

**Najib has no choice but to sue WSJ, lawyers say**  
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**By V. Anbalagan**

There is little choice for Prime Minister Datuk Seri Najib Razak but to sue for defamation now that The Wall Street Journal (WSJ) has stood by its report that US\$700 million (RM2.67 billion) was found in his personal bank accounts, lawyers said.

A delay in the prime minister's move to seek legal recourse would be seen as if the newspaper had been accurate in its July 2 and July 6 reports, which it said were based on documents sourced from Malaysian investigators.

Lawyers interviewed also said Najib, who turns 62 today, had the option of filing the suit in Malaysia or elsewhere where the report was published.

Lawyer Datuk Bastian Pius Vendargon said Najib's next step was to name the journalist and publisher, Dow Jones & Company, as defendants to kickstart his civil action for loss of reputation.

"I don't think it is necessary for Najib's lawyers to send a notice of demand to ask the publisher to retract the report and ask for an apology since they are firm on their stand," he said.

Najib's lawyer from the firm Hafarizam Wan & Aisha Mubarak had sent a legal letter on July 8 seeking clarification from WSJ and Dow Jones as to whether their report meant that Najib had misappropriated funds.

WSJ has replied the letter, and although its reply is not known, the paper has twice stated publicly that it stands by its report.

To this, Najib's lawyer Wan Azmir Wan Majid last night told The Malaysian Insider that the legal team would study the newspaper's reply to their letter and advise the prime minister on the next course of action.

Vendargon said Najib was left with no choice but to file the suit or the WSJ reports would be taken as the truth.

"Public perception will be that the report is true if no lawsuit is initiated immediately," he added.

Vendargon said the publisher's reply only meant that it was defending its report and that it had good defence, including fair comment and qualified privilege.

"Najib now has no option but to sue the publisher as it involves his credibility and he has to ensure he wins the court battle," he said, adding that the prime minister could skip the step of seeing a letter of demand for an apology and retraction, and proceed

to sue immediately.

"The response to the clarification letter is crystal clear that the publisher is not going to bow to any demand," he added.

The suit could be filed in the United States or any other jurisdiction since the publisher did not have a branch office in Kuala Lumpur, the lawyer said.

But if the suit were filed elsewhere, Najib would have to subject himself to the laws of that country, including enforcing the judgment, Vendargon added.

Lawyer S.N. Nair said Najib should still send a letter of demand as a formality, and proceed to file the suit without delay.

Nair also expected the newspaper and publisher to respond to the legal challenge.

"It is totally unthinkable for the publisher not to contest the suit as its credibility is also at stake," he said, adding that WSJ was noted to responded to lawsuits, including one that was filed by former Singapore prime minister Lee Kuan Yew.

Najib's critics have urged the prime minister to sue WSJ to disprove the allegations against him and he is being watched closely to see how he will respond.

The prime minister has so far denied taking 1MDB funds for "personal gain" but has not directly addressed the fund transfers to his accounts.

Najib and his office have also called the allegations political sabotage. The prime minister also blames Tun Dr Mahathir Mohamad of conspiring with foreign agents to bring down administration. – July 23, 2015.

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