

'NAJIB TO BLAME FOR LOST APPEAL'

Ex-PM's lawyers chose to focus on application for extra evidence, not the appeals, says DPP

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DATUK Seri Najib Razak has only himself to blame when he lost his final appeal to overturn his 12-year jail sentence and RM210 million fine for the misappropriation of SRC International funds.

Deputy Public Prosecutor Datuk V. Sithambaram said Najib's then lead counsels were overly confident that their application for additional evidence and adjournment would be al-

lowed by the Federal Court.

Sithambaram said Messrs Zaid Ibrahim Suflan TH Liew & Partners (Zist), who appeared for the former prime minister, chose to focus on the application for additional evidence but not the appeals.

"There was no Plan B in the event the court did not allow the adjournment. Najib's then lead counsel Datuk Hisyam Teh Poh Teik and Zist treated the whole appeal complacently and expected that they would be entitled to an adjournment despite the clear instruction from the top court that the main appeals would proceed.

"When the adjournment sought was not successful, the applicant and his counsel filed an application to recuse Chief Justice Tun Tengku Maimun Tuan Mat, who led the panellists.

"This was another desperate attempt to scuttle the hearing of the appeals," he said.

He said Hisyam and Zist should



not have accepted the case when hearing dates were already fixed unless they were prepared to proceed with the appeals.

Sithambaram said the Federal Court was right in disallowing Hisyam from discharging himself after the top court dismissed his application for adjournment.

"The court had the discretion to allow counsel to discharge himself, especially in the midst of a hearing.

"Counsel who could not get an adjournment of the appeals cannot be allowed by the backdoor

method to postpone proceedings by a tactical strategy of discharging himself.

"Najib had four months to engage solicitors and prepare the case if he, indeed, wanted to change his existing solicitors and counsel.

"Discharging his long-time counsel, Tan Sri Muhammad Shafee Abdullah from Messrs Shafee & Co, was a strategic move to adjourn the appeals," he said.

He said in criminal proceedings, the procedure for counsel discharge him or herself from representing a client was not legally provided. However, Sithambaram said discharging of counsel in criminal proceedings must be with the consent and order of the court.

"Counsel cannot willy-nilly discharge themselves and leave the court at the mercy of solicitors or counsel. Such a situation will lead to chaos in the administration of justice.

"Lawyers can thus run riot to

stall any hearing they do not wish to pursue by discharging themselves," he said.

The hearing continues.

Najib, 70, is seeking a review of the Federal Court's decision to reject his application to adduce fresh evidence relating to the High Court judge Datuk Mohd Nazlan Mohd Ghazali.

He is also seeking a review of the court's decision to dismiss his bid to postpone his appeal hearing as well as the decision to recuse Tengku Maimun. He is also seeking a review of the court's decision on Aug 23 last year on his conviction and sentence.

The former prime minister was found guilty of abuse of power in relation to a RM4 billion loan given by Retirement Fund (Inc) of SRC between August 2011 and March 2012.

He was also convicted of criminal breach of trust and money laundering involving RM42 million of SRC funds between Dec 26, 2014 and Feb 10, 2015.