

**Why should WSJ show its cards before the trial?**

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**Yoursay**

YOURSAY | 'WSJ should just tell Najib to proceed and they would accept service of the writ.'

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

**Lukesky:** Why on earth would The Wall Street Journal (WSJ) want to divulge its legal strategy to the plaintiff before legal action is even commenced? Where did this Umno lawyer, Mohd Hafarizam Harun, get his law degree?

If you or your client is convinced of the merits of your case, then just proceed with your legal action. Don't try to make excuses.

**Vijay47:** I earlier thought that it was restricted to ministers Salleh Said Keruak, Abdul Rahman Dahlan, and Ahmad Zahid Hamidi, but now it appears that the functions of "court jester" have been extended to Najib's legal pussycats.

A few months ago, this team of lawyers sallied forth on white chargers sabres a'rattling vowing to bring WSJ to its knees.

Then it came out with its famous "Please confirm that you really meant to insult Najib" letter and following that, a huge burst of silence. Now they have resumed their comedy act, hoping that they would be seen as respecters of international law.

Hafarizam, even if the US has a Speech Act (Securing the Protection of our Enduring and Established Constitutional Heritage), it does not mean that its citizens can go about defaming anyone they choose since they can be hauled to court, where they could win just as they could lose.

You have only two simple matters to do; first, initiate the suit in the US and secondly, to prove to the world that Malaysia practises the same freedom of speech as does America. We are the best democracy around, remember?

**Hytan:** Given the developments following the expose by WSJ - such as the dismissal of the AG (attorney-general), sacking of the DPM and another senior minister, the crippling of the Public Accounts Committee (PAC) with the promotion of a number of its members into the cabinet and the dissolution of the special task force investigating the "RM2.6 billion donation" - WSJ should be aware of Najib's motives and it is very likely that the gist of the reply from WSJ would not be any different from the earlier reply wherein WSJ stood by their reports.

WSJ should just tell him to proceed and they would accept service of the writ. Why should WSJ show its card to him before the trial?

**Res Ipsa:** The game plan of Najib is very clear. He does not want to appear in any court of law, whether in Malaysia or the US, where he will be subject to severe cross examination by the lawyers representing WSJ.

It will be very difficult and probably embarrassing or self-incriminating for him to provide satisfactory answers to the anticipated barrage of questioning during the course of trial. So he must have thought it best to just play it safe and stay away from legal proceedings.

Hence Hafarizam is being tasked to explore all avenues to justify why WSJ should not be sued in court. So the brilliant lawyer, after all his research, now comes up with the Speech Act being a hindrance for Najib to enjoy the fruits of litigation.

Now doesn't that explain why the cart is needed to be placed before the horse?

**Aries46:** Hafarizam must tell his client that if he is determined to clear his name he can always sue WSJ in the US. But if he fails doing so for whatever reasons, he can at least sue them locally but will that be of any use?

If it turns out in Najib's favour how many would believe it? Look at the conduct of the Altantuya Shaariibuu trial. How many believe it even at home? Can we expect the US courts to endorse this kind of charade?

It all depends on whether Najib is really innocent of the WSJ allegations and can stand up to honest scrutiny which has not been the case up to now.

Umno members and our courts may buy his often repeated denial that he never took people's money for personal use, but would that be sufficient for Hafarizam to convince the US company that our courts are like those in the US?

If Najib is sincere in wanting to clear himself, why not start by defending against the charges brought by Umno member Anina Saadudin instead of endeavouring to strike it out?

**Tholu:** Hafarizam, previously you requested WSJ to state whether their articles can be construed as defaming Najib's reputation. Now you want to know whether they will defend themselves in the courts of their land using their laws.

Hafarizam, if you are a lawyer worth your salt, you would have stopped taking stupid and legally ludicrous instructions from your client. Ask your client to stop the entire charade that makes him and our country a laughing stock of the world.

Isn't it obvious to you that he is using you to evade taking legal action against WSJ knowing full well that he can't even begin to list the wrongs WSJ has committed against him?

Are you aware that your credibility and reputation as a lawyer is going down the drain just as Najib's, which went into the stinking monsoon drain a long time ago?

Actually, Mr Lawyer, your client has a more effective solution in his hand than wasting money on litigation. Just give the public an honest and convincing explanation about the money in his bank account.

If he does that we, ordinary folks, can make up our mind as to whether he still has any reputation left worth protecting. If you continue to prevaricate, that would only confirm what we already believe.

Your bigger dilemma is that even if you brought an action here, in the US or in Zimbabwe and won, your client may still not be believed by anyone because a win may not explain how the money got into his account.

So, go back to the first point - tell us about the money. It will be liberating in more than one way.

**Odin Tajué:** I can well imagine a conversation taking place in WSJ's office stateside recently. It goes like this.

Mr A: So, whassup?

Mr B: The gooks wanna know if we'll invoke the Speech Act should we be found culpable.

Mr A: (After laughing) I've always said those gooks are ditz.

Mr B: Yeah, ya tellin' me.

Mr A: You reckon they're gonna take us to court here?

Mr B: Nah. Over there.

Mr A: (After another laughter) What? In their Zimbabwean court? (Laughter again). W-a-a-al, what can I say but bring it on!