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Anwar gets injunction over book until disposal of suit

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KUALA LUMPUR, Fri. - Deputy Prime Minister Datuk Seri Anwar Ibrahim today obtained an interlocutory injunction against the author and publisher of a book allegedly defaming him, until the disposal of his libel suit against them.

High Court judge Datuk Wira Mohd Noor Ahmad granted Anwar the injunction against Khalid Jafri, the author of 50 Dalil Mengapa Anwar Tidak Boleh Jadi PM ("50 Reasons Why Anwar Cannot Become PM") and its publisher Media Pulau Lagenda.

The injunction restrains Khalid and Media Pulau Lagenda or their agents, including one named as Khairuddin Hassan, and anyone else from writing, repeating, printing and publishing anything from the book or distributing it.

Mohd Noor, in his written judgment, said the court could not be insensitive to its surroundings if real and meaningful justice was to be done as the alleged defamatory instances have gone beyond the plaintiff (Anwar).

He said two of the instances of libel had the tendency to not only create a rift between Anwar and Prime Minister Datuk Seri Dr Mahathir Mohamad but could also undermine public confidence in the police force and affect international relations, especially with the United States.

Mohd Noor said another instance of libel had the tendency to damage the image of the country where Islam is the official religion and also the image of the Malays.

"Such tendencies are real and surely are not conducive to the present economic situation the country is facing in the midst of the very great efforts undertaken by the Government to revive the economy.

"The tendencies are related to public interests ... To me these public interests override the public interest relating to the freedom of speech, in particular, the freedom of the Press," he said.

He said freedom of the Press was not without limits and was governed by restrictions imposed in Article 10 of the Federal Constitution, especially on defamation.

Therefore, Mohd Noor said journalists did not enjoy any special privilege in their works but were subject to the law as the ordinary man in the street.

"To put it in a nutshell, the freedom of the Press ends where the force of the law begins," he added.

Anwar had sought the injunction claiming that the book contained gross libel against him. He had obtained an interim injunction on June 17, and upon its lapse, a fresh one on July 4, against Khalid and Media Pulau Lagenda which belongs to Khalid's wife Rozihan Abdul Ghani.

Both Khalid and Media Pulau Lagenda were seeking to set aside the interim injunction served on them but the application was dismissed today with costs.

Khalid is a former Utusan Malaysia sports editor and editor-in-chief of the now defunct Harian Nasional tabloid.

Anwar was represented by Dr Cyrus Das while Mohd Haniff Khatri Abdulla appeared for the defendants.

Mohd Noor said he was satisfied on the balance of probabilities that the statements, expressions or words referred to in the eight (libel) instances in the book were obviously untruthful

Mohd Noor said he was also satisfied, from the affidavit evidence including documentary evidence, that the book was written as a long poison pen letter put together in the form of a book.

"Its contents are not only geared towards character assassination against the plaintiff but also have the tendency to pit one against the other towards creating a rift not only between the plaintiff and the Prime Minister but also between the plaintiff and other top leaders in the Government and Umno," he said.

For this reason, Mohd Noor said he agreed with Das that the book had no literary value.

Furthermore, Mohd Noor said the fact that the second version of the book was not priced was a clear indication that the book was not produced for the sole purpose of commercial gain.

(The second version did not have the author's and the publisher's name).

He said Khairuddin was to be regarded not only as one of the agents of the defendants but also a party to the whole plot.

"Commonsense will dictate that it was not an easy task for 2,000 copies of the book to be distributed to so many Umno delegates behind the scenes...without enlisting the help of agents and other persons."

Mohd Noor said by reason of Khairuddin's active involvement in the production and circulation of the book, he is named in the order though he was not a party to the present proceeding.

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