

**DALAM MAHKAMAH TINGGI KUALA LUMPUR  
DALAM WILAYAH PERSEKUTUAN KUALA LUMPUR MALAYSIA  
(BAHAGIAN JENAYAH)**

**PERMOHONAN JENAYAH NO: - - -06/2020**

Dalam perkara Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-(11&12)-04/2019; Pendakwa Raya lawan Dato' Sri Mohd Najib bin Tun Hj Abd Razak & Arul Kanda ("Kes Audit/PAC");

Dan

Dalam perkara Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-7-11/2018; & Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-8-11/2018; Pendakwa Raya lawan Dato' Sri Mohd Najib bin Tun Hj Abd Razak ("Kes 1MDB")

Dan

Dalam Perkara Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-10-12/2018; Pendakwa Raya lawan Dato' Sri Mohd Najib Bin Tun Hj Abd Razak & Tan Sri Irwan Serigar ("Kes MOF")

Dan

Dalam perkara Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-6-02/2019; Dato' Sri Mohd Najib bin Tun Hj Abd Razak ("3 Pertuduhan AMLA");

Dan

Dalam Perkara pelantikan Dato Seri Gopal Sri Ram sebaga Timbalan Pendakwa Raya Kanan

Dan

Dalam perkara Dato Seri Gopal Sri Ram muncul bagi pihak Pendakwa Raya di dalam Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-(7&8)-11/2018 (Kes 1MDB), Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-10-12/2018, (Kes MOF) dan Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-(11&12)-04/2019 (Kes PAC/Audit) dan Kes Mahkamah Tinggi Kuala Lumpur Perbicaraan Kes No. WA-45-6-02/2019 (Kes 3 pertuduhan AMLA);

Dan

**AFIDAVIT SOKONGAN (No. 2)**  
*Disqualification of Datuk Seri Gopal Sri Ram*  
(No.2)

Dalam Perkara 5, Perkara 8, Perkara 121, Perkara 132 dan Perkara 145 Perlembagaan Persekutuan

Dan

Dalam perkara Seksyen 4, 5, 51, 172B(2), 376, 377, 378, 379 and 380A Kanun Prosedur Jenayah

Dan

Dalam Perkara Seksyen 4 dan 25(2) dan Perenggan 1 dan 14 Jadual Akta Mahkamah Kehakiman 1964

Dan

Dalam Perkara Seksyen 41 dan 44 Akta Relief Spesifik 1950

Dan

Dalam Perkara Seksyen 2, 18 dan 61 Akta Tafsiran 1948 dan 1967

Dan

Dalam Perkara Akta Profesion Undang-Undang 1976 dan (Kaedah Amalan dan Etika) Profesion Undang-Undang Peraturan 1978

Dan

Dalam Perkara Peraturan-Peraturan Pegawai Awam (Kelakuan & Tatatertib) 1993

Dan

Dalam perkara bidang kuasa sedia ada Mahkamah Yang Mulia ini

**ANTARA**

**DATO' SRI MOHD NAJIB BIN HJ ABD RAZAK**  
**(NO. K/P: 530723-06-5165)**

**...PEMOHON**

**PENDAKWA RAYA**

**DAN**

**...RESPONDEN**

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## AFIDAVIT SOKONGAN (NO.2)

*Permohonan Untuk Membatalkan Pelantikan Dato' Seri Gopal Sri Ram (No.2)*

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Saya, **TAN SRI MOHAMED APANDI BIN ALI (NO. K/P: 500211-03-5109)**, seorang warganegara Malaysia yang cukup umur dan mempunyai alamat di No. 2A, Jalan Dutamas Melor 1, Changkat Kiara Bayu, 50480 Kuala Lumpur dengan ini sesungguhnya dan dengan sesuci hatinya menyatakan seperti berikut:-

1. Saya mengikrarkan Afidavit ini bagi menyokong Notis Usul yang telah difailkan oleh Pemohon bertarikh 12.6.2020 untuk membatalkan kelayakan Dato Sri Gopal Sri Ram daripada bertindak sebagai Pendakwa Raya utama di dalam semua kes jenayah terhadap Dato Sri Mohd Najib bin Tun Hj Abd Razak ("**Dato Sri Najib**").

### A. Pendahuluan

2. Saya mendapat ijazah Sarjana Muda Undang-Undang pada tahun 1972 dari University of London. Pada tahun 1973, saya telah diterima masuk ke *Bar-at-Law of Inner Temple, London*. Pada tahun 1981, saya telah dianugerahkan Sijil Penggubalan Undang-Undang dari *Institute of Advance Legal Studies, London*.

