

Najib fails in bid to confirm addendum order existence

> Judge dismisses application after finding all affidavits filed were hearsay and listed only one individual as source of information

KUALA LUMPUR: Datuk Seri Najib Abdul Razak has failed in his bid to obtain leave from the High Court to confirm the existence of an addendum order, purportedly issued with the consent of the 16th Yang di-Pertuan Agong, allowing the former prime minister to serve the remaining six years of his prison sentence under house arrest.

Judge Datuk Amarjeet Singh dismissed the leave application filed in April to initiate a judicial review after finding all the affidavits filed in support of the application were hearsay, including the affidavits filed by Umno president Datuk Seri Dr Ahmad Zahid Hamidi and vice-president Datuk Seri Wan Rosdy Wan Ismail.

"In Ahmad Zahid's affidavit, he said Tengku Datuk Seri Zafrul Abdul Aziz (Investment, Trade and Industry minister) informed him of the existence of the addendum order and told him that His Majesty had shown him the order and he (Tengku Zafrul) had taken a photograph of the order.

"Ahmad Zahid said he saw the photograph

in Tengku Zafrul's phone, purportedly carrying the signature of His Majesty. The averments of Ahmad Zahid are pure hearsay as the source of the information and his belief is Tengku Zafrul. Ahmad Zahid himself has no knowledge of the order except for what he heard from Tengku Zafrul."

Amarjeet also said the averments made by Wan Rosdy in his affidavit are hearsay as he cited Tengku Zafrul as his source of information with regard to the addendum order.

He said the two affidavits filed by Najib contained bare statements without mentioning the source or his belief in the existence of the order.

"I find that both affidavits are at the highest, pure hearsay. Najib relied on the source, which is Tengku Zafrul, but the source did not affirm an affidavit. Tengku Zafrul attempted to file an affidavit but the court denied him as the law does not allow him to do so at the leave stage."

Senior federal counsel Shamsul Bolhassan and Ahmad Hanir Hambaly appeared for the respondents, while Najib's counsel Tan Sri

Muhammad Shafee Abdullah told the court they would file an appeal against the decision.

Najib, 70, named the home minister, commissioner-general of prisons, attorney-general, the Pardons Board for the Federal Territory of Kuala Lumpur, Labuan and Putrajaya, Prime Minister's Department (Law and Institutional Reform) minister, Prime Minister's Department Legal Affairs Division director-general and the government as the first to the seventh respondents in his application.

The former Pekan MP is seeking a *mandamus* order to compel all or one of the respondents to respond and confirm the existence of the additional decree dated Jan 29, 2024.

He is also seeking a *mandamus* order that if the decree exists, all or one of the respondents must enforce it immediately by transferring him from the Kajang Prison to his residence in Kuala Lumpur for him to serve the remainder of his sentence under house arrest.

Najib has been serving his sentence since Aug 23, 2022 after being convicted of embezzling RM42 million in funds belonging to SRC International Sdn Bhd, *Bernama* reported.

On Sept 2, 2022, he filed a petition for a royal pardon. The Pardons Board reduced his prison sentence from 12 years to six years and his fine from RM210 million to RM50 million.