

Khalid Jafri awarded RM200,000

SUN 14 AUG 2001

Judge: Article written to disparage plaintiff

By **N. Puspa Malar**

KUALA LUMPUR, Mon: The author of the book *50 Dalil Mengapa Anwar Ibrahim Tidak Boleh Jadi PM* was awarded RM200,000 in damages today over a defamatory article published in PAS's bi-monthly newsletter *Harakah*.

Abdul Khalid @ Khalid Jafri Bakar Shah, a former sports editor with *Utusan Melayu*, was also awarded interest at 4% per annum from the date of publication of the article on March 29 last year until today, and costs.

However, High Court judge Datuk Dr R. K. Nathan said there was no need for him to consider aggravated or exemplary damages.

He said Khalid knew that "by embarking on a controversial subject such as the former deputy prime minister (in his book), he would no doubt be the target of those who still feel sympathetic towards Datuk Seri Anwar Ibrahim".

In his 43-page written judgment, Nathan held that the defendants' act was one of sensationalism solely motivated by a desire to boost the sale of the newsletter and that the article was calculated to disparage Khalid in his profession and reputation.

Khalid, 60, had sued PAS (as the proprietor and publisher of *Harakah*), Syarikat Prema (the printer), Sabri Zain (the writer of the defamatory article), Muhammad Abdul Rahman Koya (the English section editor) and Zulkifli Sulong (the chief editor).

He claimed that the words in the article entitled *Malaysia Sweeps 10 Oscars* meant he was a common criminal and an undesirable element indulging in criminal activities.

He sought damages, interest, costs and injunction to restrain the defendants from further publishing the same or similar libellous words.

The defendants denied publishing the article with the intention to defame Khalid.

Alleging that the article was just a fiction, they claimed it was written in jest, without specifically referring to anyone.

Nathan said the words in the article meant that "Khalid was a rowdy hooligan, a thug and a gangster who has now graduated from the streets of gangland to the literary world and that although he is stupid and illiterate, yet he attempted to acquire tertiary education and being unsuccessful and in grief, he debased himself by seeking solace in the company of a prostitute".

He said: "It is my judgment that if a man in jest conveys a serious imputation, he jests at his peril. The false imputation of unchastity to a Muslim man will bring him into social disfavour and could be a ground for divorce."

Nathan's decision today does not include Sabri's liability as judgment in default of appearance had already been obtained against him before the hearing began last year.

Khalid's lawyer, Shamsul-Bahrain Ibrahim, said he will seek instructions from his client whether to appeal against the quantum of damages awarded.