

# 'Bid to challenge decision on Najib will likely fail'

**KUALA LUMPUR:** The Malaysian Bar Council will most likely fail in challenging the Pardons Board's decision to reduce the jail term and fine for Datuk Seri Najib Razak in the SRC International Sdn Bhd case, a legal and constitutional expert said.

The Malaysian Bar yesterday said it would file for a judicial review of the Pardons Board decision to reduce Najib's prison term by half for his SRC International corruption conviction.

However, it also clarified that the judicial review concerned the Pardons Board — the manner and how it was conducted — and not the decision made by the Yang di-Pertuan Agong.

Professor Dr Nik Ahmad Kamal Nik Mahmood said: "If they resolve to bring the matter to court (to challenge the Pardons Board's decision), it is most likely that they will fail," he told the *New Sunday Times*.

Nik Ahmad Kamal said there was already a line of case law, decided by the highest court, which ruled that pardon was the prerogative power of the Yang di-Pertuan Agong and that the court had no jurisdiction to challenge it.

"And the (Federal) Constitution recognises that only the king has that prerogative power. Therefore, it is up to the king to decide whether to pardon or oth-

erwise, as well as to reduce the sentence of anyone," he said.

Nik Ahmad Kamal, nevertheless, said the justification made by the proposer of the motion at the Malaysian Bar's 78th annual general meeting, who argued that Najib's application for a pardon should not have been processed and decided as he had only served 1½ years of his 12-year jail term and that he had not paid the RM210 million fine was a "sound argument".

"But then again, the Prison (Department) rules that we have under the Prison Act does not require that condition to be fulfilled first before you can apply for pardon. There is nothing in the rules that say that.

"The only limitation to the application provided is that once your application is rejected, you have to wait for two years before you can reapply (filing fresh application for pardon)," he said.

It is learnt the motion was proposed by former Malaysian Bar president Zainur Zakaria.

Zainur, as reported by FMT, claimed that the Federal Territories Pardons Board "acted ultra vires under Article 42 of the Federal Constitution" in slashing the former prime minister's 12-year jail sentence to six years as well as reducing the RM210 million fine to RM50 million.