

BID TO OVERTURN SRC CONVICTION

Apex court will decide today on nod for Najib's application

KUALA LUMPUR: Datuk Seri Najib Razak will know today whether the Federal Court will allow his application to review the court's decision to uphold his conviction and sentence for misappropriating RM42 million of SRC International funds.

A five-member bench led by Chief Judge of Sabah and Sarawak Datuk Abdul Rahman Sebli is expected to rule after having heard lengthy submissions from both parties previously.

Other judges on the bench are Federal Court justices Datuk Vernon Ong Lam Kiat, Datuk Rhodzariah Bujang and Datuk Nordin Hassan, as well as Court of Appeal judge Datuk Abu Bakar Jais.

Najib is seeking a review of the Federal Court's decision on Aug 23 last year, to affirm his conviction of siphoning money from the 1Malaysia Development Bhd subsidiary.

The conviction saw Najib sentenced to 12 years' jail and a fine of RM210 million.

The former prime minister is also seeking a review of the Federal Court's decision to reject his application to adduce fresh ev-

idence relating to the then High Court judge Datuk Mohd Nazlan Mohd Ghazali.

His lead counsel, Tan Sri Muhammad Shafee Abdullah, argued that Najib's previous solicitors from Messrs Zaid Ibrahim Suflan TH Liew & Partners (Zist) were incompetent in handling Najib's appeal at the apex court.

He argued that Zist did not have what it takes to argue a case of such magnitude, which resulted in Najib being sent to Kajang Prison.

Shafee also contended that his client was left unrepresented after his then counsel, Datuk Hisyam Teh Poh Teik, was not allowed to discharge himself by the bench led by Chief Justice Tun Tengku Maimun Tuan Mat.

He said Najib did not have the opportunity to cite 94 grounds in his final appeal to back his arguments on how a lower court had erred in upholding his sentence and conviction.

Lead prosecutor Datuk V. Sithambaram argued that Najib had only himself to blame when he lost the plot during the final appeal.

He said Najib's then lead coun-



Datuk Seri Najib Razak

sels were overly confident that their application for additional evidence and adjournment would be allowed by the Federal Court.

He said Zist chose to focus on the application for additional evidence only but not the appeals.

He said Najib's team had 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.

Sithambaram also contended that Najib's decision to change his entire legal team led to the disruption of his final appeal.

Najib, 70, was found guilty of abuse of power in relation to a RM4 billion loan given by Retirement Fund (Inc) (KWAP) to SRC International 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.