

Court Reaffirms PM Najib's Innocence On 1MDB

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By MT Webmaster

(Bernama) – The Court of Appeal has reaffirmed Prime Minister Datuk Seri Najib Razak had done nothing wrong in the 1Malaysia Development Bhd (1MDB) issue.

The court said it ought to take judicial notice of the fact that the attorney-general (AG) had made a decision to that effect.

In his 33-page judgment, Court of Appeal judge Datuk Yaacob Md Sam said the findings by the AG and the Malaysian Anti-Corruption Commission (MACC) on that matter were widely reported and they were in public domain and could never be disputed.

He said the court was of the view the High Court did not err in fact or law, in exercising its discretion to grant an injunction against Petaling Jaya Utara member of parliament Tony Pua Kiam Wee for the reason that his (Pua's) defence could not succeed in light of the evidence, especially on the AG's decision.

“The fact that such findings were therefore, notorious also cannot, in all fairness, be entertained as a serious contention,” he said, adding that those facts to be judicially noted existed in Najib's pleadings. He said once a fact was judicially noticed by the court, no proof was needed to be adduced to prove its existence.

Yaacob was one of three judges who presided on the Court of Appeal bench on Feb 14, this year that had decided in Pua's appeal against the decision of a High Court in relation to a defamation lawsuit filed by Najib against him Pua. That bench had dismissed Pua's appeal and upheld the High Court's decision in granting Najib an interim inter-parte injunction against Pua over an alleged defamatory video clip relating to the tabling of a Private Member's Bill to amend the Syariah Courts (Criminal Jurisdiction) Act 1965 or RUU355. In his judgment, Yaacob said Section 56 of the Evidence Act 1950 provided a legislative window through which the court may decide to judicially take notice of a fact or matter, for which no further proof needed to be adduced to establish its existence.

Yaacob also said the AG's decision was within the framework of the Federal Constitution.

He said Najib had succeeded in discharging the burden required of him in order to be granted the interim injunction against Pua, pending the disposal of his defamation suit against Pua.

"We are in full agreement with the submission of the learned counsel for the plaintiff (Najib) that the whole issue of 1MDB has been scrutinised and investigated by the Public Accounts Committee (PAC) appointed by Parliament," he added.

He said investigations were also carried out by MACC, Royal Malaysia Police, Bank Negara and the Attorney-General's Chambers (AGC), the result of which had been disclosed to the public by the AGC that Najib had done no wrong in relation to the 1MDB allegation. Yaacob said Pua's allegation on the issue of collusion between Najib, Barisan Nasional and PAS in RUU355 was merely an assumption and that it was entirely within the sole power and discretion of the Dewan Rakyat Speaker to regulate on the acceptance and business of the House whether to allow or not, any private member's bill.

He said upon examination of Pua's defence, it was manifestly clear that he was not the maker of the documents and those documents were hearsay evidence that were not within Pua's personal knowledge.

Najib sued Pua in his personal capacity, alleging that the latter had made defamatory statements against him on live video relating to the tabling RUU355.

The Prime Minister claimed the video clip uploaded by Pua or his agents on his official Facebook site, lasting two minutes and 21 seconds and entitled 'BN Govt abandons all Bills to give precedence to PAS RUU355 Private Member's Bill' could be accessed widely and freely on the internet.

On April 21, last year the High Court allowed Najib's application for an ex-parte injunction to restrain Pua from further publishing similar or the same words and on Aug 4, last year, the Prime Minister was also granted an inter-parte interim injunction by the High Court.

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Sources: <https://www.malaysia-today.net/2018/02/24/court-reaffirms-pm-najibs-innocence-on-1mdb/>