

Najib: Ling acted recklessly to tarnish image, reputation

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Prime Minister Najib Abdul Razak said former MCA president Dr Ling Liong Sik did not act as a bona fide "elder statesman".

In his reply to Ling's defence and counter-claim against his suit for defamation, Najib said Ling had acted recklessly and with mala fide (bad intention) to tarnish his image and reputation.

The prime minister added that there was no urgency for Ling to utter the defamatory words without prior reference to him.

Najib also defended his right to sue Ling.

"As a Malaysian citizen, prime minister and finance minister, an MP and community leader, I have the right to defend my dignity and reputation by instituting an action against the slanderer, as provided by the law. This includes the right to sue the defendant (Ling).

"There is no legal provision that deprives my right to take action for defamation... the defendant has the right to criticise but when it goes beyond the limit of the law and began to tarnish my image and reputation, his utterance leads to this legal consequence," he said.

Najib's lawyers filed the 30-page reply to Ling's defence yesterday.

To the claim by Ling that he had been made a scapegoat following Najib's action to sue him and not others, Najib denied this.

He also denied that Ling was being deemed a collateral damage.

"The defendant who claims to be an 'elder statesman' should be mature enough and be responsible in dealing with the repercussions of his actions," Najib said.

'Ling cannot claim qualified privilege'

He added that he put the burden of Ling's allegation (about being made a scapegoat) on the former transport minister.

Najib also said his former cabinet colleague's statement may influence the results of the ongoing investigations.

"Ling did not take steps to investigate, verify and ensure the quality, validity and accuracy of the public speculations, public perceptions and hearsay statements which he may rely upon," the prime minister said.

Arguing that Ling cannot claim qualified privilege as a defence, Najib said the former MCA leader was driven by malicious intent to tarnish the good reputation of the prime minister and to generate sensation and cheap publicity.

“The publication of the defamatory words was an act of sensation and was fuelled by Ling's wish and desire to destroy and tarnish the honour, the good name and reputation of the plaintiff,” he said in the reply.

Najib said Ling, as an “elder statesman”, should have acted prudently to call on all parties to act responsibly by giving time to competent bodies to carry out and complete their investigations with integrity.

The prime minister and Umno president claimed Ling did not have a sustainable defence as criticism may be exercised by any person within the realm of freedom of expression, but freedom of expression is not an absolute freedom but must be done within the parameters of the law.

The defamatory words were based on public speculations and hearsay statements from newspaper reports and other individuals, and not based on the outcome of the on-going investigations, said Najib.

He further claimed that Ling cannot use the defence of fair comment as he had not properly pleaded and this is a blatant violation of Order 78, Rle 3(2) Rules of Court 2012.

He also denied speculation that the source of the RM42 million he allegedly obtained from SRC International Sdn Bhd is from the RM4 billion loan issued by Pensioners Retirement Fund (KWAP)

He further denied meddling in the action taken by the newly-appointed attorney-general in dissolving the Special Task Force and replacing it with the State Revenue Recovery Enforcement Unit.

“In fact, the AG is entitled to take whatever actions he deems necessary for the AG's Chambers' independence and transparency based on existing laws,” he said.

Najib admitted there are critics from many other Umno members, but there are many others who did not criticise but gave him support.

“Thus the image and reputation of the plaintiff is not affected by the criticism as what has been pleaded by Ling,” he said, adding that the counter-claim by the former MCA president is an abuse of the court process.

Najib added that there are no pre-conditions for him to take action against other slanderers before instituting and commencing this action against Ling.

"Taking legal action against any party who has defamed the plaintiff is my prerogative and I can elect to enforce it at any time. It is not a pre-requisite for me to take action against The Wall Street Journal, Sarawak Report, and Umno leaders who had defamed me before commencing action against Ling," Najib said in his reply.

Hafarizam yet to meet Najib

Meanwhile, Najib's lawyer Mohd Hafarizam Harun said he has yet to meet his client on getting a date for the latter to mediate with Ling.

Hafarizam said he has the authority to look into the option of mediation, and agreed that Ling is entitled to make demands to meet Najib personally to discuss the matter directly.

"I have yet to meet with my client (Najib) to brief on the mediation. I will brief him on this matter soon," he said.

Last night, the law firm of Ranjit Singh and Yeoh, which is representing Ling, said in a statement that Ling wants Najib to be present in the mediation process.

High Court judge Justice John Louis O Hara had suggested the option of mediation to both parties on Monday.

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