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Date: 7 April 2016

Raja Petra Kamaruddin Esq

2 Broadway,
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Dear Sir

NOT FOR PUBLICATION

Our client: Clare Rewcastle Brown

"A Record of Untrue Stories – Clare Rewcastle", Malaysia Today, February 2 2016.

We act for Clare Rewcastle Brown, a London-based freelance journalist who, as you know, has for some years specialised in reporting on Malaysian affairs.

Particularly, Ms Rewcastle Brown has reported and campaigned on the plundering of the land, forests and other natural resources of Sarawak (where she was born), the massive corruption associated with those activities and the appalling deprivation and hardship caused to the indigenous population. It was as a vehicle for that campaign that, in 2010, Ms Rewcastle Brown founded the online Sarawak Report, together with its sister organisation Sarawak Free Radio.

Ms Rewcastle Brown instructs us concerning seriously defamatory and damaging material published by you on, and also by means of, the Malaysia Today website. This letter is sent pursuant to the Pre-Action Protocol for Defamation, in contemplation of proceedings for libel against you in the High Court if our client's reasonable requirements in this matter are not met.

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We are aware that you have continued to publish other seriously and defamatory and damaging material at such a rate that our letter is out of date in that it does not include the latest defamation published by you as part of your relentless campaign to defame our client. It will be our intention to proceed against you for all defamation and therefore when replying you might wish to respond on the basis that this letter sets out your more recent material. The proceedings that will be issued will be in respect of the words set out here and your subsequent defamatory material.

The publications

On 2 February 2016 you first published on Malaysia Today an article headed "A Record of Untrue Stories – the Case of Clare Rewcastle" above a photograph of our client bearing the caption "A Fraudulent Journalist".

This article ("the Malaysia Today article") is at <http://www.malaysia-today.net/a-record-of-untrue-stories-the-case-of-clare-rewcastle/>. We attach a printout.

The Malaysia Today article continues to be published by you, both to visitors to Malaysia Today who use your onsite search facility to look for material about our client and/or matters referred to in the article and to persons using search engines such as Google to look for the same material.

At the foot of the Malaysia Today article you have provided a hyperlink labelled "READ MORE HERE", inviting readers to click on the link and thereby visit and read what appears at <http://www.opensourceinvestigations.com/malaysia/a-record-of-untrue-stories-the-case-of-clare-rewcastle/>, a page on a website operated in the name Open Source Investigations ("the OSI article").

As has obviously been your intention, by so doing you will have caused and will continue to cause readers of the Malaysia Today article also to visit and read the OSI article.

We attach a printout of the OSI article. It is in fact in the same terms as your Malaysia Today article, except that it has the following concluding paragraphs that you omitted from your article.

"Rewcastle's nervousness about the "oust Najib" campaign's results

The Malaysian Anti-Corruption Commission (MACC), the government agency that investigates and prosecutes corruption in the public and private sectors, conducted an inquiry into 1MDB scandal.

*On 31 December 2015, MACC submitted the investigation papers to the Malaysian **Attorney-General**. **The Attorney General** required further explanation on some of the suggestions and actions proposed by the MACC and sent back the probe. A few days ago, MACC responded to the **Attorney General's** queries.*

As the judicial investigation came to an end, Clare Rewcastle Brown and her associates have become increasingly nervous about the outcome of their campaign. On 17 January 2016, they announced on Sarawakreport (sic) that MACC's investigation "contains no less than 37 separate charges against Najib". As already been shown on OSI, this was just another distortion. MACC promptly released a statement, publicly reprimanding Rewcastle for being "incorrect".

<http://www.sprm.gov.my/images/KES-SRC-INTERNATIONAL-DAN-DANA-R-2.6-BILION-SPRM-AKAN-RESPONS-ARAHAN-PEGUAM-NEGARA-DALAM-WAKTU-TERDEKAT.pdf>

Caught out for her dishonesty again

*Based on MACC investigation, Malaysia's Attorney General, **Mohamed Apandi Ali**, has cleared **Prime Minister Najib Razak of any wrongdoing in the 1MDB scandal**. No crime was committed by the Prime Minister Najib Razak. What about the plotters and their media accomplice, Clare Rewcastle Brown? Their illegal actions and the motives behind them have been revealed. All the accusations on the donation were proved to be completely false and the campaign was left in tatters.*

But having spent so much money on the political campaign and the motivation of the recruited blogger, more falsehoods and deliberately misleading stories are likely from Clare Rewcastle."

The libels

Obviously these vicious articles ("the Articles") were intended to be and are very seriously defamatory of our client, damaging both to her personal and professional reputations.

