

Enough of the charade, take WSJ to court

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Yoursay

YOURSAY | 'Najib's main aim should be to vindicate himself once and for all.'

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

Res Ipsa: Until The Wall Street Journal (WSJ) expose, everything was quiet as though nothing happened.

But once it was revealed that US\$700 million (RM2.6 billion) was deposited in PM Najib Razak's bank account, a clarification letter goes to WSJ to confirm if they stand by their allegations.

When WSJ answered in the affirmative, Najib did not commence legal action against WSJ to clear his name. His lawyers merely stated that they needed more time to study the matter.

Now they have the cheek to ask WSJ lawyers whether the international financial daily will seek statutory protection if they seek to enforce the judgment (obtained in Malaysia) in the United States.

It's akin to putting the cart before the horse. Najib, file the suit first if you dare and let WSJ defend its case in the Malaysian court.

Your main aim should be to vindicate yourself once and for all, and once you have been cleared by the court, the enforcement of the judgment in the US can be the next step.

Ferdtan: We don't know where to hide our face when you have a Malaysian lawyer who acted in such a ridiculous way in a possible lawsuit.

What Najib's lawyer Mohd Hafarizam Harun was requesting from the WSJ's lawyers is akin to a small boy, before making his move to fight another boy, asked him what he would do if they were to fight.

Hafarizam, if you want to fight - in this case a lawsuit - just 'fight-lah' regardless of what your opponent will do to defend themselves.

This shows that he (Hafarizam's client, that is) is reluctant to proceed with the 'hard-to-win' lawsuit, and is finding a way out of taking action to clear his name.

Quigonbond: I don't believe what I'm reading. Najib is effectively saying he only dares to go to Malaysian court but not a US court, which we know why.

As if that's not bad enough, he instructed his lawyer to ask the counsel for WSJ whether

they would prefer not to invoke anything that they can use to protect them or use in their defence. How naive is that?

If I were WSJ, I wouldn't dignify that with a reply. Najib misses the point entirely, deliberately I'm sure. No one is asking him to sue WSJ in Malaysia. If you have the balls, you will sue them in the US.

Old Timer: I don't understand Najib's lawyer asking if WSJ's lawyer would do this or that. If PM thinks WSJ has wronged him, then sue the newspaper.

There is no need to ask in the previous instance, if the stand of WSJ on the RM2.6 billion saga is thus and thus, and now if WSJ will invoke Securing the Protection of our Enduring and Established Constitutional Heritage (Speech) Act.

If the reports were false, just sue WSJ. Don't be like a small kid saying to another kid, if I kick you, will you tell my father?

Commentable: A gentleman, especially one who is aggrieved by unjustified defamation, would not have bothered to ask so many questions.

He only cares that his name is cleared. He cares not that a judgment he obtained is only a paper one. He will pursue until the court says he has not done anything wrong, he is innocent.

One wonders why he does not pursue his case in the US or perhaps submit to Singapore jurisdiction. That way the problem of the Speech Act is easily circumvented.

The only drawback is that there are no kangaroos in those countries, except in zoos. Reading the many comments in Malaysiakini, it seems the court of public opinion has decided on this matter.

Gerard Lourdesamy: With respect to Hafarizam, the Speech Act is only applicable if the defamation suit is commenced in a foreign jurisdiction against an American defendant and the plaintiff obtains a foreign judgment that needs to be registered and enforced in the US.

To get around the provisions of the Speech Act, all that Najib needs to do is to sue the WSJ in a New York state court. After all, the publication is based in the US and it is printed in the US.

So why does Najib want to sue WSJ in a Malaysian court unless he is certain to be vindicated?

Even if the PM files the action in Malaysia and obtains a judgment, wouldn't that be vindication enough even if the judgment cannot be enforced in the US unless it complies with the provisions of the Speech Act?

What is money compared to the hitherto unsullied reputation of Najib Razak?

Eyespye: This is probably the most asinine excuse I've read in a very long time. It's like, I want to sue you but I want to know beforehand if you will use your "escape clause" and get out of it. I mean, what sort of idiocy is this?

Why not just sue them in the US? Are you afraid you won't get a fair hearing? In so public a trial?

Stop foisting your own prejudices on the justice system of another country. Just because it appears that our courts can allegedly be bent to the will of one or two people, that doesn't mean all courts are like that.

Good Governance: I am puzzled. What stops the PM from suing WSJ in a US court unless the independence of the judiciary there is something to be feared. Sue by all means to clear his name if the PM is innocent.

Why sue in our local court when the international community already has doubt over the independence of our judiciary?

In any case, if the PM so desires, sue WSJ in the local court. If the local court decides in his favour, at least he is partially vindicated irrespective of whether the US court recognises the judgment or not.

But there is always a possibility that the local court may not even rule in his favour. Therefore unless he is totally innocent, he has to face the risk of judgment against him by our local court.

There might be some rotten apples in the judiciary but I am sure there are still many good men and women amongst them.

Cascara: This is just like saying, "I won't slap my enemy yet. First he must give me an assurance and promise he will not to slap me back twice as hard."