

Najib running out of excuses on WSJ lawsuit

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Yoursay

YOURSAY | 'Why is Najib prevaricating and not suing his main detractors?'

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

Gerard Lourdesamy: This must be unprecedented in the annals of jurisprudence. Despite three months since The Wall Street Journal (WSJ) published the allegedly defamatory article about PM Najib Abdul Razak, the plaintiff is reluctant to take any action either in the United States or Malaysia to vindicate his reputation unless the defendants disclose in advance what their defence is going to be and whether they are going to rely on a statutory provision that immunises them from enforcement proceedings in the US in the event a judgment is entered against them by a foreign court.

If the allegations are not true, why is Najib prevaricating and not suing his detractors? The excuses have become untenable and create a perception that the WSJ must be telling the truth. This entire episode has become a comedy of errors.

Odin Tajué: You asked whether WSJ would invoke the Speech Act (Protection of our Enduring and Established Constitutional Heritage) should it be found culpable. WSJ has replied that it would not waive any defences.

That reply is clear, except, perhaps, to idiots. It means WSJ would invoke anything and everything. Of course, it would. When you are in a battle, you use whatever and all resources you have.

If its invoking of the Speech Act is your fear, take the case to the US court. But you won't, will you? And we all know why, don't we?

Vijay47: Umno lawyer Mohd Hafarizam Harun, I can well imagine your predicament.

With limited or perhaps non-existent experience in transnational legal suits and surrounded as you are by advisers like Tengku Adnan Tengku Mansor, Tajuddin Abdul Rahman and Salleh Said Keruak, you are not even sure whether you are coming or going regarding that miserable suit against WSJ.

Yes, I know, there are days we all wish we had stayed in bed. And the haze doesn't help either. So to give you a bit of help here, what "...advance concessions regarding which defences it may choose to rely on" means is that WSJ is saying, in plain English, it is hardly going to reveal what hand it is going to play.

Mercifully, what it does not add is that it is amazed that a lawyer would actually ask the opposing team what its game plan is.

Telestai!: It must have been a very rare occasion for WSJ to be asked the question if it'll waive an available defence option. It is almost like the public prosecutor asking the defence team in a murder trial if they'll plead insanity before he frames a murder charge.

It is an absolute joke to have a senior Malaysian lawyer fumbling over something as fundamental as this.

Anak JB: Indeed, I have never seen a lawyer asking another about their defence strategy. Which lawyer in the right frame of mind will show his or her card? Stop wasting time, please go ahead and sue WSJ.

Evensteven: Hafarizam, stop all these posturing nonsense. Your client, the Bugis warrior, is a one-ringgit chicken man who hasn't got the scrotal fortitude to take on WSJ.

Collect your fees and close the file is what I would advise you to do.

Pahatian: If you have done no wrong or all the facts are true and in order, and you are slandered, the only course of action is to sue the other party.

Why bother about what course of action the party will take? I guess this is just a lame excuse.

Anonymous_1408265047: The WSJ board members would have to be complete idiots to contest the case in Malaysia.

One look at Mark Trowell's book, 'The Prosecution of Anwar Ibrahim', would convince them that they could never expect to get a fair trial in Malaysia.

Wira: There is no need to obfuscate the issue further. Have the suit heard in a third country, say Australia or Canada. Everyone waives whatever immunity he has.

Who in his right mind wants to make his defence in Malaysia against the PM?

Lim Chong Leong: What Hafarizam is basically saying is this: I need to know your moves in response to mine before I make mine.

That is, before I move my bishop, will you move your knight to check my king? Because if you are going to do that, then I won't make that move.

So if an attorney-general knows his accused will eventually seek a royal pardon, he will not prosecute?

This whole idea is not whether the judgment in Malaysian courts will be enforceable in the US, it is about getting a judgment that says WSJ lied and Najib is innocent of all malicious libel. It is about exonerating the PM's and our country's good name.

Ramesh Rajaratnam: These days, I'm quite used to seeing such idiotic statements by the supposedly intelligent.

In fact, if an Umno man said something intelligent, I would be honestly shocked. This lawyer should let his chambering student take charge of his firm while he goes back to study law.

D4f: When I was in Form 3, there was this temporary teacher who screamed at one our classmates "eh, bastard shut up" because we were quite noisy.

You know what the boy said? "Say sorry now or see my mother in court." So what term of defence do you want?

Hmmmmmmmm: WSJ, do you mind telling us which defence you will use if we were to sue you? Our PM does not like to lose, you know.

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