

Najib's suit against WSJ pending reply from paper's lawyers, says Hafarizam
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Datuk Seri Najib Razak's lawyers said they are waiting for a reply from the Wall Street Journal's lawyers in Singapore before deciding whether or not to proceed with the suit against the newspaper.

This, according to one of the prime minister's lawyers, Datuk Mohd Hafarizam Harun, was to find out if the newspaper publisher will invoke a United States' law to frustrate any judgment should Najib win the defamation suit in Malaysia.

"Our action will be based on the reply from him," he said, referring to Philip Jeyaretnam, a counsel representing WSJ who is based in Singapore.

Hafarizam was speaking to reporters today in response to Najib's intended action against WSJ over a report that US\$700 million (RM2.6 billion) was deposited in his personal bank accounts.

The lawyer had previously said that he had obtained a legal opinion overseas before advising his client.

He said he was informed that there was a possibility that WSJ, a US registered company, could invoke the Speech Act to deny Najib from enforcing judgment obtained here.

The legislation states that no foreign judgments could be enforced if the media freedom and independence of judiciary in that country were not on par with the US.

"WSJ will be protected (from paying damages) under the law. So , it will be futile for us to file a suit but cannot enforce the judgment," he added.

Najib had given instructions to file a suit against WSJ in early August after the Malaysian Anti-Corruption Commission's (MACC) said that the money came from donors, and not from state-owned strategic investor 1Malaysia Development Bhd (1MDB).

MACC's statement was the first official confirmation that the funds had indeed gone to the prime minister's accounts, which have since been closed.

MACC however did not identify the alleged Middle Eastern donor, nor did it disclose how the RM2.6 billion was spent.

But the anti-graft agency later issued another statement, saying its investigation into the RM2.6 billion donation was still ongoing.

It added that it had only stated, via press statements dated August 3 and 5, that the money was a donation from unknown Middle-Eastern donors and not from 1MDB.

MACC also said that its probe into a former 1MDB subsidiary, SRC International Sdn Bhd, was still ongoing.

SRC International is owned by the Finance Ministry, which Najib heads. Najib is also chairman of 1MDB's advisory board.

In late July, WSJ refused to respond to a request from Najib's lawyers for a clarification as to whether the paper's report on the money in Najib's accounts meant that they were accusing Najib of misappropriation of funds.

WSJ and its publisher, Dow Jones & Company, instead said that they stood by the news report dated July 2, and a subsequent opinion piece, published on July 6, which they added were clear enough and based on documents sourced from Malaysian investigators.

However, Malaysian lawyers have said Najib must act against WSJ as soon as possible as his reputation is at stake. – September 30, 2015.

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