

NAJIB SUES GOVT OVER HOUSE ARREST

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Home detention was part of sentence remission, says ex-PM in affidavit

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DATUK Seri Najib Razak has claimed that former Yang di-Pertuan Agong Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah had granted him permission to serve the remainder of his jail sentence under house arrest.

The former prime minister said the permission was granted on Jan 29 in an addendum order accompanying the main order from the Federal Territories Pardons Board reducing his jail time and fine.

Najib, through Messrs Shafee & Co, filed a judicial review at the High Court recently to compel the government to produce the addendum order.

He named the home minister, Prisons Department commissioner general, attorney-general (A-G), Federal Territories Pardons Board, minister in the Prime Minister's Department (law and institutional reform), Legal Affairs Division director-general and the government as respondents.

Najib, in his affidavit, claimed that on Jan 29, the king had issued a main order to reduce his jail sentence to six years and fine to RM50 million.

"The king also immediately or simultaneously issued an addendum order on the same day stipulating that Najib be allowed to serve the reduced sentence of his imprisonment under condition of home arrest instead of confinement in Kajang Prison.

"The addendum order curiously was not announced by any of the respondents when the announcement of the main order was made. It must be impressed that the addendum order was in existence since Jan 29, but this anomaly was never revealed nor explained by any of the respondents," he stated.

Najib claimed that he later instructed his solicitors to confirm the details of the addendum order with the A-G by way of a letter dat-

ed Feb 14 and copied to Prime Minister Datuk Seri Anwar Ibrahim and his deputy, Datuk Seri Dr Ahmad Zahid Hamidi.

"Subsequently, on March 22, the matter was escalated to the home minister regarding inter alia, the existence and lack of enforcement of the addendum order. On Feb 19, Najib's solicitors also requested the original document or copy of the main order from Kajang Prison, but that request went unanswered.

"Consequently, since Jan 29, the applicant's personal rights have been adversely affected and infringed upon by the decision of all the respondents in ignoring and refraining from responding to the inquiries."

Najib said the inaction of the Home Minister and Prisons Department commissioner general to execute the order, was irrational, unreasonable, illegal and arbitrary and offends the Federal Constitution and laws.

"His Majesty's orders are not merely administrative decrees, but reflections of the legal and moral authority vested in the monarchy.

"Therefore, the respondents' disregard to the requests of the applicant constitutes a direct intrusion of the applicant's basic right as provided in the Constitution and the laws generally.

"Over and above this the defiance of the respondents constitutes a direct contempt of the institution of His Majesty The Yang Di-Pertuan Agong."

Najib said by not responding to his queries, the respondents drew the adverse inference that the addendum order did exist with the substantive content.

Najib was sentenced to 12 years' jail on one count of abuse of power with regard to Retirement Fund Inc's RM4 billion loan to SRC International Sdn Bhd, as well as three counts each of criminal breach of trust and abuse of power involving RM42 million belonging to SRC, a former subsidiary of 1Malaysia Development Bhd.

He was also fined RM210 million.