

Najib loses bid to halt CBT trial

KUALA LUMPUR: Datuk Seri Najib Razak failed to get a permanent stay in his criminal breach of trust trial with Tan Sri Mohd Irwan Serigar Abdullah involving RM6.6 billion in Malaysia Development Bhd funds.

Judge Datuk Muhammad Jamil Hussin yesterday rejected the bid on grounds that there was no formal application made by the former prime minister's legal team led by Tan Sri Muhammad Shafee Abdullah.

"The prosecution must be given an opportunity to file an affidavit," he said.

Earlier, Shafee applied for a permanent stay of proceedings against his client on the grounds that Najib would not receive a fair trial due to the prosecution's failure to declassify important documents related to the case.

"It is submitted that the prosecution's failure in properly framing the charge has breached Najib's right to a fair trial. If Najib is directed to proceed with the trial, it will amount to an abuse of the court's process," he said.

A permanent stay of proceedings is more commonly associated with civil cases, but it can also be applied in criminal cases under specific circumstances.

Earlier, Datuk K. Kumaraendran, who appeared for Irwan, applied for discharge not amounting to acquittal (DNAA) for his client.

Shafee also requested a discharge not amounting to an acquittal (DNAA).

Shafee described the sheer volume of cases his client faces as "carpet bombing", claiming it has stretched the defence and Najib to breaking point.

He said Najib is battling seven criminal cases while also defending multiple civil suits.

The relentless schedule requires him to appear in court al-

most every week, leaving little time for rest or preparation.

"He is appearing in court every week. We are equally 'carpet-bombed', preparing cases, some of which are unusually difficult to handle."

He argued that preparing for the cases is challenging as Najib's incarceration limits their ability to meet and strategise.

Meanwhile, deputy public prosecutor Muhammad Saifuddin Hashim Musaimi said that the prosecution had no control over documents under the Official Secrets Act.

He said the documents involve those from the Finance Ministry, Energy Transition and Water Transformation Ministry, and the Land Public Transport Commission (now the Land Public Transport Agency).

"For the Finance Ministry and the Energy Transition and Water Transformation Ministry, the documents are in the process of being downgraded.

"As for SPAD, since the commission has been dissolved, we have been informed that the documents are no longer in their possession. The process of downgrading documents classified as secret or confidential is not under the prosecution's control.

"It is subject to the agencies that hold these documents to determine whether they can be downgraded."

The judge fixed Nov 27 for further hearing, instructing all parties to prepare arguments on whether the court has the authority to grant a DNAA without an application from the prosecution.

Najib and Irwan were charged in October 2018 with six counts of CBT involving government funds used as payments to the International Petroleum Investment Company (IPIC).