

Najib to know fate by March 31

Leave to review RM42mil SRC International case will be decided before then

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PUTRAJAYA: Datuk Seri Najib Razak will know the decision of the leave application to review his conviction and sentence in the SRC International Sdn Bhd case by March 31.

A five-judge panel headed by the Chief Judge of Sabah and Sarawak, Justice Abdul Rahman Sebli, fixed the deadline after hearing an extensive submission in the application over the span of six days that concluded yesterday.

Justice Abdul Rahman said they were not yet in a position to decide on the matter.

"We will decide on this application later. The decision will be no later than March 31," he said, adding that parties would be notified of the decision date.

Other judges on the bench were Federal Court judges Justices Vernon Ong Lam Kiat, Rhodzariah Bujang, Nordin Hassan and Court of Appeal judge Justice Abu Bakar Jais.

The hearing was conducted on Jan 19, Feb 19-22 and Feb 27-28.

Najib made an application of leave to review the Federal Court's decision on Aug 23, 2022, 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.

Earlier, Najib's lead counsel Tan Sri Muhammad Shafee Abdullah told the court that Datuk Zamani Ibrahim, the husband of Chief Justice Tengku Maimun Tuan Mat, made a "public declaration of hatred" against his client Najib with a Facebook post four years ago.

He said the post had "very unkind remarks" which were available for public viewing, where Zamani had concluded Najib's guilt even before the Malaysia Development Bhd (IMDB) and the SRC International Sdn Bhd scandals were brought to the courts.

"With the greatest of respect, (Zamani) he is a personal friend of mine and this is a public declara-

tion of hatred against Najib. And this is the husband of the CJ," he said.

Muhammad Shafee contended that the CJ should have disclosed the social media post by her husband when she chaired a five-judge panel during Najib's final appeal in the SRC International case in August last year.

"This is the husband's post made in public. If you have a Facebook (account), you can access it. It was not (made) in hiding.

"But in this case, there was no disclosure by the CJ. The perception of the public would be whether it was a fair trial or not," he said.

Muhammad Shafee further submitted that the closest relationship among human beings was the relationship between spouses, where he implied that the husband's view could have influenced the wife.

"We are talking about the average spouse - spouses do exchange opinions and matters of politics.

"Zamani is not a politician, but he was politicking (through the Facebook post)," the lawyer said.

Muhammad Shafee also told the court that the previous panel, which presided during the final appeal, had never asked his client's side of the story when the previous lead counsel Datuk Hisyam Teh Poh Teik told the court that he wanted to discharge himself.

This failure of communication or inquiry by the apex court into the context of why Hisyam wanted a discharge was a "fundamental failure of a fair trial", said Muhammad Shafee.

"Where is the environment provided by the Federal Court in the appellate stage to assist the appellant?

"This goes right to the root of a fair trial," he added.

Last week, lead prosecutor Datuk V. Sithambaram submitted that Najib's recusal application against the CJ over the Facebook commentary was a desperate last-minute attempt to scuttle the appeal.

Sithambaram said the post was a personal commentary on the political scenario leading up to the 14th General Election four years

ago, which showed no personal animosity but, rather, was a general comment by a rakyat on social media.

He said it was a phenomenal coincidence for the defence to find out about the social media post hours before the conclusion of the appeal hearing on Aug 23, 2022, and called the eleventh-hour application to recuse the CJ as "pure desperation" to adjourn the appeal.

The prosecutor also contended that it was "absurd and insufficient" to assume an apparent bias solely on the spousal relationship of Zamani and the Chief Justice, especially when the alleged influence was based on a post that was made four years ago before the SRC prosecution.

Najib applied for leave to review the Federal Court's decision on Sept 6 last year, claiming a "miscarriage of justice".