

**Najib's clarification letter to WSJ a ploy to buy time, say lawyers**  
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**By V. Anbalagan**

It does not make sense for Datuk Seri Najib Razak's counsel to send a letter seeking clarification from the publishers of The Wall Street Journal which alleged that US\$700 million (RM2.67 billion) was transferred into the prime minister's personal bank accounts, said lawyers, suggesting that it was a ploy to buy time.

They pointed out that legal firms acting for aggrieved clients would first send a letter of demand to publishers and then file defamation suits if no retraction and apology were forthcoming.

The lawyers said that the letter appeared to indicate that Najib was unsure of taking WSJ to court for injuring his reputation.

Lawyer Fahri Azzat said the step taken by Najib's lawyers to seek clarification and particulars was a "curious procedure."

"It does not look as if they are in a hurry to kickstart a defamation action against WSJ," Fahri said.

The lawyer said the article published by the WSJ last Friday about huge sums of money being deposited in Najib 's bank accounts was defamatory and a letter of demand should have been sent to the publisher.

"But the newspaper published documentary evidence yesterday to justify its report," he added.

Fahri was commenting on a letter sent by legal firm Hafarizam Wan & Aisha Mubarak to Dow Jones, the owner of WSJ, to respond within 14 days whether Najib had misappropriated nearly US\$700 million from 1MDB.

"We are instructed by our client (Najib) to seek confirmation as to whether it is your position, as taken in the articles, that our client misappropriated nearly US\$700 million from 1MDB?"

"We are instructed to procure your position because the articles collectively suggest that you are unsure of the 'original source of the money and what happened to the money' whilst on the other hand, the general gist of the articles creates a clear impression that our client has misappropriated US\$700 million belonging to 1MDB," the e-mailed letter said.

The letter was in reference to two articles titled "Malaysia leader's accounts probed" (published on July 2) and "Scandal in Malaysia" (published on July 6), both written by Simon Clark and Tom Wright.

The letter also pointed to the possibility of both the publication and authors being sued.

"Please let us know whether you have appointed solicitors in Malaysia to accept service of legal proceedings on your behalf and on behalf of the reporters who wrote the articles in the event that legal proceeding becomes necessary," the letter stated.

Lawyer New Sin Yew said it was for lawyers to determine whether a publication was defamatory or otherwise.

"It is not the norm for lawyers to seek clarification before deciding to file a claim in the court. Just read the article/s and determine whether the prime minister has been defamed," he said.

New said the letter to WSJ was akin to requesting the publisher for help in making a decision whether to commence legal action.

"This is a weird letter and it reveals that the prime minister is unsure of his position," he added.

Lawyer N.Surendran said the allegation against Najib was crystal clear – that a huge sum was transferred into his personal accounts.

"There is nothing to clarify. His lawyers should just list out their request in the letter of demand, including an undertaking that WSJ will not repeat the allegation," he added.

The next step, he said, was to file a suit if the demands were not met.

Surendran believed that WSJ would contest any suit by Najib in Malaysia or in any other jurisdiction as the newspaper was standing by its story, saying its report was based on solid proof.

However, lawyer S.N. Nair was of the view that it was not an exception to ask for clarification and particulars before filing a civil action.

"I have adopted this step before making demands and instituting lawsuits on behalf of my clients," he added.

Nair, who has represented former opposition leader Datuk Seri Anwar Ibrahim in defamation suits, said he would expect a responsible lawyer to act prudently.

"In the course of carrying out one's professional duty, a lawyer must also ensure his or her reputation is not at stake," he added.

Last Thursday, the WSJ alleged that up to US\$700 million was transferred to Najib's personal accounts with AmPrivate Bank, just before the 13th general election.

Najib, however, responded that he had never taken any funds from 1MDB for personal gain and pinned the blame for the latest report on former prime minister Tun Dr Mahathir Mohamad, who has in recent months called for Najib's resignation.

The documents, which WSJ had said was sourced from a "Malaysian government investigation," include a remittance application form, a cash deposit authorisation letter and charts outlining the flow of money.

In those forms, details of payment were listed as fund transfers for "CSR programmes". – July 8, 2015.

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