

09/01/2003

Hearing of NSTP suit against Pas on March 26

KUALA LUMPUR, Wed. - The High Court today fixed March 26 for hearing of a defamation suit filed by the New Straits Times Press (M) Bhd and its former group editor-in-chief against the late Pas president Datuk Fadzil Mohd Noor and 11 others over two articles which appeared in the tabloid Harakah over alleged doctored photographs of Datuk Seri Dr Mahathir Mohamad.

The hearing will be before judge Datuk Azmel Ma'amor.

Judge Datuk James Foong, who fixed the date in chambers, also ordered the matter to be brought up for further case management on Feb 17.

In the statement of claim dated Feb 8, NSTP and its former group editor-in-chief, Datuk Abdul Kadir Jasin, said that on Nov 28, 1999 a front-page article appeared in the Berita Minggu newspaper along with a photograph and caption that read "Dr Mahathir di sambut 4,000 penyokong Barisan Nasional di Majlis Pemimpin Bersama Rakyat di padang Majlis Perbandaran Kangar, semalam." (Dr Mahathir being greeted by 4,000 BN supporters at a meet-the-people session at the Kangar Municipal field yesterday.)

They are claiming that the Pas Central Information and Research Department had on Dec 12, 1999, published an article in the English section of Harakah entitled, "How many Mahathirs can you spot here?" along with the same photograph except that two circles had been drawn on the images of two individuals in the photograph.

NSTP and Kadir said that another article in the Berita Harian on Dec 8, 1999, entitled "Bernama nafi tuduhan Harakah" had reported, among others, that Bernama had denied Harakah's allegations that the photograph in Berita Minggu on Nov 28 had been doctored.

The Berita Harian article was accompanied by two close-up photographs to allow a comparison to be made between Dr Mahathir and the other person Harakah alleged was also the Prime Minister.

NSTP and Kadir are claiming that despite this, another Harakah article was published on Dec 10, 1999, entitled "Bernama claims picture is 'genuine', NSTP silent".

They are claiming that in their natural and ordinary meaning, the words in the two Harakah articles meant that:

- \* they had doctored the photograph that appeared in the Berita Minggu with intention to deceive and mislead readers;

- \* they were Umno controlled and were not acting independently;

- \* they always published false news to prove the popularity of the PM;

and

- \* they were irresponsible and unethical in carrying out their duties as a media company and as group editor-in-chief respectively.

They are claiming that the defendants maliciously published the articles and as a result damaged their good name, caused loss to their reputation and that they suffered a drop in sales.

NSTP and Kadir want the defendants to withdraw the defamatory articles, to publish an unreserved full page apology in every local daily, and pay costs, damages, interest and other relief.

In their defence filed on April 20, the defendants claim that the articles were not defamatory and are relying on a defence of fair comment on a matter of public interest which was published in good faith.

They are claiming that any reasonable man would have seen that the photograph did have two images of the Prime Minister.

They say the drop in sales, if any, was the result of a change in the attitude and thinking of the people who were tired of the one-sided reports.

The other defendants are Terengganu Menteri Besar Abdul Hadi Awang, Pas vice-president Hassan Shukri, State Assemblyman Harun Taib, Youth chief and Pokok Sena Member of Parliament Mahfuz Omar, Pas Women's wing chief Senator Jamilah Ibrahim, Pas secretary-general and Yan MP Nasharudin Mat Isa, Kelantan Deputy Menteri Besar Abdul Halim Abdul Rahman, State Executive Councillor Omar Muhammad, Harakah editor-in-chief Mustafa Ali, former secretary-general Halim Arshat and printer Syarikat Prema.