

Najib, Rosmah strike out Rafizi's defence of fair comment

MalaysiaKini.com

Nov 29th, 2016

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The Court of Appeal today allowed Prime Minister Najib Abdul Razak's application to strike out the defence of fair comment from Pandan MP Rafizi Ramli and blogger Chan Chee Kong, filed in their statement of defence.

Court of Appeal judge Rohana Yusof, who led the panel, said they agreed with the counsel for the appellant (Najib) on the issues raised.

The other judges were Justice Idrus Harun and Justice Mary Lim.

Najib and his wife Rosmah Mansor had filed the suit against Rafizi and Chan in April 2015, on the PKR vice-president's speech, at a forum on oil subsidy at Bandar Tun Razak, in which Rosmah is mentioned.

Najib and Rosmah were represented by lawyer Wan Azmir Wan Majid.

Case management for the case has been fixed on Dec 8 at the Kuala Lumpur High Court.

Lawyer Razlan Hadri Zulkifli for Rafizi and Chan said despite the decision today, Rafizi could rely on other defences put forward in their statement of defence, including qualified privilege.

Najib and Rosmah are appealing against High Court judge Noraini Abdul Rahman's decision, on April 15 this year, dismissing their application to remove several paragraphs in the defence statement of Rafizi and Chan.

They had applied to remove the defence of fair comment by the two defendants on the ground that the words uttered were a statement of facts and not of fair comment.

They alleged that Rafizi's speech was recorded and uploaded by Chan's Media Rakyat.

Najib and Rosmah further claimed that Chan had also shared the recording on Media Rakyat's Facebook account, which could be freely accessed by Internet users worldwide.

They said Chan failed to practise responsible journalism by not verifying or investigating the authenticity of the accusations in the statement before posting them.

Najib and Rosmah are seeking, among others, general, aggravated and exemplary damages and an order for Rafizi and Chan to make a public apology to be published in newspapers and magazines.

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