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PRINCIPAL

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Our Ref:

Your Ref:

2nd February 2021

Tan Sri Tommy Thomas
Five @ KPD, 101 Chambers,
Suite 3.2, Level 3, Block B The,
Jalan Dungun, Bukit Damansara,
50490, Kuala Lumpur

BY HAND/EMAIL/FAX:03-2632 9681

Sir,

Re: Libelous publication; in your book "My Story: Justice in the wilderness"

We act for Dato Sri Najib Tun Abd Razak.

2. On or about 31st January 2021, you have published your aforesaid book wherein, inter alia, in chapter 42 of the same, under the caption of "Altantuya" you have made very serious defamatory statements against our client by stating the following:

"It was against this background of no fresh leads that we received news that Azilah wanted to 'confess' to the circumstances behind the Altantuya murder. In December 2019, the AGC was served a lengthy Statutory Declaration affirmed by Azilah, in which he provided astonishing evidence or orders he had received from Najib Razak to eliminate Altantuya on the grounds that she was a foreign spy and that this was in the national interest.

This was direct evidence from Azilah: he was told personally by Najib to eliminate Altantuya. Azilah stated that he sought the assistance of Sirul.

I asked a senior DPP to fly to Sydney, to seek permission from the authorities there to interview Sirul on the credibility of Azilah's confession. My senior DPP spent many days interviewing Sirul in Villawood. Sirul's evidence corroborated Azilah's. Their joint version was credible, particularly taking into consideration that they were incarcerated in different detention centres in two countries with no means of contacting each other. I was satisfied they were truthful. It was later brought to my attention that Sirul had previously stated that he was ordered to kill a foreign spy. This occurred when he presented his appeal to the Administrative Appeals Tribunal in Sydney after the minister had rejected his application for a Protection Visa, again corroborating Azilah's statutory declaration. This episode had occurred some years previously.....

.....I had instructed the prosecution to leave Azilah's application to the discretion of the court. We would not object to it. This in effect meant the AGC would not be presenting an opposing argument. Azilah's review application was pending before the Federal Court when I vacated office."

(at pages 404 and 405)

The above defamatory statement taken in the entirety of the chapter and within its context, amongst other things, have imputed the following of our client, all of which are totally untrue:-

- a) that you believe the Statutory declaration made by Inspector Azilah was fully consistent and supported by a statement of Corporal Sirul (hereinafter the two collectively are referred to as "the convicted persons") procured by a DPP that you have dispatched to Sydney at Villawood Detention Centre;
- b) that the statements of the two convicted persons were truthful when they implicated our client as directing the murder of Altantuya Shaaribu;
- c) By clear inference and innuendo, you have also conveyed the message that you as the erstwhile Attorney General and Public Prosecutor was satisfied of the truthfulness of the allegations of the two convicted persons against our client pertaining to the purported allegations by

them that our client was involved in directing them to murder Altantuya Shaaribu;

- d) In the light of the above, by clear and irresistible inference and innuendo, you have conveyed the message to all readers of your book that irrespective of the decisions of the courts, with respect to the murder trial of the two convicts, our client was nevertheless guilty of directing the murder of Altantuya Shaaribu.

Our client contends the following:

- i. Your impugned statement as stated above of our client were grossly negligent, reckless, irresponsible, deliberate, malicious and aimed to lower our client's esteem and good reputation in the eyes of the public and further expose our client to public hatred, scorn, odium, contempt and ridicule;
- ii. Your impugned statements of our client portraying him as a murderer by direct inference and innuendo are wholly untrue, false, frivolous, vexatious and devoid of substance nor evidence;
- iii. Your impugned statement are clearly motivated by mala fides and are principally done in your selfish pursuit of seeking cheap publicity fueled by your ego, sensationalism, and profiteering.

The abovesaid selfish and mala fide motivation by you is crowned by your choice of the title of your book "Justice in the wilderness" which by itself is an "affront to the judiciary".

Your impugned statement against our client amount to a very serious libel of our client and have caused considerable distress and embarrassment especially in the light of the fact that these impugned statements were made by a person who was the Attorney General and Public Prosecutor of Malaysia, and therefore the first legal officer of the country. Further, you had deliberately made this statement in spite knowing that the Federal Court has recently rejected the attempt to Review their own decision in relation to the convictions of Inspector Azilah and Corporal Sirul.

We are therefore instructed to demand from you which we hereby now do:

- i. An immediate and unequivocal public retraction of the statement from the book that you have published forthwith;

- ii. An unqualified apology in terms to be approved by us as solicitors in respect of the impugned publication to be published in newspapers of our client's choice
- iii. An undertaking by yourself not to repeat the above allegations and comments.
- iv. Our client has also instructed us to demand damages from you for the injury caused to his reputation of RM10 million.
- v. Our client also demands from you that you pay all legal costs that have so far been incurred with regard to this matter.

This letter is written in accordance with a pre-action protocol prior to an institution of a libel action. We look forward to hearing from you without delay. If we do not receive a satisfactory reply from you before 12 noon this Friday, 5.2.2021, our clear instructions are to institute legal proceedings against you early next week. In the meantime, our client reserves all his rights in this matter.

Kindly acknowledge receipt accordingly

Thank you

Your faithfully,

.....
Tan Sri Dato' Sri Dr. Muhammad Shafee Md. Abdullah

Cc
Client