

**Court of Appeal to decide on PM's defamation suit against Harakahdaily
Free Malaysia Today
May 8, 2017
By V Anbalagan**

Najib's lawyer says direction needed on whether appeal should proceed or be deferred, pending outcome of Federal Court finding on definition of public officer.

PUTRAJAYA: Prime Minister Najib Razak's two-year-old defamation suit against PAS official organ Harakahdaily will be brought before the Court of Appeal president next week to decide the next course of action.

Najib's lawyer Nik Alia Hanafi said a case management had now been fixed before judge Zulkelfi Ahmad Makinudin on May 17 to decide whether her client's appeal is to be heard soon or deferred.

"We want to take further direction from the Court of Appeal president whether to wait for the outcome of a defamation case involving Penang Chief Minister Lim Guan Eng," she told reporters after a case management before a deputy court registrar today.

Lim has filed a leave application in the Federal Court to appeal against the dismissal of his suit against two UMNO-linked media groups and three other individuals.

On Dec 20, a three-man Court of Appeal bench chaired by Rohana Yusuf allowed the appeal by the five against Lim as it was bound by an earlier ruling that a public official could not sue anyone, including the media, for defamation.

At that time, the bench had relied on the case of "Utusan Melayu (M) Bhd -vs- Pahang Menteri Besar Adnan Yaakob" as the latter had filed the suit in his official capacity.

However, the Federal Court on Feb 13 sent Adnan's case back to the High Court for a trial.

A date to hear Lim's leave application has not been fixed as the Court of Appeal has yet to prepare its grounds for judgment.

Najib's appeal to the Court of Appeal is against the High Court's dismissal over his application to amend a statement of claim to include statements by Attorney-General Mohamed Apandi Ali and the Malaysian Anti-Corruption Commission (MACC) that cleared him of any wrongdoing over the RM2.6 billion deposited into his personal bank accounts in 2013.

The other is against the High Court's dismissal of Najib's application for the suit to be decided on points of law without going for full trial.

Apart from Harakahdaily, the prime minister also named its managing director Rosli Yaakop and Harakahdaily chief editor Taufek Yahya, following its report related to 1MDB and also his stepson Riza Aziz.

The article was based on a New York Times report which was published on Feb 19, 2015.

Attempts to settle the matter out of court had also failed.

Copyright (C) 2009-2016 MToday News Sdn. Bhd. All Rights Reserved.

Source: <http://www.freemalaysiatoday.com/category/nation/2017/05/08/court-of-appeal-to-decide-on-pms-defamation-suit-against-harakahdaily/>