3. Dari tahun 1973 hingga 1975, saya bertugas sebagai Majistret di Mahkamah Majistret, Kuala Terengganu. Dari tahun 1975 hingga 1977, saya dilantik sebagai Pengarah di Biro Bantuan Guaman di Kota Bharu, Kelantan.
4. Saya telah dilantik sebagai Timbalan Pendakwa Raya bagi negeri Kelantan dan Terengganu pada tahun 1977 dan telah berkhidmat di sana sehingga tahun 1980. Pada tahun 1980, saya telah dilantik sebagai Penasihat Undang-Undang di Kementerian Perindustrian dan Perdagangan.
5. Saya beramal sebagai peguambela dan peguamcara di Mahkamah Tinggi Malaya dari tahun 1982 hingga 2003. Setelah itu, saya telah dilantik sebagai Pesuruhjaya Kehakiman di Mahkamah Tinggi Kuantan pada 21 Disember 2004 dan kemudiannya disahkan sebagai Hakim Mahkamah Tinggi. Saya berkhidmat sebagai Hakim Mahkamah Tinggi sehingga 30 September 2010 yang mana saya telah seterusnya dinaikkan ke Mahkamah Rayuan. Saya dinaikkan ke Mahkamah Persekutuan pada 30 September 2013. Saya kekal sebagai Hakim Mahkamah Persekutuan sehingga peletakan jawatan saya pada 26 Julai 2015.
6. Saya telah dilantik sebagai Peguam Negara (“PN”) Malaysia pada 27 Julai 2015. Sebagai PN, saya juga merupakan Pendakwa Raya. Di bawah Artikel 145 (3) Perlembagaan Persekutuan, PN hendaklah mempunyai kuasa, yang boleh dilaksanakan mengikut budi bicaranya, untuk memulakan, menjalankan atau menghentikan apa-apa prosiding atas satu kesalahan, selain daripada prosiding-prosiding di hadapan mahkamah Syariah, mahkamah anak negeri atau mahkamah tentera. Saya berkhidmat sebagai PN

selama 3 tahun iaitu sehingga 4 Jun 2018 ketika saya diberhentikan di bawah Kerajaan baru yang diketuai oleh Perdana Menteri ketika itu, Tun Mahathir Mohamed.

**B. Insiden pada Januari 2018**

7. Suatu petang dalam bulan Januari 2018, Dato Sri Gopal Sri Ram (“GSR”) telah datang ke rumah saya setelah beberapa panggilan dibuat untuk bercakap dengan saya secara sendiri dan peribadi. Oleh kerana beliau juga merupakan seorang bekas hakim, saya bersetuju.
8. Beliau telah membayangkan bahawa beliau ingin meyakinkan saya dengan lebih lanjut untuk melepaskan akaun-akaun firma tertentu yang telah dibekukan oleh kerana peguam-peguam yang telah melantiknya perlu dibayar dan bayaran hanya dapat dibuat daripada akaun tersebut. Sebelum itu, beliau telah membuat representasi ke Jabatan Peguam Negara (“JPN”) bagi tujuan tersebut kerana saya adalah PN pada ketika itu tetapi setelah berunding dengan pegawai-pegawai saya dalam bahagian jenayah JPN, saya telah menulis kepada beliau dengan respon yang negatif.
9. Pada hari yang sama, beliau telah tiba di rumah saya yang beralamat seperti diatas bersama dengan seorang peguam muda yang berbangsa Cina, dan setelah duduk, beliau muls berhujah panjang tentang mengapa saya tidak seharusnya memberikan tindak balas yang negatif ke atas permintaanya tetapi saya telah membalas dan menjelaskan bahawa segala apa yang telah

dipertimbangkan secara teliti dan telah dihujahkan di antara kami, pegawai-pegawai di kamar.

10. Kemudian secara tiba-tiba beliau berkata bahawa perkara itu merupakan alasan yang semata-mata telah direka olehnya untuk berjumpa dengan saya pada hari tersebut dan beliau sebenarnya mempunyai agenda besar yang lebih penting. Beliau berkata, "*Tun M sent me to see you*" dan beliau menyambung, "*He wants you to arrest Najib at his office, you go tomorrow at 2PM, we have arranged for the police in Putrajaya to do what is necessary on your instructions. We have also arranged for a magistrate to issue the remand order when he is brought before him or her.*"
11. Beliau menyatakan selanjutnya "*Brother, you will be a hero in the eyes of the people and you will be the first AG to arrest a sitting Prime Minister.*" Beliau menambah, "*Don't worry, we have laid the ground plans, all I need now is for you to agree.*"
12. Kemudian saya bertanya kepada beliau, "*On what grounds is he supposed to be arrested for?*". Beliau menjawab, "*Brother, people out there are frustrated and unhappy, the fact that you arrest him, never mind the reason, will make people happy.*"
13. GSR telah memujuk saya dan beliau mahukan respon segera dari saya. Secara sopan saya telah menyatakan untuk membiarkan saya fikirkan dahulu. Beliau kemudiannya telah beredar bersama dengan peguam muda berbangsa Cina yang dibawa bersamanya. Pada ketika itu, saya dan keluarga

juga telah diserang di media sosial, bukan sahaja daripada pihak pembangkang tetapi juga dari kalangan pihak kerajaan ketika itu melalui *cyber troop*nya. Tidak ada sebab untuk saya menyelamatkan sesiapa ketika saya merupakan musuh bagi semua orang.

