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High Court dismisses RM60m defamation suit against TV3

KUALA LUMPUR, Mon. - The High Court today dismissed with costs a RM60 million defamation suit by former Pas secretary-general Halim Arshat against TV3 and two others over a news bulletin.

Reading a 31-page written judgment today, Judge Datuk Dr R.K. Nathan ruled that it was fair and reasonable for the defendants - TV3, its then operations director Yunus Said and Buletin Utama producer Rozaireen Ibrahim - to have relied on the defence of justification.

Nathan said the defendants were under a duty to speak, and the public under a corresponding interest to hear what was said.

Halim Arshat had sued the defendants over the TV3's news bulletin aired at 8pm on Aug 18, 1997, claiming that the broadcast of an article published in the Harakah tabloid allegedly accused Prime Minister Datuk Seri Dr Mahathir Mohamad of coming out of Islam (murtad).

Arshat had claimed the broadcast was false and malicious.

"A report on the status of Hudud laws in Malaysia, and Muslim law generally in cosmopolitan Malaysia, is one to stir the interest of any dedicated enquirer.

"It certainly answers the need to satiate public interest. In like manner the status of the Prime Minister, in the eyes of the general public and more so amongst Muslim brethren, is a matter of extreme public interest," Nathan said.

He also said there was no evidence of express malice to negate the defence of qualified privilege.

Nathan said the plaintiff had submitted that in broadcasting the libellous words without ascertaining the truth or falsity of the words, there was malice.

"On this issue I must also consider the fact that the defendants were entitled to rely on the statements by the Prime Minister himself which were quoted in various newspapers with reference to the accusation that he was murtad and his numerous rebuttals and challenges.

"I accept the fact that based on such denials and expressions of exasperation by the Prime Minister on such allegations, the defendants were entitled to rely on such statements which would clearly negate any element of malice, expressed or implied."

Nathan also said Halim's claim that he was then Harakah's permit holder which conferred upon him (Halim) an automatic right to claim he was defamed" ...had, in my view, no support both in law and logic".

In his suit, Halim, 58, claimed the words in the news bulletin referred or were understood to refer to him because he was at that time Pas secretary-general and also the permit holder for Harakah.

He claimed that the words meant, among others, that Harakah and Pas had published the false news that was defamatory of the Prime Minister and that Harakah and Pas were vengeful and jealous of the Prime Minister and the country.

In their defence, the defendants had denied the allegations and relied on a defence of fair comment and qualified privilege.

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