



**Resolution Adopted at the 78th Annual General Meeting of the Malaysian Bar
(Held on 16 March 2024)**

Resolution Regarding the Pardons Board's Decision Concerning Najib Abdul Razak's Sentence in the SRC International Case

1. WHEREAS Najib Razak, a former Prime Minister and Minister of Finance, was charged in 5 separate prosecutions for grave crimes relating to Malaysia's worst and most invidious financial scandal involving our sovereign fund, 1MDB;
2. WHEREAS he was found guilty by the High Court in the SRC trial, and sentenced (concurrently) to 72 years jail and a fine of RM210 million;
3. WHEREAS his appeal was dismissed by the Court of Appeal and the Federal Court, with the apex Court also dismissing his Review Application;
4. WHEREAS he commenced his jail sentence in August 2022;
5. WHEREAS the *Tanore* trial involving his alleged receipt of USD600 million of 1MDB's monies has been on-going in the past 3 years, and is still pending in the High Court;
6. WHEREAS serious accusations of his personal and direct involvement in the affairs of 1MDB, and his unusual relationship with Jho Low, have been testified to by numerous prosecution witnesses in the *Tanore* trial;
7. WHEREAS Najib Razak has never shown any remorse or contrition as to his involvement in the 1MDB affairs; and, on the contrary, he continues to claim or allege that it is our Courts that have not treated him fairly or justly;
8. WHEREAS, by his actions, including signing or causing the signing of guarantees on behalf of the Government of Malaysia, the taxpayers and people of Malaysia are forced to incur and pay the debts of 1MDB exceeding RM50 billion, which money could have been used to build hospitals and schools, and to otherwise benefit the people as a whole;
9. WHEREAS he has only served 1½ years of his jail sentence, and hence his application for a pardon ought not to have been processed and determined in the first place;

10. WHEREAS he has not paid the fine handed down on him;

11. WHEREAS the international image of Malaysia has been gravely harmed by the 1MDB scandal, including being described by Loretta Lynch, the then US Attorney General, that it was the largest kleptocracy investigated in US history; and being the subject of a Netflix Documentary “*Men on the Run*”. Indeed, the Court of Appeal in the SRC appeal called it “*a national embarrassment*”; and

12. WHEREAS, having regard (*inter alia*) to the above-mentioned matters, the Malaysian Bar views the Pardons Board as having acted “*ultra vires*” Article 42 of the Federal Constitution, and in contravention of the law; in reducing Najib Razak’s jail sentence to half and in reducing his fine to RM50 million.

Therefore, the Malaysian Bar resolves that:

The in-coming Bar Council, on behalf and in the name of the Malaysian Bar, challenges the legality of the said decisions of the Pardons Board, by urgently instituting Judicial Review proceedings against the Pardons Board and Najib Razak (in such manner and on such grounds as may be advised by its counsel).