

Utusan fails in appeal, ordered to pay Anwar RM200k
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Hafiz Yatim

The Court of Appeal today dismissed an appeal by Umno-owned newspaper *Utusan Malaysia* which was ordered to pay RM200,000 to former opposition leader Anwar Ibrahim over a defamation suit, where the paper claimed that the politician supported lesbians, gays, transexuals and bisexuals.

However, the court ordered the interest to be charged from the date of judgment and not from the date of filing.

In his decision, Justice Prasad Sandosham said: "We are not with you (*Utusan's*) counsel."

He also ordered *Utusan* to pay RM5,000 costs.

The other judges with him are Justice Zabariah Mohd Yusof and Justice Asmabi Mohamad.

Anwar won his suit against *Utusan* and its chief editor Abdul Aziz Ishak in 2013, following the daily's publication, citing his interview with the BBC in 2012, that he supported lesbians, gays, transexuals and bisexuals.

Kuala Lumpur High Court judge Hue Siew Kheng [ordered](#) the daily to pay Anwar RM200,000 in damages.

The late Justice VT Singham (*photo*), who delivered the [decision](#) before his retirement, took the daily to task for failing to practise responsible journalism.

"Anwar's statement has been taken out of context by the daily, as in the BBC interview with the plaintiff it was crystal clear that he was not supportive that homosexual, lesbian and transgender activities should be legalised."

"The (*Utusan*) article published is incorrect, distorted and taken out of context, and it cannot be reconciled.

"The purpose the article was published was to say Anwar is condoning it. The defendants have not acted professionally in publishing a correction when a legal letter was sent a week

after the publication by Anwar's lawyers, and have ignored altogether to publish an apology," the judge had said.

Singham passed away two months ago.

Preliminary objection

Lawyers Latheefa Koya and Shahid Adli Kamaruddin appeared for Anwar, while Wan Azmir Wan Majid represented *Utusan*.

On the quantum, Latheefa raised a preliminary objection on the grounds that the appeal was not proper as the amount was just RM200,000 and the court rules has stated that any award of RM250,000 and below, leave (permission) of the court should be obtained.

Latheefa cited two Court of Appeal cases where leave had to be obtained.

Lawyer Wan Azmir also pointed out that the total amount to be paid in the case would reach RM253,000 if costs and interest are included.

Following this, the three-member bench dismissed Latheefa's preliminary objection.

In his submission to reduce the quantum, Wan Azmir said the court, in considering Anwar's reputation, ought to take into account his conviction for sodomy and corruption.

He also submitted that it was wrong for Justice Hue to order the interest be paid from the date of filing and argued that it should be from the date the decision was delivered.

Latheefa replied that Justice Hue had referred to the case of Anwar vs S Nallakaruppan where previous conviction should not be considered as a factor.

After a short discussion, Justice Prashad unanimously dismissed *Utusan's* appeal.

Outside the court, Wan Azmir told reporters that he would seek instructions whether to appeal on the quantum at the Federal Court.