

Court of Appeal asks whether Rosmah's recusal bids appealable

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Rosmah Mansor is facing 12 money laundering charges and five charges in relation to a failure to declare her income to the Inland Revenue Board.

PUTRAJAYA: The Court of Appeal has instructed the prosecution and defence teams to file additional submissions as to whether it has jurisdiction to hear two appeals by Rosmah Mansor to recuse the judge hearing her money laundering and tax evasion trial.

The trial is fixed to be heard by Justice Zaini Mazlan in the High Court here.

Zaini was also the judge who heard and convicted Rosmah in her RM1.25 billion solar hybrid energy project corruption trial earlier this year.

Justice Hanipah Farikullah, who heads the three-member panel hearing the appeals, said they have read the written submissions filed by the prosecution and defence teams, but that further clarification was needed.

“It is (in relation to) whether the matter before us is appealable under Sections 3 read together with Section 51 of the Courts of Judicature Act,” she said.

Section 3 defines the term “decision” as any judgment, sentence or order made by the High Court, but does not include a ruling made in the course of a trial or which does not finally dispose of the rights of the parties.

Hanipah, who sat with Justices Ahmad Nasfy Yasin and Nordin Hassan, has given both parties a month to file their further written submissions.

Deputy public prosecutor Poh Yin Tinn, who is assisting ad hoc prosecutor Gopal Sri Ram, told reporters the appeals will be fixed for case management on Dec 23 pending filing of the submissions.

Rosmah, the wife of former prime minister Najib Razak, had called for Zaini to recuse himself from presiding over her ongoing money laundering case.

She claims that statements and exhibits tendered before the court in the earlier corruption case could directly or indirectly influence him in his decision in the current case.

On Dec 14 last year, Zaini dismissed Rosmah’s application, saying that, as a matter of law, he was required to consider each case separately and independently.

On April 25 this year, Zaini dismissed Rosmah’s second recusal application saying it was res judicata as Rosmah had made an identical application in her solar energy corruption trial which was also dismissed.

Lawyer Geethan Ram Vincent represented Rosmah in the first case, and Firoz Hussein Ahmad Jamaluddin appeared in the second.

Sri Ram appeared for the prosecution on both occasions.

Rosmah is facing 12 money laundering charges and five counts of failure to declare her income to the Inland Revenue Board (LHDN).

She is accused of committing the offences between Dec 4, 2013 and June 8, 2017.

On Sept 1, Zaini ruled that Rosmah, 70, had solicited RM187.5 million from former Jepak Holdings Sdn Bhd managing director Saidi Abang Samsudin through her former aide, Rizal Mansor, as an inducement to help the company secure the project.

He also found that she had received a RM5 million bribe from Saidi, through Rizal, at Seri Perdana in Putrajaya on Dec 20, 2016, and another RM1.5 million from Saidi at Jalan Langgak Duta on Sept 7, 2017.

Rosmah was sentenced to 10 years' imprisonment and a fine of RM970 million. She has filed an appeal.