

Najib's house arrest bid dismissed

> Alleged addendum was neither deliberated upon nor approved by Pardons Board, says judge

■ BY THE SUN TEAM
newsdesk@thesundaily.com

KUALA LUMPUR: The High Court yesterday rejected Datuk Seri Najib Abdul Razak's bid to serve the remainder of his prison sentence under house arrest, ruling that the alleged addendum authorising such a move was invalid.

Justice Alice Loke Yee Ching said the purported addendum dated Jan 29, 2024 was neither deliberated upon nor approved during the 61st meeting of the Pardons Board, according to Bernama.

As a result, Najib must continue serving his sentence at Kajang Prison.

"The respondents have no power and no duty to obey or enforce it. Conversely, the applicant has no right to the relief of *mandamus*.

"The judicial review is therefore dismissed. I make no order as to costs."

Najib, 72, had sought a *mandamus* order to compel the home minister, the commissioner-general of prisons, the attorney-general, the Federal Territories Pardons Board and several other officials to confirm and enforce the alleged addendum.

The court noted that minutes of

the Pardons Board meeting showed the only action taken by the Yang di-Pertuan Agong was the reduction of Najib's prison term and fine, with no discussion or recommendation recorded on house arrest.

Loke stressed that the Yang di-Pertuan Agong acts as a constitutional monarch and must exercise the prerogative of mercy within the legal framework.

"Any exercise of this power must comply with safeguards set out in the Constitution. The alleged addendum does not meet these requirements and cannot be considered valid," she said.

She also rejected arguments that the order could be treated as a "respite" independent of the Pardons Board.

The judge said Malaysian law vests discretion over release on licence solely in the commissioner-general of prisons, rendering house arrest under the alleged addendum unenforceable.

Najib's legal team, led by Tan Sri Mohamed Shafee Abdullah, said they would appeal the High Court decision.

Speaking after the ruling, Mohamed Shafee said the defence would seek an early written judgment



A supporter looking dejected following the High Court's decision. - ADIB RAWI YAHYA/THESUN

and prepare the appeal record promptly to move the case to the Court of Appeal and potentially the Federal Court.

Najib has been serving his sentence since Aug 23, 2022, following his conviction in the SRC

International case involving the misappropriation of RM42 million.

His original 12-year jail term and RM210 million fine were reduced by the Pardons Board in September 2022 to six years' imprisonment and a RM50 million fine after his

petition for a royal pardon.

Present in court were Najib's wife Datin Seri Rosmah Mansor, his brother Tan Sri Nazir Razak and his children Datuk Mohd Nizar, Datuk Mohd Nazifuddin and Puteri Norlis.