

Judge in Najib case recuses himself

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Ex-Umno man cites conflict of interest in UK QC's bid to join SRC case

KUALA LUMPUR: A High Court judge has recused himself from hearing an application from Jonathan Laidlaw, a Queen's Counsel (QC) of the United Kingdom to represent Datuk Seri Najib Razak in the latter's final appeal in the case involving the misappropriation of RM42mil belonging to SRC International Sdn Bhd.

Justice Wan Ahmad Farid Wan Salleh in his brief decision said he decided to recuse himself from hearing the application as one of his immediate family members is a very active politician and a divisional leader in the same political party as Najib, who is the appellant.

Justice Wan Ahmad Farid, who himself was once an Umno politician, said although he had resigned

from the political party, his stand is that the public perception of the independence of the judiciary should not be put in doubt.

"It is public knowledge that before being appointed to the bench, I was an active politician and at one time, a member of the administration and Dewan Negara.

"I must add that, after taking my oath as a member of the judiciary, my only sacred duty is to preserve, protect and defend the Federal Constitution without fear or favour," said the judge.

The mention of Laidlaw's application for ad hoc admission was initially fixed for yesterday, according to Bernama.

In his final appeal in the Federal Court, Najib sought to quash his

conviction and 12-year jail sentence and a fine of RM210mil on one charge of abuse of position, three charges of breach of trust and three charges of money laundering linked to SRC International funds.

Justice Wan Ahmad Farid further said that in light of the factual narration that he alluded to earlier, his continued hearing of the originating motion and eventual decision, one way or the other, would not be seen as purely from the legal perspective devoid of any extraneous predilections or preferences.

He said the independent judiciary is a precious gift to any society and once it is lost, anarchy reigns.

"The independence of the judiciary must therefore be defended at any cost.

"For the reasons aforesaid, although there was no request made by any of the parties herein, I am recusing myself from hearing this originating motion," he said.

Earlier, the judge had asked if the parties were comfortable with him hearing Laidlaw's admission, to which Tan Sri Muhammad Shafee Abdullah, who is representing Laidlaw, replied he had no reservation as the judge was not involved in any SRC International or 1Malaysia Development Berhad-linked matters.

Ad-hoc prosecutor Datuk V. Sithambaram who is leading the prosecution in the SRC International case said he would be seeking instruction from the Attorney-General's Chambers (AGC).

Lawyer from the Malaysian Bar, Bastian Vendargon, and Kuala Lumpur Bar Committee chairman Vivekananda Sukumaran, who are objecting to the QC application, both informed the court that they need to seek further instructions from both legal bodies.

Following the judge's decision, Laidlaw's application is now fixed to be heard on July 6 before another High Court judge, Justice Ahmad Kamal Md Shahid.

On May 31, Najib filed the application to allow the QC to represent him in the SRC appeal on several grounds, one of it being Laidlaw possesses special qualifications, experience and expertise which are not available among lawyers in Malaysia.