

Najib's lawsuit against former AG a collateral attack, says govt

By **NURBAITI HAMDAN**
nurbaiti@thestar.com.my

KUALA LUMPUR: Former prime minister Datuk Seri Najib Razak's lawsuit against former attorney general Tan Sri Tommy Thomas over alleged malicious prosecution is a collateral attack against his criminal cases and should be struck out, said the Government.

Deputy Public Prosecutor Ahmad Akram Gharib said this in an affidavit-in-reply filed at the High Court on Feb 4.

In the lawsuit, Najib claimed there was an abuse of power in his prosecution in several cases including the 1Malaysia Development Berhad (1MDB) case.

He claimed that the criminal charges against him were part of a move that had been planned in advance by Thomas and it was also in line with the Pakatan Harapan government's plan at the time.

Ahmad Akram, who affirmed the affidavit on behalf of the government said, however, Najib had abused the court process with his lawsuit.

"I truly believe and state that the plaintiff's action is an abuse of court process done by the plaintiff (Najib) for the purposes of a 'collateral attack' against the criminal charges initiated against the plaintiff and done through a different jurisdiction.

"I humbly apply for the honourable court to strike out the writ of summons and the plaintiff's statement of claim with costs," he said.

Ahmad Akram is one of the DPPs



Legal tussle: Najib (right) is seeking RM1.9mil in damages from Thomas (left) and the Government as the first and second respondent respectively.

in Najib's 1MDB-linked criminal trials.

Meanwhile, in Thomas' affidavit-in-reply dated Jan 31, he denied that he had formed an opinion about Najib's guilt prior to him assuming office as the AG.

"By Najib's logic, only those who knew nothing about such an important national

corruption scandal of global standing with massive media publicity and held no personal opinions were fit to charge him.

"Such assertions have no legal basis," he said.

He further stated that the allegations against Najib in relation to 1MDB was widely reported prior to

the 14th General Election and cited a Wall Street Journal article dated July 2, 2015.

"This told the world of the deposit of USD700mil into Najib's personal account in AmBank," he said.

In any event, Thomas said, his personal opinions were irrelevant to him exercising his discretion to prefer the five charges against Najib, one of which he has already been found guilty of by the High Court and the conviction was upheld by the Court of Appeal.

Thomas was referring to the RM42mil SRC International Sdn Bhd case which is now in the appeal stage at the Federal Court.

The former AG contended that the Malaysian Anti-Corruption Commission (MACC) had investigated and prepared the investigation papers in Najib's case in accordance with settled law and practice.

After studying the investigation papers submitted to him for action,

Thomas said he was satisfied that there was a strong case against Najib and decided to prefer the five charges.

"That was the only consideration," Thomas stated.

He also sought for Najib's claims to be struck out.

Najib filed the lawsuit on Oct 22, last year, naming Thomas and the Government as the first and second respondent respectively.

In his statement of claim, Najib claimed that he had been wrongly accused in court in the case of 1MDB, International Petroleum Investment Company (IPIC), abuse of power under the Malaysian Anti-Corruption Commission (MACC) Act 2009 and money laundering under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLATFPUAA 2001).

The Pekan MP is claiming RM1.9mil in damages.