14. Pada 26 Januari 2016, saya telah memutuskan bahawa tiada kesalahan jenayah telah dilakukan oleh Dato' Sri Najib berkenaan dengan 3 kertas siasatan iaitu kertas siasatan MACC mengenai alegasi RM2.6 Bilion dan dua kertas siasatan yang berkaitan dengan Syarikat SRC International (“SRC”), *inter alia*, atas tuduhan suapan yang dikatakan diterima oleh Dato' Sri Najib daripada SRC dan tiada bukti yang menunjukkan bahawa Perdana Menteri ketika itu telah menyalahgunakan kedudukannya apabila Jemaah menteri telah meluluskan jaminan terhadap pinjaman sebanyak RM4 Bilion kepada syarikat SRC International daripada Kumpulan Wang Persaraan (Diperbadankan).
15. Saya telah menceritakan semula peristiwa ini dalam catatan terkini saya yang telah dimuatnaik di laman Facebook saya pada 10 Jun 2020 jam 8.08 malam

*Satu salinan catatan di laman Facebook Mohamed Apandi bin Ali pada 10 Jun 2020 pada jam 8.08pm di laman sesawang <https://www.facebook.com/mohamedapandi.ali/posts/2755017934626211> kini dikemukakan, ditunjukkan kepada saya dan ditandakan sebagai Exhibit “MAA-1”*

16. Pada malam 10 Jun 2020, saya telah ditemuramah oleh Haresh Deol dari [twentytwo13.my](http://twentytwo13.my). Dalam temuramah tersebut, saya telah mendedahkan identiti peguam muda yang berbangsa Cina yang telah datang bersama GSR sebagai seorang yang bernama Tey Jun Ren yang juga dikenali sebagai JR.

*Sesalinan artikel yang bertajuk “APANDI NAMES ‘YOUNG CHINESE LAWYER’ IN NAJIB ARREST TALK” yang telah diterbitkan pada 11 Jun 2020 di laman sesawang <https://twentytwo13.my/issues/apandi-names-young-chinese-lawyer-in-najib-arrest-talk/#.XuH26CqdZCY.twitter> kini dikemukakan, ditunjukkan kepada saya dan ditandakan sebagai Exhibit “MAA-2”*

**C. Kejadian seterusnya yang berlaku selepas Januari 2018**

17. Di antara 12 sehingga 24 Mei 2020, saya telah berkomunikasi dengan GSR melalui perkhidmatan pesanan mesej *WhatsApp*. Pada ketika itu, Pakatan Harapan baru sahaja mengambil alih Kerajaan Persekutuan setelah berjaya memenangi Pilihan Raya Umum ke-14 pada 9 Mei 2018.
18. Saya telah bertanya GSR dalam tempoh ini mengenai kedudukan saya sebagai PN oleh kerana terdapat berita-berita yang mencadangkan bahawa saya telah dipecat. Saya bertanya kepada GSR mengenai perkara ini kerana saya tahu dia merupakan penasihat Tun Dr. Mahathir, Perdana Menteri pada ketika itu. Dalam salah satu pesanan ringkas beliau kepada saya, GSR memberitahu saya yang dia benar-benar berharap bahawa saya telah mengikuti nasihatnya dan mendakwa “*that criminal Najib*”. Dia juga



mengatakan dalam pesanan ringkas yang sama bahawa Dato Sri Najib dan isterinya pasti akan *"to face the music"*.

19. Saya telah membalas mesejnya dengan menyatakan bahawa saya hanya bertindak berdasarkan kandungan kertas siasatan-kertas siasatan seperti yang telah diserahkan oleh agensi-agensi yang berkaitan, sepertimana yang telah dirakam. Saya telah bertindak dengan jujur pada masa itu dan pada setiap masa berdasarkan fakta dan undang-undang yang telah dibentangkan.
  
20. Saya terperanjat dengan mesej yang dibalas oleh GSR kepada saya yang telah mencadangkan bahawa hakikat wang telah dijumpai di dalam akaun Dato Sri Najib adalah dengan sendirinya sudah cukup untuk membuat pertuduhan ke atas Dato Sri Najib. Saya terkejut dengan sikapnya yang menunjukkan pendekatan yang tidak wajar yang datang daripada seorang bekas hakim mahkamah apex dan seorang peguambela jenayah terkemuka yang senantiasa berhujah mengenai hak untuk perbicaraan yang adil terutamanya bagi tertuduh. Saya telah diajar dan dilatih oleh yang individu-individu terbaik sebagai DPP semasa perkhidmatan saya yang sangat berharga dalam Kerajaan bahawa seorang pendakwa raya yang baik tidak akan memutuskan untuk mendakwa mana-mana pihak yang dituduh tanpa mengambil kira pernyataan tertuduh, dengan amaran atau sebaliknya, dan keseluruhan struktur cadangan pembelaan mana-mana pihak yang dituduh. Hanya dengan meneliti cadangan pembelaan tertuduh, seorang pendakwa raya yang berhati-hati dapat melakukan siasatan dengan lebih lanjut dan akhirnya dapat memutuskan bahawa pihak pendakwaan tidak hanya memiliki kes pendakwaan yang baik akan tetapi kes yang melampaui

keraguan munasabah walaupun pembelaan yang penuh dalam kertas siasatan telah dipertimbangkan secara menyeluruh .

