

# NAJIB CAN SEEK HOUSE ARREST REVIEW

## Federal Court dismisses A-GC's final appeal related to royal addendum

RAHMAT KHAIRULRIJAL  
PUTRAJAYA  
rahmat@nst.com.my

**T**HE Federal Court has dismissed the Attorney-General's Chambers' (A-GC) final appeal to stop Datuk Seri Najib Razak's judicial review over a royal addendum allowing him to be placed under house arrest.

The ruling paves the way for Najib to proceed with his challenge in the High Court seeking to enforce the order.

The three-member bench led by Chief Judge of Malaya Tan Sri Hasnah Mohammed Hashim said it was pertinent to note that there was a concession by the A-GC that the addendum exists.

Other members of the bench were Federal Court judges Datuk Zabariah Mohd Yusof and Datuk Hanipah Farikullah.



Tan Sri Muhammad Shafee Abdullah (left) and Attorney-General Tan Sri Mohd Dusuki Mokhtar at the Palace of Justice in Putrajaya yesterday. NSTP PIC BY MOHD FADLI HAMZAH/BERNAMA PIC

Zabariah, when reading the unanimous decision, said this concession had a great impact on the questions posed before them, in particular the questions relating to the existence of the disputed new evidence.

She said the concession on the existence of the royal addendum order did not translate into its automatic admissibility as evidence.

The court said the alleged order must still meet the legal rules and criteria for admission as new evidence and its validity would only be determined at the substantive

hearing of Najib's judicial review.

"It is not our judgment herein that the addendum order is part of the pardons order and neither are we saying that it is not. It is premature at this stage for this court to make such a determination.

"The arguments and issues raised in the appeals before us are just to determine whether leave ought to be granted for the judicial review application.

"In conclusion, we allow the Addendum Order to be admitted as new evidence under Rule 7 of the Court of Appeal Rules 1994

and grant leave to the respondent (Najib) to file a judicial review application in the High Court.

"Accordingly, we remit the case to the High Court to be heard for the substantive judicial review proceedings before a new judge. We make no order as to costs."

On Jan 6, a three-judge Court of Appeal panel, in a split decision, allowed Najib to initiate a judicial review to determine the existence of an addendum allegedly issued by the former king.

Najib is serving a six-year jail sentence for misappropriating RM42 million from SRC International Sdn Bhd. The High Court originally sentenced him to 12 years in prison and fined him RM210 million. The decision was upheld by both the Court of Appeal and the Federal Court.

Following a petition for royal pardon on Sept 2, 2022, the sentence was reduced to six years and the fine lowered to RM50 million.

There was drama in court when Najib's lawyer, Tan Sri Muhammad Shafee Abdullah, asked the apex court to immediately hear the judicial review application.

He made the request moments after court ruled against the A-GC.

The court said the matter should first be communicated to the A-GC before it could be considered.

Shafee argued that Najib could not afford to lose another day in securing his right to serve his sentence under house arrest, adding that remitting the case to the High Court would take at least three to four months to be heard and years after appeals are filed.

Hasnah said: "I am the chief judge of Malaya. I give strict instructions for cases to be disposed of within 10 months. If you want us to hear the matter, we hardly have three months before retirement. We do not want to delay the matter."

She directed the case to be remitted to the High Court and fixed Aug 18 for case management.

She instructed the High Court to hear the case a month later after all parties had filed their affidavits simultaneously.

Nearly 200 people gathered outside the Palace of Justice in support of Najib. They were barred from entering the building, but allowed to remain at a carpark.

They chanted "Bossku", "Bebas Najib", "Keadilan untuk Najib" and "Hidup Bossku".