

**Bar: PM should accept criticism, not sue
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Senior public officers and politicians should accept public criticism as part of political life, not resort to suing their critics, said the Malaysian Bar.

"Public officials - especially those holding high public office - and political parties should not resort to lawsuits for defamation as an answer to criticism or comment, whether or not such criticism or comment is unfounded and untrue.

"They should accept such adverse comments, no matter how vitriolic, obnoxious or untrue, as natural hazards of putting themselves forth into public political life, so long as it does not affect the person in his or her private sphere," said Bar president Christopher Leong (left).

He was responding in a statement today to Prime Minister Najib Razak's move on Tuesday to sue Malaysiakini over two compilations of readers' comments related to the Terengganu crisis.

"This is the first time a Malaysian prime minister has issued suit against members of the news media for purported defamation.

"The prime minister is in effect suing members of the news media for the views and comments of the public to whom the prime minister is accountable and answerable.

"This sets a bad precedent and sends the wrong message," said Leong.

He urged Najib and Umno to withdraw the defamation suit.

Criticism part of accountability

Instead of resorting to lawsuits, he said Najib should answer his critics, whether through a public explanation, debate, education, counter-arguments, or conduct that vindicates him.

"If the comments and issues complained of are sufficiently important for correction, the prime minister should reply in the public arena, and let the measure of public opinion be the judge of the truth," he said.

Malaysiakini has offered Najib a right of reply, but this was rejected by the prime minister.

Leong cited a 1964 US Supreme Court decision in the case of *New York Times Co v Sullivan*, which said that defamation suits by public officials are detrimental to public interest and was dismissed.

In another case that was presided over by the UK's Judicial Committee of the Privy Council, Leong quoted the judge as saying, "Any attempt to stifle or fetter such criticism (against public officials) amounts to political censorship of the most insidious and objectionable kind."

He was referring to the case of *Hector v AG of Antigua and Barbuda* in 1990, which is a prominent human rights case that is often cited within Commonwealth countries, and urged Malaysia to take heed as well.

He reminded them that public officials are "accountable to the people who have entrusted him or her with a position of public office and responsibility".

To be able to accept criticism, said Leong, was part of the duty of good governance and accountability.

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