Their overarching imputation is encapsulated by the headings and caption referred to above and the first subheading, "Sarawak Report's long and shameful history of lying". Ms Rewcastle

Brown is branded as an habitually dishonest and deceitful journalist with a career-long history of publishing stories she knew to be untrue.

As you will have appreciated, no more professionally damaging and personally insulting libel could be levelled at our client. It is entirely untrue. It is not justified by the series of untrue charges made in the Articles, nor by any other conduct by our client in her career as a journalist.

Work for the BBC and ITV

The Articles assert that Ms Rewcastle Brown was a dishonest journalist who was not able to get a job at the BBC or ITV as she was known to publish stories that were known by her to be untrue.

It is your allegation that is deliberately untrue, designed as it is to undermine the corruption that our client has exposed and which you seek to hide. Ms Rewcastle Brown has never run a story that she knew to be untrue.

The son of the Sarawak Chief Minister

The articles suggest that a story published in Sarawak Report in October 2010 was another case of our client publishing stories she knew to be untrue. Supposedly, in this story she lied by claiming that the son of the then Sarawak Chief Minister had AIDS when the truth was that he had withdrawn from public life because he was grieving the death of his mother.

The truth is that the story in question ("Where is Sulaiman?" Sarawak Report, 19 October 2010) is completely different from how you purposely misrepresent it. As Ms Rewcastle Brown made clear she had been told that Rahman Sulaiman was suffering from Aids and that he was abroad receiving treatment whereas indigenous Aids sufferers received sub-standard treatment from Malaysia's health services were needlessly under-providing for ordinary Aids sufferers It was preposterous to suggest that the article was homophobic (no mention of sexuality was made in the article), clearly Aids is not just a disease of one sexuality, moreover in Malaysia it tends to be more prevalent in heterosexual people. Be that as it may Rahman Sulemain has never chosen to challenge our client on this issue directly himself, he still being alive and well in the west, where he now lives having abandoned all his political and business positions in Malaysia.

The article clearly ends by saying "This is what we mean when we speak of an AIDS scandal in Sarawak. That a leader of the state, who has himself experience and understanding of this vicious disease through his own family, could on the one hand move heaven and earth to get the very best treatment for his son, while callously ignoring others who have the same affliction"

<http://www.freemalaysiatoday.com/category/nation/2014/03/03/is-return-of-the-prodigal-son-coincidental/>

The Chief Minister of Sarawak's Swiss bank accounts

The articles suggest that a story published in Sarawak Report on 14 January 2013 is another case of our client publishing stories she knew to be untrue. Supposedly, in this story she lied by claiming that Rahman's father Abdul Taib bin Mahmud, the Chief Minister of Sarawak, had stashed state funds in Swiss bank accounts when this was not true, because the Chief Minister did not have any Swiss bank accounts.

The truth is that the story in question in Sarawak Report reported a motion by Swiss Federal MPs that accounts belonging to the Chief Minister and his family should be frozen so that the ill-gotten gains of the Taib family in those accounts could be returned to the people of Sarawak.

The Swiss MPs' motion stated: *"He [Taib] has abused his public office in a spectacular way to illicitly enrich himself, his family members and his political cronies through corruption, abuse of office and the establishment of a number of monopolies held by his family members and cronies. Research by non-governmental organizations has shown that the Taib family holds stakes in over 400 companies in 25 countries and offshore finance centers. The Taib family assets have been estimated at over 20 billion Swiss francs. A large part of Taib's illicit assets have been acquired in the context of the illegal logging of tropical rainforests of Borneo and the export of tropical timbers"*

The MPs' motion and our client's story was based, inter alia, on evidence from the Chief Minister's daughter-in-law, Shahnaz Abdul Mahjid in divorce proceedings in Kuala Lumpur, cited in the article. This evidence was to the effect that the Chief Minister and his family, particularly his son Mahmud, had accounts amounting to well in excess of US\$100 million in various countries, including accounts in Switzerland holding tens of millions US\$.

Our client had and has no doubt that this story was essentially and substantially true: the Chief Minister and his family did have accounts in Switzerland and elsewhere holding the equivalent of many millions of US\$, a large part of which represented riches corruptly and illicitly acquired by plundering Sarawak.

1MDB and the Prime Minister of Malaysia

According to the articles, the latest incidence of fraudulent journalism in Ms Rewcastle's "history of lying" is to be found in her work published in Sarawak Report exposing corruption related to Malaysia's 1Malaysia Development Berhad, widely known as "1MDB".

