

## **Is Najib serious in wanting to sue WSJ?**

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MP SPEAKS By now everyone on this planet knows that The Wall Street Journal (WSJ) has made a very serious allegation against Malaysian Prime Minister Najib Abdul Razak.

The allegations may be true or false and only Najib is able to determine that.

If he really cares about protecting his reputation, he has no choice but to put the record straight by suing WSJ for defamation.

The issue now is whether he is willing to do that.

For the record, so far, Najib has sued several individuals for defamation. He has sued MPs Tony Pua, Rafizi Ramli and Nga Kor Ming; Dr Rosli Yaakob (Harakah); and Taufek Yahya (harakahdaily.com). All the suits have been filed in Malaysian courts.

It is interesting to note here that Harakah's Rosli is being sued for an article which substantially contained reports from The New York Times (NYT).

When asked by reporters as to why he decided to sue harakahdaily.com, Najib stated that he has to protect his integrity as well as his family's reputation.

### **Selective protection of reputation**

However, what really puzzled many was why he never sought to protect his reputation or his family's good name by filing a libel suit against the powerful NYT.

Why is he being selective in protecting his reputation?

Despite the fact there are reports indicating that Najib would sue Sarawak Report, hitherto no summons has been filed by him against such portal.

The fact that the Malaysian Communications and Multimedia Commission (MCMC) is being used to block the public from accessing such a powerful whistleblower site, the dream of Malaysians to see our prime minister facing the Sarawak Report in court remains gloomy.

By suing the individuals who are linked to opposition parties, Najib has, in fact, set a new precedent in Malaysian politics in that for the first time in Malaysia, the prime minister has used the courtroom to fight against his political enemies.

Whilst it is not legally wrong for him to sue anybody for any cause of action, the legal fraternity is very concerned with this unhealthy trend.

## **Judges' appointment**

In one way or another, Najib, being the prime minister, has says and influence in so far as the appointment of judges are concerned.

Be that as it may, any judge who is assigned to hear his claim would naturally be put in a precarious position.

Being a human being who aspires for promotion in the judicial hierarchy, it is normal that the judge being assigned to hear Najib's suit would be uncomfortable to be given an option between the dispensation of justice without fear and favour, and the unhindered pursuit of his or her judicial ambition.

Najib has resigned to the fact that in terms of encountering criticism from his opponents, former premier Dr Mahathir Mohamad was relatively more daring and confident.

Despite being labelled with so many epithets, Mahathir, to his credit, has never used the court to silence his critics by filing libel suit.

It seems that Mahathir never believed in the notion of bankrupting his political enemy with hefty libel damages as the late Lee Kuan Yew used to do to his political rivals.

## **'No guts to face foes'**

Najib began his premiership with a plethora of sweet promises of respecting and broadening freedom of speech and in turn, abolishing draconian laws yet his promises are well known to be happily broken than adhered to.

By using the courtroom as his platform to redeem his reputation, if any, Najib cannot escape the reasonable perception that he has no guts to face his enemy on a political platform.

His unwillingness to debate head on with Mahathir in a forum titled 'Nothing to Hide' reflects that he has everything to hide from the public on 1MDB.

Najib has instructed his lawyer to write a letter to WSJ not demanding an apology, withdrawal of the impugned article, and damages, but instead asking clarification from the latter.

Since WSJ is reported to have maintained the position that its article does not contain defamatory imputation against Najib, the ball is now in Najib's court for him to pursue his next step.

The only move which signifies his seriousness of rubbishing such damaging allegations by WSJ is to take on such a powerful newspaper i.e by suing the latter for defamation in a US court. Najib has to retain an American firm or attorney to proceed with libel suit there.

Legally speaking, Najib cannot sue WSJ in Malaysia simply because, as lawyers used to say, the cause of action took place in the US.

In fact, it is plainly ironic for Najib to engage a Malaysian legal firm to write to WSJ, prompting comments that Najib has never been serious in protecting his reputation vis a vis WSJ's serious allegation.

### **Doing 'something'**

Many speculate such a move by Najib - instructing a Malaysian lawyer to write to WSJ - is mere camouflage to drive home the message to the voters that he is doing something on such allegations, when in reality, he has no intention to meet WSJ in court.

Only Najib can remove such a speculation.

Historically speaking, Najib has failed to redeem his reputation when he was seriously implicated by an article published in a French newspaper relating to the issue of Altantuya.

He never sued the newspaper, despite the serious and damaging accusations made against him.

Recently he has also failed to sue NYT which revealed many shocking allegations against him and his family.

Najib has to prove to the entire world that his critics are wrong in harbouring suspicion that he is not willing to face WSJ in court.

He equally has to show the nation that he is not a jaguh kampung (smalltown hero) in that he is only willing to face his domestic opponents who are relatively weaker in terms of financial strength.

On the contrary, being blessed with darah pahlawan Bugis (Bugis warrior blood), he is ready and willing to take on WSJ anytime, anywhere!

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