

Lawyer to consult PM after WSJ says won't waive defence

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Hafiz Yatim

Umno lawyer Mohd Hafarizam Harun will await further instructions from Prime Minister Najib Abdul Razak on whether to go ahead in filing a suit against The Wall Street Journal.

Speaking to Malaysiakini, Hafarizam said Najib has just returned from his overseas trip to New York and Milan.

"I need to seek my client's instructions. He just got back today.

"Give him time, and also me," he said in a text message.

Asked whether he will write another letter to Dow Jones or WSJ, as the reply did not indicate whether the firm would invoke the US' Speech Act, Hafarizam reiterated he needed to first consult Najib.

The lawyer acting for Najib earlier told Malay Mail Online that WSJ publisher Dow Jones' response via Messrs Rodyk & Davidson LLP did not sufficiently answer Najib's queries.

Najib sent a legal letter to WSJ, asking if it will invoke the act if Najib sues the daily over a report on funds found in the prime minister's bank account.

"Their response, essentially does not answer affirmatively whether WSJ will or will not invoke the Speech Act save and except that WSJ's lawyers stated their clients will not '...advance concessions regarding which defences it may choose to rely on'," Hafarizam told the news portal.

Hafarizam did not reveal Najib's next course of action, citing confidentiality.

WSJ stands by report

WSJ publishers Dow Jones & Company in an email to Malaysiakini said it will not waive any defences in facing any legal challenge by Najib (photo).

It did not specify what these defences are.

"We have sent another letter in response and have confirmed that we will not be waiving any of our defences.

"We continue to stand behind our fair and accurate reporting of this evolving story," a Dow Jones spokesperson said.

WSJ among others reported Najib received US\$700 million (RM2.6 billion) in his personal

bank account.

Najib said the money is a political donation but did not specify the source.

The Malaysian Anti-Corruption Commission's on-going probe found the funds came from a Middle Eastern source.

The Speech Act - or the Securing the Protection of our Enduring and Established Constitutional Heritage Act - protects Americans from libel action outside the country.

Hafarizam last week told reporters Najib needs to know if WSJ will invoke the Speech Act as he does not want to have any judgement against WSJ in Malaysia to be useless in the US.

Hafarizam said the US law states that judgements against the publication in Malaysia is unenforceable if it is found that Malaysian laws are inconsistent with US free speech laws.

This prompted former de facto law minister Zaid Ibrahim to question why the Najib is not filing the lawsuit in the US instead.

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