As you know, the true background to this baseless charge is that, in a series of exposés in Sarawak Report, our client has shown 1MDB to be a case study in the workings of Malaysia's kleptocracy, demonstrating how, under the direction of Malaysian Prime Minister cum Finance Minister Najib Razak, billions of dollars were borrowed for 1MDB's development work and then channelled out of Malaysia. In May 2015, Sarawak Report published information which showed that over a billion dollars of unexplained cash had been funnelled back into Malaysia and into the Prime Minister's own bank accounts.

Contrary to your allegation in the Articles, Ms Rewcastle Brown's reports on these matters were not, or at least have not been shown in any convincing way to be untrue in any significant respect. Despite the Prime Minister's best efforts no one seriously doubts that very substantial sums of money did indeed find their way out of 1MDB funding, out of Malaysia and then into

the pocket of the Prime Minister and his family. This matter is now the subject of massive international media coverage and several law suits, including a suit against the Prime Minister by the former Prime Minister Dr Mahathir Mohammed.

More importantly, nothing in those reports was published fraudulently or dishonestly by Ms Rewcastle Brown, when she knew it to be untrue. They were not, and did not contain, lies by our client.

Just as false as the charge that our client's reports on the 1MDB affair were lies are the supposed "facts" presented in the Articles in support of that charge.

Recruited for a "plot"

Contrary to your claim in the Articles, Ms Rewcastle Brown was not "recruited" by any team of Malaysian businessmen, aggrieved or otherwise, either to work on the 1MDB story or more generally on a plot to oust from office the Prime Minister, Najib Razak. If there was such a plot, which Ms Rewcastle does not believe there was, she was no conscious part of it.

"Stolen data" and "bribery"

As is well known, Sarawak Report's exposé of the fraud behind the so-called "1MDB PetroSaudi joint venture" which removed US\$1.83 billion dollars from Malaysia's public purse was substantially based on the PetroSaudi database which that company's ex-director Xavier Justo copied and took with him when he left the company.

It is also true that Mr Justo wanted to be paid for this information and that it was our client who found someone who was, or so it appeared, able and prepared to pay Mr Justo as much as US\$2 million, namely the "media tycoon" Tong Kooi Ong. In the event, although our client did try to see that Mr Justo got paid as agreed, and indeed to our client's regret, no money was forthcoming from Mr Tong.

However, it is bizarre and disingenuous for you, a journalist presumably concerned with exposing corruption and getting to the truth, to turn on our client and adopt the Article's allegation that the information and evidence obtained from Mr Justo was "stolen", or the allegation that the payment she thought she had procured amounted to "a bribe".

In any event, the truly serious allegation in the Articles that, having obtained the database from Mr Justo, our client then "tampered with the documents" in order dishonestly to substantiate her (supposedly) dishonest story that a donation to Prime Minister Najib Razak had come from 1MDB funds, is entirely untrue. She has not "tampered" with any document, and has no reason to believe that any document had been "tampered with" before she received it.

PM Najib Razak's donation

The story published by Ms Rewcastle, substantially based on the information from Mr Justo, was to the effect *that US\$1.83 billion paid to 1MDB into the PetroSaudi joint venture was largely misappropriated into bank accounts belonging to Jho Low; the purchase of a Jho Low owned company UBG and fraudulent payments to PetroSaudi key executives.* This allegation

has been substantiated by the recent formal demand by the Malaysian Central Bank, which has required 1MDB to return the money on the grounds that it was exported under false pretences. Subsequent to the PetroSaudi scandal relating to 1MDB, Sarawak Report and other news organisations have published extensive material unearthed by Malaysia's own investigative task forces set up into 1MDB (prompted by the PetroSaudi story) which relate to huge sums of money found in the Prime Minister's accounts. This information was discovered by the task forces looking into the money missing from 1MDB, as Sarawak Report and others have reported.

Ms Rewcastle published that story in good faith, in the belief that was what the evidence showed.

The OSI article

Readers directed by you to "read more" by going to the OSI article will have gone on to read (and will prospectively continue to go on to read) how, supposedly, our client was reprimanded by the Malaysian Anti-Corruption Commission because she had dishonestly misrepresented that body's report of its investigation into the allegation that the PM took state funds from 1MDB by giving a distorted account of the report that falsely claimed that it had contained 37 charges against the PM.

This, of course, is itself a false and defamatory distortion of the true position. The MACC criticism of our client was unfounded and has now been discredited.

In any event, the MACC did not accuse Ms Rewcastle of any dishonest misrepresentation. Nor was she guilty of any such "dishonest journalism".

