

Najib's appeal judge recuses herself

Justice Azizah's husband used to work directly under Tommy Thomas

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PUTRAJAYA: Court of Appeal judge Azizah Nawawi has recused herself from hearing former prime minister Datuk Seri Najib Razak's appeal to reinstate his lawsuit against former attorney general (AG) Tan Sri Tommy Thomas.

Justice Azizah had earlier disclosed to the court that her husband, Datuk Nik Suhaimi Nik Sulaiman, was the Appellate and Trial Division head during Thomas' tenure as AG from June 2018 to February 2020.

"I'm minded to recuse myself from the case as my husband was

directly under (then) AG Thomas.

"And on the basis that this is a public interest matter, so it's better if we have a higher threshold on the matter," she said while chairing a three-member bench yesterday.

The other two judges on the bench were Justices See Mee Chun and Lim Chong Fong.

Nik Suhaimi retired from his position at the Attorney General's Chambers earlier this year.

Justice Azizah made the decision to recuse herself after hearing the argument from lawyers representing Najib and Thomas.

"I have sought instructions from my client. We thank Your

Ladyship's disclosure.

"On that basis, I would like to respectfully invite Your Ladyship to recuse yourself," said lawyer Datuk Firoz Hussein Ahmad Jamaluddin.

Thomas' counsel Alan Gomez argued that there was no reason for Justice Azizah to recuse herself as there was no real danger of bias. When met after the hearing, Gomez said, "There must be a real bias. Where is the real bias?"

"Just because the husband was the head of the division doesn't demonstrate real bias."

The case management for the case is set to be made at a date next week, followed by the hearing.

The court yesterday was supposed to hear the application made by Najib to reverse the High Court's decision that had allowed Thomas' application to strike out Najib's lawsuit against him last November.

Najib, who is currently serving a 12-year jail term for corruption, was allowed to attend the court hearing yesterday.

Also present at the court were several of Najib's supporters and his wife, Datin Seri Rosmah Mansor.

In the suit filed on Oct 22, 2021, Najib said the charges against him were part of a move that had been planned in advance by

Thomas and was also in line with the Pakatan Harapan government's plan at the time.

He is seeking a declaration that Thomas has committed misfeasance in public office as well as RM1.9mil in damages, including fees for the audit team to review documentation for the preparation of facts to deal with the prosecution against him.