21. Oleh itu, saya telah membalas dengan menyatakan bahawa berkenaan dengan kes RM2.6 bilion yang telah disiasat oleh Suruhanjaya Pencegahan Rasuah Malaysia (“**SPRM**”), telah terdapat penjelasan yang mencukupi dari pihak tertuduh yang telah memuaskan badan siasatan tersebut. Saya juga menyatakan bahawa SPRM telah mengeluarkan kenyataan-kenyataan media sebanyak dua kali yang membebaskan Dato 'Sri Najib.
  
22. GSR telah kemudiannya mengejutkan saya lagi apabila dia menjawab dengan menyatakan bahawa seorang pendakwa raya tidak perlu mengambil berat tentang versi pembelaan. Dia selanjutnya mengatakan bahawa apa yang diperlukan oleh seorang pendakwa raya hanyalah bukti prima facie mengenai suatu jenayah dan setelah perkara tersebut dapat dibuktikan, tertuduh hendaklah memberikan penjelasannya di mahkamah. Beliau juga mengatakan bahawa walaupun SPRM mungkin kononnya membebaskan seorang suspek, ia terpulang kepada pendakwa raya untuk membuat pertuduhan jika pernyataan saksi "A" menunjukkan terdapat kes dan pernyataan saksi "B" (yang mungkin berpihak kepada pihak pembelaan) tidak lagi perlu diambil kira untuk menentukan sama ada terdapat kes prima facie bagi tujuan mendakwa mana-mana tertuduh. Saya tidak pernah mendengar pandangan yang begitu pelik keluar daripada mulut seorang yang kononnya sangat berpengalaman. Saya membuat kesimpulan bahawa GSR mempunyai misi yang jelas berat sebelah terhadap Dato Sri Najib dalam semua kes-kes terhadap Dato Sri Najib.

23. Saya tidak membalas mesej GSR selepas itu.
24. Saya berasa terkilan apabila mendapat tahu bahawa GSR dilantik menjadi Timbalan Pendakwa Raya Kanan yang kononnya dilantik di bawah S.376(3) Kanun Prosedur Jenayah (“KPJ”). Saya merasakan hal ini tidak betul. Seorang TPR mestilah datang dari perkhidmatan perundangan dan kehakiman. GSR bukannya dari JPN. Dia diberikan kuasa untuk mengendalikan pendakwaan dibawah *fiat*, mengikut KPJ.

**OLEH ITU** saya memohon satu perintah seperti yang dipohon dalam Notis Usul yang telah difailkan disini.

Afidavit ini diikrarkan oleh )  
**TAN SRI MOHAMED APANDI BIN ALI** )  
**(NO. K/P: 500211-03-5109)** )  
Diikrarkan pada 12 JUN 2020 )  
Di **KUALA LUMPUR** )  
**WILAYAH PERSEKUTUAN** )



Di hadapan saya,



**AFIDAVIT SOKONGAN (No.2)** ini telah difailkan oleh Messrs Shafee & Co., peguambela dan peguamcara bagi pemohon yang dinamakan diatas yang mempunyai alamat penyampaian di No. 25, Jalan Tunku, Bukit Tunku, 50480 Kuala Lumpur.

Tel: 03-2694 8377 Fax: 03-2694 7307

**IN THE HIGH COURT OF MALAYA AT KUALA LUMPUR**  
**IN THE FEDERAL TERRITORY OF MALAYSIA**  
**(CRIMINAL DIVISION)**

**CRIMINAL CASE NO.: -06/2020**

In the matter of Kuala Lumpur High Court Case No. WA-45-(11&12)-04/2019; Public Prosecutor v Dato' Sri Mohd Najib Bin Tun Hj Abd Razak & Arul Kanda ("PAC/Audit Case");

And

In the matter of Kuala Lumpur High Court Case No. WA-45-7-11/2018 & Kuala Lumpur High Court Case No. WA-45-8-11/2018; Public Prosecutor v Dato' Sri Mohd Najib Bin Tun Hj Abd Razak ("1MDB Case");

And

In the matter of Kuala Lumpur High Court Case No. WA-45-10-12/2018; Public Prosecutor v Dato' Sri Mohd Najib Bin Tun Hj Abd Razak & Tan Sri Irwan Serigar ("MOF Case");

And

In the matter of Kuala Lumpur High Court Case No. WA-45-6-02/2019; Dato' Sri Mohd Najib bin Tun Hj Abd Razak ("3 AMLA Charges");

And

In the matter of the appointment of Datuk Seri Gopal Sri Ram as a Senior Deputy Public Prosecutor

And

In the matter of Dato' Seri Gopal Sri Ram appearing on behalf of the Public Prosecutor in Kuala Lumpur High Court Case No. WA-45-(7&8)-11/2018 (IMDB Case), Kuala Lumpur High Court Case No. WA-45-10-12/2018 (MOF Case) and Kuala Lumpur High Court Case No. WA-45-(11&12)-04/2019 (PAC/Audit Case) and Kuala Lumpur High Court Case No. WA-45-6-02/2019 (3 AMLA Charges Case);

And

In the matter of Article 5, Article 8, Article 121, Article 132 and Article 145 of the Federal Constitution

