

'Najib hired new lawyers to delay final appeal

Prosecutor: No breach of justice as it was self-inflicted

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PUTRAJAYA: Datuk Seri Najib Razak had hired new lawyers with the hope of postponing the hearing of his appeal and the court thus had the right to refuse the adjournment, the Federal Court was told.

Lead prosecutor Datuk V. Sithambaram said there was no breach of natural justice in this refusal as it was "self-inflicted".

He said Najib had been complicit with his new counsel in seeking an adjournment during the final appeal in the SRC International Sdn Bhd trial at the Federal Court although they knew well that the hearing dates had been fixed four months earlier.

The prosecutor, who was making his submissions in the review application by Najib in the case yesterday, said it was obvious the new lawyers' appointment was only for an adjournment.

He said they had accepted the brief with the sole view of postponing a case for which the date had been fixed months earlier.

Before the appeal, Najib had discharged Messrs Shafee & Co and hired Messrs Zaid Ibrahim Suflan TH Liew & Partners (Zist).

"The conduct of the solicitors and counsel in accepting the brief with the sole intention of postponing the substantive appeals is contemptuous and an interference with the course of justice," he said.

Sithambaram also said Datuk Zaid Ibrahim, a partner at Zist, had gone on record in a television interview with the plan to seek an adjournment.

"Zist had been overly confident that the application for additional evidence would succeed and an adjournment would be allowed.

"There was no Plan B in the event the court did not allow the adjournment," Sithambaram added.

The prosecution also contended

that Najib's application to recuse Chief Justice Tengku Maimun Tuan Mat, over a Facebook post by her husband, was a desperate last-minute attempt to scuttle the appeal.

Tengku Maimun had chaired the panel in the final appeal. The panel then comprised Chief Judge of Sabah and Sarawak Justice Abang Iskandar Abang Hashim and Federal Court judges Justices Nallini Pathmanathan, Mary Lim Thiam Suan and Mohamad Zabidin Mohd Diah.

Sithambaram said the post by Datuk Zamani Ibrahim, the husband of Tengku Maimun, was a personal commentary on the political scenario before the 14th General Election four years ago and showed no personal animosity.

Rather, it was a general comment by a "rakyat" on the social media platform.

He said it was incredible that Najib only found out about the Facebook post on Aug 22, 2022, the

eve of the conclusion of the appeal hearing on Aug 23, 2022.

"What a phenomenal coincidence that the applicant found out about a public Facebook post hours before the conclusion of the appeal.

"The truth is, they (the defence) knew of the Facebook post but had found it to be unworthy of a recusal application earlier.

"The eleventh-hour application was (an act of) pure desperation to adjourn the appeal."

Sithambaram also said it was "absurd and insufficient" to assume apparent bias solely on the spousal relationship, especially when the alleged influence was based on a post made four years ago.

"The respondent submits that the views of a spouse per se cannot be a ground for recusal.

"There must be circumstances that can show the interest. In this case, the view of the spouse is so close and direct that it renders the

interest or views of the spouse indistinguishable from the judge," he added.

The hearing is being held before a five-judge panel chaired by Chief Judge of Sabah and Sarawak Justice Abdul Rahman Sebli.

The other judges are Federal Court judges Justices Vernon Ong Lam Kiat, Rhodzariah Bujang, Nordin Hassan and Court of Appeal judge Justice Abu Bakar Jais.

Najib is seeking to review the Aug 23, 2022, decision which upheld the Kuala Lumpur High Court's decision to convict and sentence him to 12 years in jail and a RM210mil fine in the RM42mil SRC International case.

The hearing continues on Monday.



Ongoing case: Prisons Department officers leading Najib out of the Palace of Justice in Putrajaya. - RAJA FAISAL HISHAN/The Star