

The Chambers of
KAMARUL HISHAM & HASNAL REZUA

Dispute Resolution - Industrial Relation - Criminal Defence - Corporate & Commercial - Real Estate & Construction

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Our ref:

Your ref:

3rd July 2009

Y. B. Teresa Kok Suh Sim
Pejabat Ahli Majlis Mesyuarat Kerajaan Negeri Selangor
Tingkat 3, Bangunan SSAAS,
40000 Shah Alam,
Selangor Darul Ehsan.

By A.R. Registered Post

And

18D, Pearl Tower,
OG Heights,
Jalan Awan Cina,
58200 Kuala Lumpur.

By A.R. Registered Post

Dear Sirs,

Re: Notice of Demand
Libelous Article Entitled "SPRM Perlu Segera Siasat Khir Toyo" dated 2-9
June 2009 Published in Suara Keadilan ("the said Publication")

We refer to the above matter wherein we act for Y. B. Dato' Haji Abdul Rahman Bin Palil of No. 3, Jalan Jeram Empat (8/22D), Seksyen 8, 40000 Shah Alam, Selangor Darul Ehsan, the State Assemblyman for Sementa in the Selangor State Legislative Assembly.

In the said publication, you have caused to be published, inter alia, the following words attributed to you in relation to our client ("**the impugned words**"):-

- " "Jika BN Selangor tidak mempunyai kepentingan, kenapa mesyuarat exco negeri itu yang dipengerusikan oleh Khir Toyo melulus dan membiarkan projek ini berjalan dengan melanggar peraturan, piawaian, prosedur dan tanpa pengawasan." kata Exco Selangor, Teresa Kok.

...

Mengenai penglibatan Ahli Dewan Undangan Negeri (Adun) Sementa Abdul Rahman Palil, Teresa berkata Abdul Rahman memang terlibat secara langsung dan seharusnya telah disiasat oleh Suruhanjaya Pencegahan Rasuah Malaysia (SPRM).

"Mengapa SPRM masih tidak bertindak ke atas Rahman sedangkan orang pertama yang harus dikaitkan dalam kes ini adalah Rahman dan Khir Toyo yang menjadi menteri besar ketika itu."

"Bagaimana boleh terjadi Abdul Rahman sebagai Pengerusi Koperasi Pembangunan Pulau Lumut meluluskan penjualan tanah kepada Lembaga Pelabuhan Klang (LPK) melalui Kuala Dimensi Sdn Bhd dan Abdul Rahman juga merupakan ahli lembaga pengarah LPK."

"Tanah seluas 999.5 ekar (404 hektar) yang dibeli dengan harga RM3.00 satu kaki persegi oleh Kuala Dimensi dan segera dijual dengan harga RM25.00 satu kaki persegi kepada LPK sedangkan harga pasaran pada ketika itu ialah RM10.00 satu kaki persegi" jelas Teresa.

The impugned words you authored and caused to be published, mean and is capable of being understood to mean that our client:-

- (a) has a vested interest at the time of the sale of the Land to Port Klang Authority ("PKA");
- (b) abused his position as a member of the PKA Board;
- (c) participated in a profiteering scheme whereby the Land was sold via Kuala Dimensi Sdn Bhd;
- (d) acted in a position of conflict of interests;
- (e) is a dishonest and corrupt person who stand to profit from the direct purchase of the Land referred to in the impugned words;
- (f) by reason of all the aforesaid, unfit to hold a public office;

We have been instructed that you had caused the impugned words of the said Publication to be published on 2 - 9 June 2009 edition of Suara Keadilan.

Our client's instructions are that the allegations expressly and/or impliedly contained in the impugned words are untrue. The allegations are malicious, unfounded, defamatory in nature and constitute a very grave and bitter libel of our client. The content, gravity, venom and scale of your libel have gravely injured our client's reputation.

The impugned words had disparaged our client's good name and had injured our client's reputation and brought him into public hatred, ridicule, contempt and odium.

In view of the foregoing, you have caused injury to our client's reputation, and have caused our client to be embarrassed, hated and/or despised and brought into odium and contempt and lowered our client in the estimation of right thinking members of the public.

In the above premises, we are instructed to and do hereby demand that you:-

- (a) upon receipt of this letter, make an immediate and unequivocal public retraction of the impugned words contained in the said Publication; and
- (b) within THREE (3) DAYS of the receipt of this letter provide our client a written undertaking to the effect that there shall be no further allegation(s) and that you shall not publish or cause to be published similar or related allegations concerning our client and, shall henceforth desist from repeating the above allegations and comments; and
- (c) do within the period of time stipulated above, provide our client with a draft apology and retraction for our client's approval or amendment as the case may be; and
- (d) within forty eight (48) hours of the communication to you of your client's approval or amendment thereto, cause the approved or amended apology and retraction to be published in all mainstream media in a conspicuous and prominent manner and location; and
- (e) do within SEVEN (7) DAYS of the receipt of this letter pay the sum of RM 1 million as damages to our client for the injury suffered; and
- (f) do bear the cost arising out of or incidental to the issuance of this demand.

This letter is written in accordance with the pre-action protocol prior to the institution of a libel action. We look forward to hearing from you without delay. If we do not receive a satisfactory reply within FORTY-EIGHT (48) hours of your receipt of this letter, our instruction is to take out such action and/or application as we think necessary to secure our client's interest including but not limited to an action for defamation and the attendant applications for injunctive relief in which case all costs and expenses will be borne by you. In the meantime, our client reserves all his rights in this matter.

Your faithfully,

Chambers of Hisham & Hasnal Rezua

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Kamarul Hisham & Hasnal Rezua