And

In the matter of Sections 4, 5, 51, 172B(2), 376, 377, 378, 379 and 380A of the Criminal Procedure Code

And

In the matter of Sections 4 and 25(2) and Paragraphs 1 and 14 of the Schedule of the Courts of Judicature Act 1964

And

In the matter of Sections 41 and 44 of the Specific Relief Act 1950

And

In the matter of Sections 2, 18 and 61 of the Interpretation Act 1948 and 1967

And

In the matter of the Legal Profession Act 1976 and the Legal Profession (Practice and Etiquette) Rules 1978

And

In the matter of the Public Officers (Conduct and Discipline) Regulations 1993

And

In the matter of the inherent jurisdiction of this Honourable Court

**BETWEEN**

**DATO' SRI MOHD NAJIB BIN HJ ABD RAZAK**  
**(NRIC: 530723-06-5165)**

**... APPLICANT**

**AND**

**PUBLIC PROSECUTOR**

**... RESPONDENT**

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**AFFIDAVIT IN SUPPORT (No. 2)**

*Affirmed by Tan Sri Mohamed Apandi bin Ali for the Application to Disqualify Dato' Seri Gopal Sri Ram (No. 2)*

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I, **TAN SRI MOHAMED APANDI BIN ALI (NRIC: 500211-03-5109)**, a Malaysian citizen of full age whose address is at No. 2A, Jalan Dutamas Melor 1, Changkat Kiara Bayu, 50480 Kuala Lumpur do hereby solemnly and sincerely affirm as follows:-

1. I am affirming this Affidavit in support of the Notice of Motion filed by the Applicant dated 12.6.2020 to disqualify Dato Sri Gopal Sri Ram from acting as the lead Prosecutor in all criminal cases against Dato Sri Mohd Najib bin Tun Abd Razak (“**Dato Sri Najib**”).

**A. INTRODUCTION**

2. I received a Bachelor of Laws degree in 1972 from the University of London. In 1973, I was admitted to Bar-at-Law of the Inner Temple, London. In 1981, I was awarded a Certificate of Legal Drafting from the Institute of Advance Legal Studies, London.
3. From 1973 to 1975, I served as a Magistrate at the Magistrates Court, Kuala Terengganu. From 1975 to 1977, I was appointed as the Director at Legal Aid Bureau in Kota Bharu, Kelantan.

4. I was appointed as a Deputy Public Prosecutor for Kelantan and Terengganu in 1977 and served there until 1980. In 1980, I was appointed as the Legal Adviser in the Ministry of Industry and Trade.
5. I practised as an advocate and solicitor in the High Court of Malaya from 1982 until 2003. Thereafter, I was appointed as a Judicial Commissioner in Kuantan High Court on the 21<sup>st</sup> December 2004 and was subsequently confirmed as a full High Court Judge. I served as a High Court Judge until 30<sup>th</sup> September 2010 when I was elevated to the Court of Appeal. I was elevated to the Federal Court on 30<sup>th</sup> September 2013. I remained as a Federal Court Judge until my resignation on 26<sup>th</sup> July 2015.
6. I was appointed as the Attorney General (“AG”) of Malaysia on 27th July 2015. As the AG, I was also wearing the hat as the Public Prosecutor. Under Article 145(3) of the Federal Constitution, the AG shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for an offence, other than proceedings before a Syariah court, a native court or a court-martial. I served as the AG for 3 years until 4<sup>th</sup> June 2018 when I was terminated under the new Government led by the Prime Minister Tun Mahathir Mohamed.

**B. INCIDENT IN JANUARY 2018**

7. One late afternoon in January 2018, Dato Sri Gopal Sri Ram (“GSR”) came to my house after a couple of calls wanting to speak to me personally and privately. As he was a former brother judge, I had obliged.



8. He had indicated that he wanted to persuade me further to unfreeze the accounts of a certain firm as the lawyers who had engaged him needed to be paid and it was from that said account that they were to be paid from. He had earlier sent in a representation for that purpose to the Attorney General Chambers (“AGC”) as I was the AG at that time but after consultation with my officers in the criminal division, I wrote to him with a negative response.
9. On the same day, he had arrived at my house addressed as above with a young Chinese lawyer, and upon sitting down, he launched into his long argument of why I should not have responded negatively to his request but I countered him and explained that everything I had put in the reply was carefully thought out and argued amongst us the officers in the Chambers.
10. Then suddenly, he said, that that was only an excuse he created in order to see me that day and that he had a bigger urgent agenda at hand. He said, “Tun M sent me to see you.” and he continued “He wants you to arrest Najib at his office, you go tomorrow at 2pm, we have arranged for the police in Putrajaya to do what is necessary on your instructions. We have also arranged for a magistrate to issue the remand order when he is brought before him or her.”
11. He continued, “Brother, you will be a hero in the eyes of the people and you will be the first AG to arrest a sitting Prime Minister.”. He adds, “Don’t worry, we have laid the ground plans, all I need now is for you to agree.”

