ashrof said it was difficult to understand how Laidlaw, a

stranger to domestic Malaysian law, was more qualified than senior criminal lawyers, including Shafee, who regularly appeared before all tiers of the Malaysian courts to argue similar cases as faced by Najib.

"If we ignore the political standing of the appellant, then this case is just another criminal appeal which does not deserve special consideration for the admission of any foreign lawyer to argue the pending appeal before the Federal Court.

"It is obvious from the grounds of judgment that the appeal is based primarily on facts and law which have been dealt with by the High Court and Court of Appeal."

Shafee had previously filed an affidavit to support a bid by Laidlaw to represent Najib after stating that a QC was needed to assist him in complex issues and legal questions in the SRC appeal at the apex court.

The senior counsel argued that Laidlaw had special qualifications and experience of a nature not available among advocates and solicitors in Malaysia.

He said the lawyer had appeared in 109 reported cases in various courts, had qualifications and experience in a whole range of corruption cases both in the UK and in overseas jurisdictions.

Laidlaw, he said, had also prosecuted the largest ever investigation into corruption in the Metropolitan police service, which led to the conviction of two officers, who then turned Queen's evidence against former colleagues.

He said Laidlaw had also been listed by the *Sunday Times* as one of Britain's 500 most influential individuals.

However, Ashrof said Laidlaw had not shown himself to possess special qualifications or experience not available among advocates and solicitors in Malaysia.

"There are numerous cases of a similar nature that have been argued by local lawyers from the magistrate's courts right up to the Federal Court.

"I can list 168 cases of similar nature that have been argued from the High Court to the Federal Court over the years... the

cases, including celebrated cases, were decided by our courts."

Ashrof added the fact that local advocates and solicitors had regularly appeared and argued abuse of power, criminal breach of trust and anti-money laundering offences (all charges faced by Najib), showed they were capable of arguing such cases.

Ashrof also pointed out that the Malaysian courts have not allowed application for ad hoc appearance in criminal cases since 1971.

On Dec 8 last year, the Court of Appeal upheld Najib's conviction and the 12-year jail sentence and the RM210 million fine for misappropriating RM42 million belonging to SRC International.

Judge Abdul Karim Abdul Jalil, who presided with Has Zanah Mehat and Vazeer Alam Mydin Meera, unanimously dismissed Najib's appeal against the High Court's decision on July 28, 2020.

The Federal Court would be the final avenue for the Pekan member of parliament to appeal against his sentence and conviction in the SRC International case



Datuk Seri Najib Razak speaking to several people before entering a car to leave the Kuala Lumpur High Court yesterday. PIC BY SAIFULLIZAN TAMADI