

## **Guan Eng wins defamation suit against Utusan**

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The Umno-owned Utusan Malaysia has been found to have defamed Penang Chief Minister Lim Guan Eng in a report headlined 'Kebiadapan Guan Eng', published on Dec 20 last year.

The Penang High Court today ordered the publisher to pay Lim RM200,000 in damages, and RM25,000 as costs.

NONELim had sued the Malay language daily for defamation, based on its report on his speech themed 'A People's Government for the Real Malaysians'.

This was delivered at the Pakatan Rakyat convention in Kepala Batas on Dec 19 last year.

Reading out his judgment in court, Judicial Commissioner GV Varughese outlined seven paragraphs in which Utusan had "maliciously" defamed Lim, and made him and the DAP look as if they are anti-Malay and anti-Islam.

Varughese also gave a brief lesson in "responsible journalism", saying that reporters must conduct themselves professionally by verifying their statements if they are not to face defamation charges.

At a press conference outside the courtroom, Lim said Utusan had truly intended to slander him and the DAP.

He said the newspaper had blamed him and the DAP-led state government for evicting villagers and demolishing their houses in Kampung Jalan Pokok Asam and Kampung Genting in Balik Pulau, when these disputes were between the developers and residents.

He also felt it was slanderous to report that he had ordered the demolition of Kampung Buah Pala and evicted the villagers.

"I feel that if Utusan is truly a responsible media, it must repent (bertaubat), but I am not confident that it will do so," Lim told reporters.

"I feel they will bear the burden of defamation suits and continue to slander me and the DAP."

Lim said if he was racist as Utusan had alleged, his colleagues in Pakatan Rakyat would have protested. However, they knew the accusations to be false, he noted.

He also said he would give the money from the court case to charitable causes, saying that the victory belonged "to the people who love democracy, and healthy and responsible journalism that is not based on lies, cheating and slander".

He thanked his lawyer Jagdeep Singh Deo, but noted that Utusan had the right of appeal.

'Selective vendetta'

Varughese said the writer of the article - Zulkiflee Bakar - had made "sweeping statements" implying that Lim was a racist.

However, Varughese said he had not found any basis in Lim's speech to support the "rash and irresponsible" claim.

Utusan Malaysia and Zulkiflee Bakar had also inferred that Lim had directed his Pakatan colleagues to stop fighting for the Malay cause, but Varughese held that this was meant to "excite" the readers to colour the chief minister in a negative light.

As for Lim attacking the Malays in his speech, Varughese said he was not shown any proof that this was so, and that the writer could not assume that there was a reaction to it from the Malay community.

"There is no evidence that the speech had offended the Malays," he said.

"If the speech was racist, the first to react would have been the participants of the convention, who were mostly Malays."

On Lim's purported involvement in the demolition and eviction of Malay villages and businesses, Varughese said the article was not supported by any fact and whatever was written was based on "distorted" information.

In the article, Lim was accused of trying to stop the Prophet's Birthday annual procession (Maulidur

Rasul) but had finally allowed it.

To this, Varughese said there was no proof to indicate this, as the celebration had gone on.

"Half-truths are not truth at all... but deliberately done to mislead and disparage the plaintiff," he said.

Varughese found Zulkiflee's claim that he could not seek verification from Lim - since the DAP and state government have been boycotting Utusan - to be a "lame excuse and unacceptable".

He pointed out that Zulkiflee had admitted that he had not attempted to verify his claims.

"The writer must at least make an attempt to get verification from a relevant person in the state government... the basic requirement to verify is an integral part of responsible journalism," he said.

Varughese concluded that the article was "wholly motivated by malice", and that the writer had practised "selective vendetta" against Lim and the DAP.

In awarding the quantum, he added that Lim was not required to show actual damages as the libellous consequences of the statement were "durable and permanent".

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