12. Then I asked him, “On what grounds is he supposed to be arrested for?”. He said, “Brother, people out there are frustrated and unhappy, the fact that you arrest him, never mind the reason, will make people happy.”
13. GSR was persuasive and he had wanted my response immediately. Out of politeness, I had said to let me sleep on it. He then left with the young Chinese lawyer he brought with him. At that time, my family and I were also under attack in social media, not only from the opposition but also from within the then government of the day cyber troopers. There is no reason for me to save anyone when I was “everyone’s enemy.”
14. I had decided on the 26<sup>th</sup> January 2016 that no criminal offence has been committed by Dato Sri Najib in relation to the 3 investigation papers, *viz*, the MACC on the alleged RM2.6 billion and the two investigation papers in relation to SRC International (“SRC”), *inter alia*, on the allegation of the gratification received by Dato Sri Najib from SRC and there was no evidence to show that the then Prime Minister had abused his position when the cabinet had approved the guarantees on the RM4 billion loan to SRC International from Kumpulan Wang Persaraan (Diperbadankan).
15. I had recounted this event in a recent post on my Facebook page on 10<sup>th</sup> June 2020 at 8.08pm

*A copy of the post on the Facebook page of Mohamed Apandi bin Ali on 10<sup>th</sup> June 2020 at 8.08pm at <https://www.facebook.com/mohamedapandi.ali/posts/>*

*2755017934626211 is now produced, shown to me and marked as Exhibit "MAA-1"*

16. On the night of 10<sup>th</sup> June 2020, I was interviewed by Haresh Deol from twentytwo13.my. In that interview, I disclosed the identity of the young Chinese lawyer who came with GSR to be one Tey Jun Ren, also known as JR.

*A copy of the article entitled "APANDI NAMES 'YOUNG CHINESE LAWYER' IN NAJIB ARREST TALK" published on 11th June 2020 at <https://twentytwo13.my/issues/apandi-names-young-chinese-lawyer-in-najib-arrest-talk/#.XuH26CqdZCY.twitter> is now produced, shown to me and marked as Exhibit "MAA-2"*

**C. SUBSEQUENT INCIDENT POST JANUARY 2018**

17. Between 12 to 24<sup>th</sup> May 2018, I was in communication with GSR through the WhatsApp messaging service. At that time, Pakatan Harapan Coalition had just taken over the Federal Government after their win in the 14<sup>th</sup> General Election on 9<sup>th</sup> May 2018.
18. I had inquired from GSR during this period regarding my position as the AG as there was news suggesting I had been sacked. I asked GSR about this as I knew he was advising Tun Dr. Mahathir, the Prime Minister then. In one of his messages to me, GSR told me that he really wished that I had followed his advice and charge "that criminal Najib". He also said in the same message that Dato Sri Najib and his wife are certain "to face the music".

19. I replied to his message stating that I just acted based on the contents of the investigation papers as submitted by the relevant agencies as recorded. I had acted then and always honestly based on the facts and the law presented.
20. Shockingly, GSR had replied to me suggesting that the mere fact that monies were found in Dato Sri Najib's account by itself was sufficient to charge Dato Sri Najib. I was surprised at his attitude which exemplifies an unreasonable approach especially coming from an ex apex court judge and an eminent criminal defence counsel who had always been preaching on the right to a fair trial especially for an accused person. When I was a DPP in my previous vocation in the Government service, I was taught and trained that a good prosecutor would not decide to charge any accused person without taking into account the accused's statement, cautioned or otherwise, and the entire structure of the proposed defence of any accused person. Only by studying carefully an accused proposed defence would a careful prosecutor be able to seek for further investigations and finally decides on the basis that the prosecution not only have a good prosecution's case but a case of beyond reasonable doubt even when the full defence alluded to in the investigation papers have been fully considered.
21. So, I retorted by saying that in respect of the RM2.6 billion case investigated by the Malaysian Anti-Corruption Commission ("MACC"), there were sufficient explanation by the accused that satisfied the investigation agency. I also said that the MACC came out twice with press statements exculpating Dato' Sri Najib.

22. GSR then further surprised me when he replied saying that a prosecutor is not concerned with the defence version. He further said that all a prosecutor needed is prima facie evidence of a crime and once that is made out, it is for the accused to give his explanation in court. He also said that though MACC may purport to clear a suspect, it is for the Public Prosecutor to charge the accused if statements of the “A” witnesses show a case and that the statements of “B” witnesses (presumably in favour of the defence) do not matter to determine whether there is a prima facie case for purposes of charging any accused. I have never heard of such a jaundiced view coming from the mouth of such purportedly an experienced person. I concluded that GSR had a mission with a clear bias against Dato Sri Najib in all of Dato Sri Najib’s cases.
23. I did not reply to GSR’s message after that.
24. I was horrified upon learning that GSR was appointed to be a senior DPP purportedly under S.376(3) of the Criminal Procedure Code (“CPC”). I think it is a misnomer. A DPP must come from the Legal and Judicial Service. GSR is not from the AGC. He was given the authority to conduct the prosecution via a fiat, under the CPC.

