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NSTP, ex-group editor-in-chief get nod to sue Pas

KUALA LUMPUR, Wed. - The New Straits Times Press (M) Bhd and its former group editor-in-chief were today allowed to proceed with their defamation suit against Pas but ordered to name only the party's secretary-general, Nasharudin Mat Isa, as the defendant.

High Court judge Datuk Azmel Ma'amor made the ruling in chambers today when he allowed an appeal by NSTP and its former group editor-in-chief, Datuk Abdul Kadir Jasin, against the decision of a senior assistant registrar.

(Senior Assistant Registrar Noradura Hamzah had in June last year allowed an application by the late Pas president, Datuk Fadzil Mohd Noor, and eight others to strike out the suit by NSTP and Kadir).

The eight are Nasharudin, 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, Kelantan Deputy Menteri Besar Abdul Halim Abdul Rahman and State executive councillor Omar Muhammad.

The other defendants are Harakah editor-in-chief Mustafa Ali, former secretary-general Halim Arshat and printer Syarikat Prema.

The Pas leaders and the printing company were sued over two articles which appeared in the party's tabloid Harakah regarding alleged doctored photographs of Datuk Seri Dr Mahathir Mohamad.

In the statement of claim dated Feb 8, 2000, NSTP and Kadir 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 disambut 4,000 penyokong Barisan Nasional di Majlis Pemimpin Bersama Rakyat di padang Majlis Perbandaran Kangar, semalam" (Dr Mahathir greeted by 4,000 Barisan Nasional supporters at a meet-the-people session at the Kangar Municipal Council field).

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 headlined "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 newspaper on Dec 8, 1999, headlined "Bernama nafi tuduhan Harakah" (Bernama denies Harakah's allegation) had reported, among others, that the national news agency 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, headlined "Bernama claims picture is 'genuine', NSTP silent".

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

In their defence filed on April 20, 2000, the defendants claimed that the articles were not defamatory and relied on the defence of fair comment on a matter of public interest which was published in good faith.

They are claiming that any reasonable person would have seen that the

photograph did have two images of the Prime Minister.