

PM wants to know if WSJ will block lawsuit with Speech Act

MalaysiaKini.com

Sept 30th, 2015

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Prime Minister Najib Abdul Razak wants to know if the Wall Street Journal will invoke the 'Securing the Protection of our Enduring and Established Constitutional Heritage (Speech) Act' if he decides to sue the publication.

Najib's lawyer Mohd Hafarizam Harun said he has written to senior counsel Philip Jeyaretnam, who is acting for WSJ, to ask whether the US-based newspaper would do so.

The Speech Act, explained Hafarizam, protects US companies, in particular media companies, from facing a judgment of defamation outside the US.

"If I go and sue WSJ and I get a court judgment, and now I want to go to the US and have it registered, the US company will say 'show me that the freedom of speech in Malaysia and the courts are like the freedom of speech and courts in the US'.

"So I asked WSJ, if I do sue you, and I do get a judgment in Malaysia, will you invoke that particular Act to protect you from (the judgment) being executed in the US?" he said at the Kuala Lumpur High Court today.

He further explained that the Act prohibits the enforcement of the judgment, until Najib can show that the courts in Malaysia are as independent as US courts and freedom of speech and media is of the same standard.

"I don't want to file a case in Malaysia, get a judgment, and it becomes a paper judgment in the US because WSJ will say that it will invoke its Speech Act.

"Isn't that a futile exercise?" he asked.

Najib is mulling taking legal action against WSJ after the daily published a report claiming that RM2.6 billion was deposited into his personal accounts.

The Malaysian Anti-Corruption Commission confirmed that the funds were in Najib's account, and that it came from a middle-eastern source.

Najib has claimed that the sum is a political donation.

'Free and independent'

Meanwhile, when pointed out that they could strive to prove that Malaysia's freedom of speech and media as well as its judiciary were indeed free and independent, Hafarizam had this to say.

"The problem is this; you are letting the US courts and the media to say that the Malaysian court is nothing but a Zimbabwean court."

He added that Malaysia's freedom of the press is nothing like in Singapore, "where you cannot say anything about the government and the prime minister".

"(So) why would you let a foreign institution dictate that the courts (here) are not independent?" asked Hafarizam.

The lawyer confirmed that the letter to WSJ's Singaporean appointed lawyer was sent in the middle of this month and he had until Sept 30 to reply.

"Maybe I will get an email later," he quipped, when it was pointed out that Sept 30 is today.

As for the letter, he said: "If they say no (that WSJ will not invoke the Speech Act) then I might go and advise my client, that it's time for us to take action against WSJ."

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Source: <http://www.malysiakini.com/news/314044>