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Leaders: Mere apology not enough (HL)

KUALA LUMPUR, Fri. - Barisan Nasional and Opposition leaders were unanimous today in calling for Singapore Senior Minister Lee Kuan Yew to take steps to expunge offending paragraphs in his affidavit filed in a Singapore court if he were sincere in his apology over remarks made about Johor.

They said Lee should retract his statement fully and not expect Malaysians to be appeased by a mere apology.

"To prove his sincerity, Lee should file for a corrective affidavit to expunge the offending paragraphs that have put Johor in a bad light," Education Minister and Umno vice-president Datuk Seri Najib Tun Razak said in Pekan.

"It should serve as a useful reminder that one should not make derogatory remarks about another country," Najib added.

Lawyers, when contacted, said expunging the statements was a logical next step after the apology. It would show that the apology was sincere.

Foreign Minister Datuk Abdullah Ahmad Badawi said the apology would be referred to the Cabinet for further discussion on Wednesday.

"At this juncture, there is no need for me to make any further comments until the Cabinet has discussed it," Abdullah said in a statement.

Lee, 73, had described Johor as a place "notorious for shootings, muggings and car-jackings" in a sworn affidavit submitted to Singapore's High Court as part of a defamation suit against political opponent, lawyer Tang Liang Hong who had fled to the State after allegedly receiving death threats.

The affidavit was filed in one of 13 libel lawsuits brought against Tang.

In another paragraph in the affidavit filed on Jan 27, Lee stated:

"Why would a person who claimed that he needs police protection, not go to see the police himself? Why would he (Tang), instead, go to Johor? If there is anywhere where people can do him harm, that is the place."

A statement issued by Lee's Press secretary yesterday said Lee had no intention to cause offence and apologised unreservedly.

The statement said: "The Senior Minister had no intention to cause offence and apologises unreservedly for the offence he has caused to the Government and people of Malaysia by his statement on (Johor) in his affidavit."

It said the former Prime Minister's remarks portraying Johor as crime-ridden were based on reports he had read in the Press.

Lee's controversial remarks triggered a series of angry backlash, from an official protest and a demand for an apology from the Malaysian Government to condemnations from political and business leaders.

Transport Minister and MCA president Datuk Seri Dr Ling Liong Sik, in Langkawi to attend the launching of an MCA education project, said while it was good that Lee had apologised, it would be better if he took steps to have the offending paragraphs expunged from the affidavit.

More importantly, he hoped Lee would not make such remarks again.

MIC president Datuk Seri S. Samy Vellu, who is Works Minister, said Lee should immediately retract the "derogatory remarks" from his sworn affidavit, if he were sincere in his apology.

"Just apologising without retracting the remarks is not good enough," he added.

MCA Youth head Datuk Chan Kong Choy said while the movement accepted Lee's unreserved apology, what was of utmost importance was to uphold good relationship between the two countries.

DAP deputy secretary-general Lim Guan Eng said while the party welcomed the apology, Lee should in all sincerity withdraw his remarks made in the sworn affidavit. The DAP is an off-shoot of the ruling Singapore party, the People's Action Party.

"What is the use of apologising for causing offence when you do not at the same time withdraw what was said?" he asked.

Lim also urged the Johor Government to withdraw the datukship conferred by the Johor Sultan on Lee to show the anger of the people of Johor in particular, and Malaysians in general.

"It is not befitting a person given high honour and titles in Johor when he treats the State with such contempt and disrespect."

The party's national publicity secretary, Wee Choo Keong, in another statement, called on the Government to reject the apology and demand that Lee immediately withdraw the offensive statement.

When contacted, lawyers said the procedure in Malaysia and Singapore to retract statements made in an affidavit should be fairly similar as the Rules of the High Court in both countries were modelled on English law.

They outlined two possible methods of expunging statements from affidavits already filed in court.

The deponent could prepare a "corrective affidavit" which should state the relevant paragraphs to be struck out and include the substitute words, if any. It should be affirmed before a Commissioner for Oaths and filed in court.

However, one lawyer, who did not want to be named, said corrective affidavits were mainly used to correct mistakes made in the first affidavit.

He said it was rather unusual to expunge entire statements from an affidavit, adding that the better way would be to apply to court by way of a summons in chambers.

Either party can apply and in normal cases, it is usually the opposing party who makes the application. The court will decide whether to allow the application.

However, in this particular case, he thinks that it might be a little difficult as the court had already made a decision partly based on this affidavit.

Any retraction of statements would be purely to remove the statements from the official record.

Lawyer K. Balaguru said the statements should have never been allowed in the first place as affidavits should only contain facts which the deponent could prove.

They may contain statements of information or belief if the sources and grounds of belief are given.

"Maybe, if the particular newspaper reports were listed in the affidavit, the statements might be allowed," he said.

Meanwhile, Singapore National Front president Ibrahim Alif, in a statement faxed to New Straits Times, said the party was surprised to note that Lee, being a seasoned politician and former Prime Minister, could be so callous in his sworn affidavit to accuse "our neighbour (Johor) as unsafe based mainly from facts he obtained from Press reports without ascertaining its truth ..."

He said his party welcomed Prime Minister Datuk Seri Dr Mahathir Mohamad's positive response "despite the apology read by Lee's Press secretary and not Lee himself, which we felt should be the way as a sign of sincerity".

"We hope the Malaysian Government and its people, especially those in Johor, will support Dr Mahathir's positive response and look forward to the future for a more fruitful and meaningful relations with us (Singaporeans) and not otherwise," he added.

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