

Time magazine fails in bid to stop Rahim's suit

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KUALA LUMPUR, Mon: The publishers and editor of *Time* magazine failed today to stay all proceedings in a libel suit brought against them by former Malacca chief minister Tan Sri Rahim Tamby Chik.

Justice Datuk Dr R.K. Nathan rejected the application which claimed that the writ of summons and statement of claim were not properly and effectively served on the defendants.

He said the documents were served on Christine Chong, an employee of Time Inc, Asia, and he accepted her as the magazine's local agent.

Nathan said that once foreign publishers come within the country's jurisdiction to distribute their magazines, it is not proper for them now to ask the plaintiff to go overseas to effect service.

"Otherwise, it will be giving foreign editors and pub-

lishers an edge over local publishers who are bound by local laws," he added and fixed Feb 10 for case management.

Rahim filed his suit against the publishers of the magazine's Asian edition, editor Donald Marrison and reporter David Liebhold, on Aug 1, 1998.

He claimed that he was defamed by an article in the June 15, 1998 issue, entitled *How Malaysia Throttles Dissent*, which reported about his alleged involvement with a 1&year-old girl.

The article suggested that he was guilty of statutory rape, a criminal, and guilty of corruption, he said.

He also claimed the words meant that he was not charged as a result of the wrongful or corrupt exercise of power by the Mahathir administration and its law enforcement officers, was unfit for public office in gov-

ernment or any political party and had engaged in illicit extra-marital relationship.

On Jan 15 last year, the senior assistant registrar (SAR) allowed an application by all the defendants, except the fourth defendant, to set aside the writ and statement of claim.

Rahim's appeal against the SAR's decision was granted by judge Datin Paduka Rahmah Hussain on Oct 19 last year.

As the defendants' appeal in the Court of Appeal is still pending, they applied for a stay of all proceedings.

Rahim is seeking aggravated and exemplary damages of RM55 million and interest at 8% a year.

He also wants an injunction to restrain the defendants, their servants or agents from further speaking or publishing the said or similar defamatory words.