**WHEREFORE** I pray for an order in terms of the Notice of Motion filed herein.

To an affidavit by one )  
**TAN SRI MOHAMED APANDI BIN ALI** )  
**(NRIC NO.: 500211-03-5109)** )  
Sworn on 12 JUN 2020 )



Before Me,



Commissioner for Oaths

CHAMBERS TWENTY FIVE  
NO 25, JALAN TUNGKU, BUKIT TUNKU  
50480 KUALA LUMPUR

This **AFFIDAVIT IN SUPPORT (No.2)** is filed by Messrs Shafee & Co., solicitors for the Applicant above-named whose address of service is at No. 25, Jalan Tunku, Bukit Tunku, 50480 Kuala Lumpur.

Tel: 03-2694 8377 Fax: 03-2694 7307

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**DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR  
(BAHAGIAN JENAYAH)**

**PERMOHONAN JENAYAH NO.:** \_\_\_\_\_

DI ANTARA

**DATO' SRI MOHD NAJIB BIN HJ ABD RAZAK**                      **...PEMOHON**  
**(NO. K/P: 530723-06-5165)**

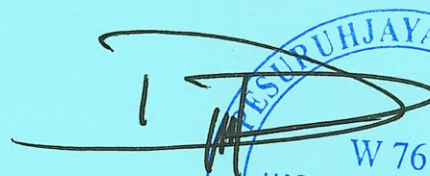
DAN

**PENDAKWA RAYA**    **...RESPONDEN**

**SIJIL PERAKUAN EKSIBIT**

Saya dengan ini mengesahkan bahawa dokumen yang berikut ini adalah ekshibit yang ditandakan "MAA-1" yang dirujuk dalam Afidavit Sokongan yang diikrarkan oleh **TAN SRI MOHAMED APANDI BIN ALI** telah diikrarkan di hadapan saya pada      **12 JUN 2020**

Di hadapan saya,

  
.....  
**PESURUHJAYA SUMPAH**  
**MALAYSIA**  
CHAMBERS TWENTY FIVE  
NO 25, JALAN TUNKU, BUKIT TUNKU  
50480 KUALA LUMPUR

**W 761**  
**HADINUR MOHD SYARIF**  
**01/05/2019 - 31/12/2021**



Daftar

E-mel atau Telefon

Kata Laluan

Bahasa Melayu · English (UK) ·  
中文(简体) · Bahasa Indonesia · EspañolPrivasi · Terma · Pengiklanan · Pilihan Iklan ·  
Kuki · Lagi  
Facebook © 2020

Mohamed Apandi Bin Ali

Semalam jam 5:08 PG ·

A prelude to a chapter in my memoirs!

One evening in January 2018, Dato Sri Gopal Sri Ram came to my house after a couple of calls wanting to speak to me personally and privately.

Since he was a former brother judge, I obliged.

He had indicated that he wanted to persuade me further to unfreeze the accounts of a certain firm as the lawyers who had engaged him needed to be paid and it was from that said account that they were to be paid from.

He had earlier sent in a representation to the AGC as I was the AG at that time but after consultation with the officers in the criminal division, I wrote to him with a negative response.

He arrived at my house with a young Chinese lawyer, and upon sitting down, he launched into his long argument of why I shouldn't have responded negatively but I countered him and explained that everything I had put in the reply was carefully thought out and argued amongst us in chambers.

Then suddenly, he said, that that was only an excuse to see me and that he had a bigger agenda at hand.

"Tun M sent me to see you."

"He wants you to arrest Najib at his office, you go tomorrow at 2pm, we have arranged for the police in Putrajaya to do what is necessary on your instructions. We have also arranged for a magistrate to issue the remand order when he is brought before him or her."

"Brother, you will be a hero in the eyes of the people and you will be the first AG to arrest a sitting Prime Minister."

"Don't worry, we have laid the ground plans, all I need now is for you to agree."

Then I asked him, "On what grounds is he supposed to be arrested for?"

He said: "Brother, people out there are frustrated and unhappy, the fact that you arrest him, never mind the reason, will make people happy."

Gopal Sri Ram was persuasive and he had wanted a response immediately.

I said to let me sleep on it.

He then left with the young Chinese lawyer he brought with him.

At that time, my family and I were also under attack in social media, not only from the opposition but also from within the then government of the day cyber troopers.

There is no reason for me to save anyone when I was "everyone's enemy."

Gopal Sri Ram can deny this but I would like to caution that at that material time I was the AG and my house was fitted with CCTV, (one specifically for the hall) and not to mention my bodyguards and the police personnel who was manning the guardhouse in front of my house - CCTV will not lie and I, too, have witnesses.

