

**Hard for Najib to sue WSJ because of Speech Act, says PMO officer**  
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A special officer at the Prime Minister's Office took to Facebook today to explain why it is difficult for Datuk Seri Najib Razak to sue The Wall Street Journal (WSJ) for defamation.

According to a posting by Yuktes Vijhay, the US Speech Act, which provides protection against foreign libel judgments, makes it harder for Najib to pursue the matter to the next level.

He said comparatively, former Singaporean Prime Minister Lee Kuan Yew was able to sue the international daily because the act was enacted only in 2010.

The late Lee's last suit was in 2008.

"Lee Kuan Yew could file a suit and win, not because WSJ has an office in Singapore... there is no basis or logic to this answer.

"Lee Kuan Yew filed a suit before the Speech Act was introduced... At the time where was the immunity (sic) provided under Speech Act?

"Is it Najib's fault that the WSJ defamation case occurred after the Speech Act?"

Yuktes was a former aide in former opposition leader Datuk Seri Anwar Ibrahim's legal team who turned critic and had even offered to run as an independent candidate in the Kajang by-election in Selangor 2014.

Last year, he lodged a police report against Nurul Izzah Anwar for meeting Princess Jacel H. Kiram, the daughter of the late self-proclaimed Sulu sultan who ordered the invasion of Sabah.

He reportedly said the matter should be investigated to ensure that there was no repeat of the Lahad Datu incident.

On Sunday, Yuktes said the Libel Terrorism Protection Act (known as Rachel's Law) meant court verdicts outside the US were not enforceable in the US.

"In 2010, President Barack Obama introduced the Speech Act which gives immunity to those who create (defamatory) statements.

"The implication of this act makes it difficult for the prime minister to bring a suit against WSJ.

He said unlike the United Kingdom's legal system, which placed the burden to prove a statement on the defendant, which in the prime minister's case would be WSJ, the US legislation placed the justification of bad intent on the defendant.

"The one who accuse and defame is you... but the one to prove it, is me?

"Even if it was proven that the statement against (the prime minister) is defamatory, what is the use?

"Those who know PM Najib, will know that he will not file a suit to avoid dragging the person who helped with funding the general election to court even as a mere witness... that is when the 'potential witness' is a Saudi royalty," he said.

In November last year, Najib's lawyer, Datuk Firoz Hussein Ahmad Jamaluddin said Najib was not likely to get higher damages in the US because he was not well known there.

He said this when asked why the prime minister was not filing the suit outside Malaysia against the publisher.

Instead, Najib's legal team said WSJ must state whether it would rely on a US law which protected American companies from court rulings outside US jurisdiction. – February 24, 2016.

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