

NAJIB FILES PETITION WITH UN FOR HIS RELEASE OR RETRIAL

Wants UN panel to rule whether dismissal of appeal by Federal Court is justified

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DATUK Seri Najib Razak has filed a petition before the United Nations Human Right Council Working Group on Arbitrary Detention (UNWGAD) to ask for a release or a retrial over his SRC International Bhd case.

The former prime minister is asking the UNWGAD panel of five experts on international justice to rule whether the dismissal of his appeal by the Federal Court on Aug 23 last year was unjust, flawed, and violated his basic human right and the Federal Constitution.

His lead counsel Tan Sri Muhammad Shafee Abdullah told a press conference yesterday that the panel, which consists of five distinguished human rights judges, would convene to determine whether Najib's trial was fair or otherwise.

He said upon the panel convening, it would call upon the government to either release Najib or provide him with a retrial.

He said although the panel's decision was not directly binding, it is very influential especially as Malaysia has distinguished jurists who are currently members of its working group.

"We filed the petition at about 1pm today (Thursday) and would expect to receive their reply in a few months.

"As the beneficiary of a ruling from the UNWGAD, my client expresses hope and confidence that the current government will follow the UNWGAD's ruling when it is made available," he said.

Shafee said the country could face silent sanction from the UN if it decided not to follow the ruling made by the panel.

"What we wrote to the UN is to take this case out to an international dimension.

"The country, as a member of the UN, should follow any guideline made by the international body."

He said a copy of the petition also had been sent to the Attorney-General's Chamber (A-GC) International Division as a courtesy.

Shafee reiterated that his client did not receive a fair trial at the Federal Court when the Apex

Court failed to accord him a reasonable opportunity to argue his case and denied his lawyers adequate time to prepare it.

Najib had at the eleventh hour prior to the hearing of his appeal at Federal Court, had replaced Shafee, his longtime counsel, with former law minister Datuk Mohd Zaid Ibrahim and Datuk Hisyam Teh Poh Teik.

Hisyam had also asked the country's top court for adjournment multiple times by stating that he was unable to proceed as he needed more time to prepare.

However, Hisyam's application was unceremoniously booted out by Chief Justice Tun Tengku Maimun Tuan Mat, who sat with four others — Chief Judge of Sabah and Sarawak Tan Sri Abang Iskandar Abang Hashim and Federal Court Judges Datuk P. Nalini, Datuk Mary Lim Thiam Suan and Datuk Muhammad Zabidin Mohd Diah.

The court then started the hearing with Hisyam opting to say nothing.

Shafee said this had led Najib to be sent to jail without the opportunity to defend himself at the Federal Court.

He described the proceedings as 'rushed justice' as Najib's lawyers were not allowed the time that was obviously needed to read the thousands of pages of

the appeal papers; or to come to grips with the 94 grounds of appeal that he had filed.

Shafee said the application to the UNWGAD would not bring any effect to Najib's application to review the Federal Court's decision that affirmed his conviction and sentence, which would begin next week.

"These two things are separate. The review is to invite domestic tribunal to review the Federal Court's decision not to give adjournment to the proceeding.

"As far as I am concerned, the proceedings will go on," he added.

It was reported that Najib had filed an application and exhibits going into seven volumes including certificate of urgency.

The former prime minister is seeking a review of the Federal Court's decision to reject his application to adduce fresh evidence relating to the then 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 decision to recuse Chief Justice Tengku Maimun.

Nazlan, who was the trial judge had sentenced him to 12 years' jail and a RM210 million fine. Najib, 70, is now serving his jail sentence in Kajang Prison.