4.8K

21 Komen 3.1K Perkongsian

Lihat lebih banyak lagi Mohamed Apandi Bin Ali di Facebook

Log Masuk

atau

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Kuki · Lagi  
Facebook © 2020

Lihat lebih banyak lagi Mohamed Apandi Bin Ali di Facebook

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<https://www.facebook.com/mohamedapandi.ali/posts/2755017934626211>

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**DALAM MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR  
(BAHAGIAN JENAYAH)**

**PERMOHONAN JENAYAH NO.:** \_\_\_\_\_

DI ANTARA

**DATO' SRI MOHD NAJIB BIN HJ ABD RAZAK** ...PEMOHON

(NO. K/P: 530723-06-5165)

DAN

**PENDAKWA RAYA** ...RESPONDEN

**SIJIL PERAKUAN EKSIBIT**

Saya dengan ini mengesahkan bahawa dokumen yang berikut ini adalah ekshibit yang ditandakan "MAA-2" yang dirujuk dalam Afidavit Sokongan yang diikrarkan oleh **TAN SRI MOHAMED APANDI BIN ALI** telah diikrarkan di hadapan saya pada **12 JUN 2020**

Di hadapan saya,

  
.....  
**PESURUHJAYA SUMPAAH**  
**MALAYSIA**  
CHAMBERS TWENTY FIVE  
NO 25, JALAN TUNKU, BUKIT TUNKU  
50480 KUALA LUMPUR

*(Circular stamp: PESURUHJAYA SUMPAAH MALAYSIA, MADHUR MOHD SYARIF, 01/05/2019-31/12/2021, W 761)*



# TWENTY TWO | 13

ISSUES

By HARESH DEOL / JUNE 11, 2020 @ 4:30 PM

## APANDI NAMES 'YOUNG CHINESE LAWYER' IN NAJIB ARREST TALK



**T**he 'young Chinese lawyer' who had accompanied Datuk Seri Gopal Sri Ram to former Attorney-General Tan Sri Mohamed Apandi Ali's home in January 2018 has been identified as Tey Jun Ren.

Apandi, had during his conversation with *Twentytwo13* last night, identified the lawyer by saying: "He is known as JR ... Tey Jun Ren."



Apandi yesterday alleged Sri Ram who wanted him to arrest then Prime Minister Datuk Seri Najib Razak, had been accompanied by 'a young Chinese lawyer'.

Checks on the Malaysia Bar website showed Tey, a Universiti Kebangsaan Malaysia law graduate, was admitted to the Bar on Sept 6, 2013 with his firm based in Jalan Ampang.

This morning, *Twentytwo13* reached out to Tey who, over the phone and through WhatsApp messages, requested that an email be sent regarding the matter.

*Twentytwo13* sent Tey an email with several questions namely his views about Apandi's claims, the purpose of his visit and presence at Apandi's house as alleged and Tey's relationship with Sri Ram.

Tey replied: "No comment."

Sri Ram had also declined to comment on Apandi's allegations, as reported by several dailies this morning.

Those close to Dr Mahathir said the former Prime Minister does not see the need to respond yet to Apandi's Facebook posting, adding "it was something between Apandi and Sri Ram."

Tey has represented several high-profile individuals in the past including a Tan Sri in connection with an alleged RM2 million bribe offer to Sultan of Johor Sultan Ibrahim Iskandar in 2017.

According to Markets Insider, a stock market site run by Business Insider, a Tey Jun Ren is listed as a shareholder (1.35 per cent) of Berjaya Corporation Berhad.

Apandi, had in a Facebook posting last night (8.08pm) made a damning allegation implicating former Federal Court judge turned lawyer Sri Ram and Tun Dr Mahathir Mohamad. He told *Twentytwo13* that this was just the beginning of more revelations.

Apandi also told this news website he has "a lot to say", adding "you will be reading it in my memoirs".

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had been filed and fixed for hearing.”

*“Banyak, banyak cerita (Many stories). A lot to write, a lot to tell,”* he told *Twentytwo13*.

Apandi said he made posting because he wanted the people to know the truth.

Apandi had in posting yesterday, wrote:

*He (Sri Ram) arrived at my house with a young Chinese lawyer, and upon sitting down, he launched into his long argument of why I shouldn't have responded negatively but I countered him and explained that everything I had put in the reply was carefully thought out and argued amongst us in chambers.*

*Then suddenly, he said, that that was only an excuse to see me and that he had a bigger agenda at hand.*

*“Tun M sent me to see you.”*

*“He wants you to arrest Najib at his office, you go tomorrow at 2pm, we have arranged for the police in Putrajaya to do what is necessary on your instructions. We have also arranged for a magistrate to issue the remand order when he is brought before him or her.”*

*“Brother, you will be a hero in the eyes of the people and you will be the first AG to arrest a sitting Prime Minister.”*

*“Don't worry, we have laid the ground plans, all I need now is for you to agree.”*

*Then I asked him, “On what grounds is he supposed to be arrested for?”*

*He said: “Brother, people out there are frustrated and unhappy, the fact that you arrest him, never mind the reason, will make people happy.”*



He then left with the young Chinese lawyer he brought with him.

(End of excerpt).

Apandi, during his conversation with *Twentytwo13*, dismissed the revelation was a political move, stressing he no longer had any links to Umno.

Apandi was appointed A-G during Najib's time in office but was replaced by Tan Sri Tommy Thomas after Pakatan Harapan won the 14th general election in May 2018.

The Umno-led Barisan Nasional coalition suffered an embarrassing defeat in the said election as Najib was implicated in several high-profile cases, namely SRC International and 1Malaysia Development Berhad (1MDB).



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#JUDICIARY #LAW #LEGAL #MALAYSIA

## Haresh Deol ALL POSTS

Haresh Deol is a multi-award winning journalist. He can be reached at haresh.deol@twentytwo13.my or on Twitter (@HareshDeol).

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