Serious harm

You cannot credibly dispute that publication of this deliberately damning attack on our client on your influential and apparently authoritative website by both your Malaysia Today article and the linked OSI article, both to your readers and to "search engine visitors" to the Malaysia Today article, will have caused serious harm to our client's reputation.

Our client is particularly concerned by the harm that will have been done and the further harm that must be likely from publication in the UK, her professional base, and in Malaysia, the focus of most of her professional work.

Requirements

Removal of the Malaysia Today Articles

For as long as the Malaysia Today article and its link to the OSI article remains available on your website and is recoverable by Google or other internet searches, the Articles will always be likely to cause further serious harm to our client's reputation.

Please respond to us immediately on receipt of this letter and either confirm that you have or will straight away remove the Malaysia Today articles from, or block access to it on the Malaysia Today website, or explain on what basis you seek to justify continuing to publish the Articles' obviously seriously defamatory and damaging allegations.

Our client reserves her right to make immediate application to the High Court for an injunction requiring removal of the Malaysia Today Article from the website should you ignore this letter or give no adequate response justifying continued publication.

Retraction and apology

You must as soon as is practicable publish on the Malaysia Today website as a news item an unqualified apology to our client *in agreed terms* for publishing the Malaysian Today Article, unequivocally retracting and acknowledging the complete falsity of any suggestion:

- that our client is a dishonest journalist, who knowingly publishes stories that she knows to be untrue;
- that she has at any point in her reports on the 1MDB affair and the corrupt payments to the Malaysian Prime Minister Najib Razak or his family published anything that she did not sincerely believe to be true and supported by the evidence;
- that she has in her and Sarawak Report's campaigning journalism always attempted to remain independent from business and political factions and parties in Malaysia and Sarawak or that she has not honestly attempted to establish and tell the truth about the activities and conduct of those factions and parties; and
- that she has ever been recruited by or worked with any faction or party to promote or take part in any political plot against any political figure.

This retraction and apology, to be headed "An apology to Clare Rewcastle and Sarawak Report", must appear at the top of the Home page on Malaysia Today for a period of not less than 48 hours and must thereafter remain accessible as a news item on Malaysia Today in the same way that the Malaysia Today Article has to date been maintained on the website.

As soon as we have your agreement to publish an apology and retraction in these terms and in this manner, we will provide you with a draft, in order that you can propose any editing required so that, without altering what it says, it conforms to Malaysia Today's "house style".

Undertaking

You must give our client your written undertaking that you will not henceforth publish or cause or facilitate any publication whether by means of the Malaysia Today website or by any other means of any of the statements acknowledged to be false in the retraction and apology required by our client as set out above.

OSI

You must provide our client with as much information as you have that will enable her to identify and pursue the persons, legal and natural, who produce and publish the Open Source Investigations website and/or who wrote and publish the OSI Article that you have adopted in the Malaysia Today Article and caused to be published by the READ MORE HERE link in the Malaysia Today Article.

Without restriction to the generality of this requirement, our client requires that you disclose how and with what results you contacted and communicated with these persons or were contacted by them and communicated with them when either you sought to verify the

contents of the OSI Article and/or obtain permission to reproduce it or when they contacted you to invite you to reproduce it on Malaysia Today.

Compensation and Costs

Both in token of the sincerity of your retraction and apology and in compensation for the serious injury to our client's reputation and feelings caused by these publications, you must pay a substantial and reasonable sum by way of damages, as well as meeting our clients' legal costs in this matter.

We invite your proposals for this compensation. Obviously our client's attitude to what represents an adequate sum will depend to a large degree on your response to her claim and how adequately and promptly you meet her requirements set out above.

Funding

Both this firm and Counsel act for Ms Rewcastle in this matter on Conditional Fee Agreements that provide for staged success fees. Formal notice of funding will be served if proceedings are necessary.

Response

We must have your immediate response to our client's requirement stated above that the Malaysia Today Article be immediately removed from the website. We repeat that our client reserves her right to make immediate application to the High Court for an injunction requiring that this happen.

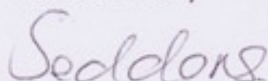
The Pre-Action Protocol for Defamation requires that you provide a full response to this letter of claim as soon as reasonably possible. We see no reason why you cannot give that response within 7 days, and look forward to receiving it within that time.

The Protocol also provides that you should indicate when you will provide your full response if you believe that you need longer than the 7 days we propose. If you do so believe, please let us know as soon as possible by what date you intend responding and why you cannot respond sooner.

Our client reserves the right to issue proceedings in the High Court for libel without further notice if we have not received any or any adequate response by 4pm on 21st April. Meanwhile, all our client's rights are reserved.

May we please have your earliest possible response.

Yours faithfully



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