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Judge was wrong, says defence counsel

KUALA LUMPUR, Fri. - Lawyer Robert Lazar submitted in the Court of Appeal today that a High Court judge was wrong in ordering Star Papyrus Sdn Bhd to furnish further details of its defence in a libel suit brought by businessman Mirzan Mahathir.

Lazar, who is representing Star Papyrus, said judge Datuk Dr R.K Nathan was wrong when he made a finding that prima facie an article in the Asian Wall Street Journal was defamatory.

Mirzan, the group executive chairman of Konsortium Perkapalan Berhad, is suing Star Papyrus for RM150 million over the article entitled "Mahathir's Eldest Son Limits Ambitions", front-paged on Jan 4 last year.

Lazar said the judge erred in making the ruling that the moment one pleads justification as a defence it must follow that the article is prima facie defamatory.

He said it was not necessary for Nathan to make this finding or go into this issue at all at the current stage of the proceedings.

Lazar was submitting at the hearing an appeal by Star Papyrus against Nathan's decision to dismiss its appeal against the Senior Assistant Registrar's order that they furnish the details.

Star Papyrus, the printer of AWSJ, is a subsidiary of Star Publications Berhad.

In his statement of claim, Mirzan said that a paragraph in the article implied that he had built his business empire as a willing beneficiary of nepotism, favouritism and privilege, and that his reputation was seriously damaged.

Star Papyrus' defence was that it merely provided a room for Dow Jones Publishing to keep its equipment to receive the contents of the AWSJ transmitted by electronic signals from Hong Kong.

It denied it published or authorised the publication of the journal.

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