

Najib fails in attempt to remove judge

Ex-PM wanted appeals court judge disqualified from panel

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

PUTRAJAYA: The Federal Court has dismissed an attempt by Datuk Seri Najib Razak to disqualify a Court of Appeal judge from sitting in the review proceedings involving the SRC International Sdn Bhd case at the apex court.

Justice Abdul Rahman Sebli, who chaired the five-judge panel, said the panel was not persuaded by Najib's lead counsel Tan Sri Muhammad Shafee Abdullah's argument that Justice Abu Bakar Jais should recuse himself from hearing the matter.

"The law is clear that the Chief Justice is vested with discretionary power to empanel the Court of Appeal judge (Justice Abu Bakar) to sit at the panel of the Federal Court, pursuant to Section 112(2) of the Federal Constitution.

"For the same reason, we reject the argument that Justice Abu Bakar should not be involved in the hearing of his recusal. In the circumstances, the preliminary objection is dismissed," Justice Abdul Rahman said here yesterday.

The court ordered the defence to proceed with its review application.

Other judges on the Bench are Federal Court Justices Vernon Ong Lam Kiat, Rhodzariah Bujang and Nordin Hassan.

At the outset of the proceedings, Muhammad Shafee objected to Justice Abu Bakar joining the panel as he argued that the composition of the Federal Court panel must be of only Federal Court judges.

He invoked Section 74 of the Courts of Judicature Act (CJA) 1974.

In his response, lead prosecutor Datuk V. Sithambaram said Chief Justice Tengku Maimun Tuan Mat had fulfilled the requirements of Article 122 of the Federal Constitution with the selection of Justice Abu Bakar on the panel.

"We sitting at the Bar cannot tell the court how they came up with the panel. That's contemptuous," Sithambaram added.

On Aug 23 last year, the Federal Court upheld Najib's conviction and sentence for the misappropriation of RM42mil in SRC International funds.

Following the dismissal, Najib



On the move: Documents in the RM42mil money laundering case being taken out of the Palace of Justice in Putrajaya here yesterday. — Bernama

made an application to review his conviction and sentence in the case.

In the application, 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 Justice 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 disqualify the Chief Justice from hearing his case.

Najib, 70, was convicted, sentenced to 12 years in jail and fined RM210mil by the Kuala Lumpur High Court on July 28, 2020.

The ruling was upheld by the Court of Appeal on Dec 8, 2021.

Najib was found guilty of abuse of power in relation to a RM4bil loan given by Retirement Fund (Inc) (KWAP) to SRC between August 2011 and March 2012.

He was also convicted of criminal breach of trust and money laundering involving RM42mil of SRC funds between Dec 26, 2014, and Feb 10, 2015.