

'NO AFFIRMATION FROM SOURCE'

'NAJIB'S AFFIDAVITS ARE HEARSAY'

Court rejects bid for judicial review on existence of addendum order for house arrest

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ALL affidavits pertaining to the existence of an addendum order by the former Yang di-Pertuan Agong with the sentence reduced for Datuk Seri Najib Razak are just hearsay, the High Court ruled yesterday.

In dismissing Najib's application for a judicial review on the addendum order — which the former prime minister claimed had allowed him to serve the remainder of his jail sentence under house arrest — Judge Datuk Amarjeet Singh said all the affidavits filed by Najib contained bare statements only without mentioning the source and his belief on the existence of the addendum order.

An affidavit is a written, sworn statement of truth that is used as evidence in court and other legal proceedings.

Najib had filed two affidavits to support his case — one from Umno president Datuk Seri Dr Ah-



Lawyer Tan Sri Muhammad Shafee Abdullah says Datuk Seri Najib Razak has instructed him to file an appeal after his bid for a judicial review was rejected by the High Court yesterday. PIC BY EIZAIRI SHAMSUDIN

mad Zahid Hamidi and another by party vice-president Datuk Seri Wan Rosdy Wan Ismail.

Zahid, in his affidavit, confirmed the existence of an addendum order by former Yang di-Pertuan Agong Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Bilal Shah.

He claimed that the document was shown to him by former Selangor Umno treasurer Tengku Datuk Seri Zafrul Tengku Abdul Aziz at his house near Country Heights on Jan 30.

Zahid's contention was supported by Wan Rosdy in his supporting affidavit, which also said Tengku Zafrul had told him of the document's existence on Jan 29.

However, Amarjeet said Zahid's statements were purely hearsay as his belief and source of information were based solely on what he heard from Tengku Zafrul, with no direct knowledge of the addendum order.

"The applicant relied on the source, Tengku Zafrul, but the source did not affirm any affidavit. There is also no explanation forthcoming as to this act.

"The source was available but not used.

"Tengku Zafrul had attempted to file an affidavit but this court had denied him as the law does not allow him to do so at the leave (permission) stage."

Amarjeet said as a result, there

was no affidavit to verify the material facts in Najib's application.

"As such, there can be no arguable case for further investigation at the substantive stage."

Amarjeet also stated that no written law or provision in the Federal Constitution imposes a legal duty on the Pardons Board to confirm the existence of, or produce, any order related to the exercise of the power of pardon.

The court also did not issue any order for costs.

Najib was represented by his lawyer Tan Sri Muhammad Shafee Abdullah, while senior federal counsels Shamsul Bolhasan and Ahmad Hanir Hambaly appeared for the government.

Speaking after proceedings, Shafee said Najib had instructed him to file an appeal at the Court of Appeal.

In April, Najib filed a judicial review to establish the existence of the addendum order dated Jan 29, which he claimed the government had tried to ignore.

He named the home minister, Prisons Department commissioner general, attorney-general (AG), 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 claimed that his lawyers had requested an original copy or a copy of the order from the Kajang Prison, but had yet to receive a response.