

Najib's bid to strike out defences in suit against M'kini postponed
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The High Court in Kuala Lumpur has postponed the hearing of Prime Minister Najib Abdul Razak's bid to strike out defences in his defamation suit against *Malaysiakini*.

This is because Justice Kamaludin Md Said is waiting for the Federal Court to decide another case on whether those holding public office have the *locus standi* to file defamation suits.

"The court highlighted [...] that there is a pending decision at the Federal Court involving the state government of Sarawak against (state DAP chief) Chong Chieng Jen on the issue of *locus standi* for public authorities to file a suit for defamation.

"The decision of that is going to be delivered very soon, either by the end of this month or early March, so, therefore, the striking out matter is now being postponed for the continued hearing on April 4," Najib's lawyer Mohd Hafarizam Harun told reporters outside the courtroom today.

Najib and the other plaintiff, Umno organising secretary Abdul Rauf Yusoh, had filed to strike out *Malaysiakini's* defences for the suit back in 2015.

The defamation suit was [filed](#) the year before over readers' comments on the Terengganu imbroglio.

"The total effect is to strike out their (*Malaysiakini's*) whole defence. The defences are quite a number; justification, qualified privilege, fair comment.

"But whatever it is, we have to wait for the decision of the Federal Court," Hafarizam said

"If they say that those holding public office or the prime minister or a chief minister cannot file a defamation suit, then there goes our case.

"That case in the Federal Court is very important for us to know whether we have *locus standi* to file (for defamation)," he added.

Public policy defence

Surendra Ananth (*centre in photo*), representing *Malaysiakini*, said that one of the defence arguments pertains to public policy.

"We are saying the prime minister and Umno, as part of the government, cannot sue for defamation.

"That's one of the major issues, out of many other issues that are there (in the defence)," Surendra said, adding that the judge believes the Federal Court's decision in the Sarawak government's case against Chong was significant.

“If the Federal Court says that state officials or public officials cannot sue for defamation, then that’s the end of the case,” he said.

However, Surendra cautioned that even if the apex court rules otherwise, that would not mean Najib and Rauf’s application to strike out *Malaysiakini*’s defences would be allowed.

“Because we have many other defences, such as justification, qualified privilege and fair comment.

“So only one defence might be struck out, subject to what the Federal Court says,” he explained.

Since the suit was filed in 2014, *Malaysiakini* has attempted to recuse Kamaludin from the case on several occasions for fear of bias but has been unsuccessful.

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