

Review denies defaming Mahathir in Limbang article

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KUALA LUMPUR, Thurs. — The *Far Eastern Economic Review* has denied defaming the Prime Minister Datuk Seri Dr Mahathir Mohamad in an article over the supposed sale of Limbang to Brunei, claiming that he, as Home Minister, had consented to its publication.

The magazine intends to apply later to cite the Home Minister and the Government as third parties in the libel suit filed against its editor and publisher on Aug 11 over two articles published in May and June.

In their statement of defence filed with the High Court today, Mr Derek Davies and Far Eastern Economic Review Ltd, admitted publishing an article on May 21 entitled *Sarawak Sale?* over the alleged sale of Limbang in north-east Sarawak to Brunei.

However, they claimed that Dr Mahathir "authorised, consented to, acquiesced in or caused" the article to be published.

They claimed a "contribution" from the Home Minister and the Government because of their consent to the article's publication.

They said publication of the article was "expressly or impliedly authorised" by the Home Ministry as it released the magazine for distribution after a delay of about six days "without any obliteration, deletion, erasure of any part of the words."

The Prime Minister, as head of the Home Ministry and the Government, also authorised and "expressly or im-

pliedly" consented in the magazine's release, they said.

They added that the Home Minister and the Government breached their duty imposed by Section 9(1) of the Printing Presses and Publications Act, 1984.

This section allows any senior authorised officer to refuse the importation, withhold the delivery of or return to the sender any publication containing anything likely to prejudice the public or national interest.

Dr Mahathir claimed damages for defamation in the May 21 article and the subsequent "Retraction and Apology" of June 4 and a permanent injunction to stop the defendants from further publishing the allegedly defamatory words.

He claimed that the May 21 article meant that he had been engaged in an unconstitutional and surreptitious attempt to sell Limbang to Brunei.

He added that it meant that, in order to achieve this end, he was party to a decision to lie about the purpose of his visit to Brunei and that he was unfit to act as Prime Minister.

The defendants in their defence also claimed qualified privilege in publishing the articles.

They said that matters concerning Dr Mahathir in his office as Prime Minister were "matters of undeniable interest and concern to citizens living in Malaysia and neighbouring countries."

They added that matters over the

territories of Malaysia and any possible alterations to the borders of the country's States were of "undeniable public interest and concern" to citizens here and in neighbouring countries.

Because of Brunei's long-standing claim to Limbang, the matter was of public interest to the people of Brunei and Malaysia as well as those in Asia, they said.

They added that Limbang has been the subject of a territorial claim by Brunei since 1890.

They also said that the article was fair comment and they were under a social and moral duty to publish it "as a result of information received from sources which had proved to be well-informed and reliable in the past."

The defendants also relied on Article 10 of the Constitution guaranteeing the right to freedom of speech and also denied that the "Retraction and Apology" was defamatory as Dr Mahathir had also claimed.

They denied failure and refusal to apologise as claimed by Dr Mahathir, adding that the article constituted an apology and that words used in the retraction and apology was true.

The defendants also denied that the Prime Minister's character and reputation had been damaged by retraction and apology.

They also denied that they intended to further publish similar words about him.