

Appellate court takes judicial notice Najib cleared over 1MDB scandal
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The Court of Appeal took judicial notice today that Prime Minister Najib Abdul Razak has been cleared by the Public Accounts Committee (PAC), attorney-general, police, MACC and Bank Negara with regard to allegations on the 1MDB scandal.

Justice Yaacob Md Sam said this in dismissing the appeal by Petaling Jaya Utara MP Tony Pua to set aside an interim injunction imposed on him by the High Court.

The panel also comprised Justices Abang Iskandar Abang Mahmud and Zaleha Yusof.

The injunction was granted to Najib (*photo*) against Pua's claim in a Facebook Live session last April that the tabling of amendments to the Syariah Courts (Criminal Jurisdiction) Act (Act 355) by PAS in Parliament was to divert attention from 1MDB.

"The court recognises that any MP can introduce a private member's bill on any matter and it is the discretion of the (Dewan Rakyat's) speaker to allow the tabling.

"The allegation of a collusion with PAS was merely an assumption by Pua as he should know that, for any private member's bill, the MP can crave leave from the speaker of the House to table it," the judge said.

Justice Yaacob then added that the court had taken this judicial notice because, despite the allegations on the 1MDB matter, Najib had already been cleared by the AG, police, PAC, MACC and Bank Negara.

"The court takes judicial notice that the plaintiff (Najib) had done no wrong in the 1MDB issue. The court also takes note that the whole issue of 1MDB has been scrutinised and investigated by the PAC that has been appointed along with the MACC, police, Bank Negara and the AG.

"The result, which has been disclosed to the public, had cleared Najib from wrongdoing," said Justice Yaacob, the former chairperson of the Enforcement Agency Integrity Commission.

Injunction justified

The judge said the interim injunction imposed on Pua is justified, as the bench found the statement made to be defamatory.

He added that there was no suggestion that Pua's defence would succeed, and there was evidence that the DAP lawmaker would repeat such statements.

"In light of this, the High Court judge did not commit any misdirection to the case. Hence we dismiss the appeal by Pua," he said.

The bench indicated that a full judgment of the decision will be available next week.

The judgement is significant because it is the first time that a court has cleared Najib of wrongdoing in the 1MDB affair, despite the raft of suits filed against the prime minister, and the US Department of Justice describing it as the biggest kleptocracy case ever uncovered.

Besides Najib suing several politicians regarding their defamatory statements on 1MDB, there are still several suits pending, including those from [Ezam Md Noor](#) and [Pakatan Harapan Youth](#) (GANT1).

Previously, suits had been filed by Dr Mahathir Mohamad, Khairuddin Abu Hassan and Anina Saadudin, Pua, as well as former law minister Zaid Ibrahim, which had already been struck out or pending appeal.

On Aug 4 last year, Kuala Lumpur High Court judge Mohd Zaki Abdul Wahab [granted](#) the interim injunction on Pua after Najib filed the suit in April.

Gobind Singh, who appeared for Pua, said his client will file leave to appeal today's decision at the Federal Court.

He said that there was nothing before the court, in the form of affidavits from the AG, police, MACC or PAC, that Najib had been cleared.

"While we respect today's decision, the matter has to be appealed due to this, where we have also pleaded justification, qualified privilege and fair comment in the defence, which formed the basis for the injunction not to be granted in the first place.

"We may call the AG as a witness because of this. We will take it up," he added.

Najib was represented by lawyer Mohd Hafarizam Harun.

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