

Bloggers subject to same rules

NOT- 25/11/2007

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KUALA LUMPUR: Bloggers are liable for defamation — just as in other forms of communication, lawyers and other experts said.

Kuala Lumpur Bar chairman Lim Chee Wee said statements on the Internet were simply writings in a different medium.

“You can call them blogs, online forums, websites, they’re all subject to the same defamation laws if offending statements are published,” he said.

Lim agreed with Prime Min-

ister Datuk Seri Abdullah Ahmad Badawi, who said in London on Tuesday that although bloggers would not be restricted, they could be subject to defamation, sedition and other laws.

“They cannot hide or take advantage of a situation and do something against the law,” he said.

“I also welcome the prime minister’s statement that blogs will not be censored,” Lim said.

Law expert Prof Dr Shad Saleem Faruqi said there was no doubt the rules of defamation applied to blogs and Internet forums.

“The definition of speech covers every form of communication in whatever form, written or symbolic. There is no doubt that bloggers are subject to the same rules.”

Asked whether defamation laws in the West were more advanced than Malaysia’s, Shad Saleem said, “In fact we tend to give people much more freedom to defame because we have no privacy laws unlike most Western countries.”

Lawyer Datuk Dominic Puthuchery, who has represented a major local publication against defamation, said, “Our laws on defamation should be governed by Article

10 of the Federal Constitution which provides for freedom of speech, unless limited by Parliament.”

There is no law restricting people on the content of their blogs, he said. But “if something is either spoken or written in a permanent form, it is liable for defamation according to basic common law”.

That was his advice to a politician on a statement that had been taken from the Internet and broadcast.

Puthuchery also drew a line between private and public individuals: “A defamatory statement against a private person is actionable,” he said.

“When it comes to public interest issues and the conduct of public officers, it is not defamatory in some jurisdictions unless there is reckless disregard for the truth. But it is still an open question here.”

The former Member of Parliament said the legislature should draft laws to deal with defamation in the “new forms of communication”.

Lawyer Nahendran Navaratnam agreed that legislative changes were needed “to ensure that protection is given both to bloggers and those who are the subject of discussion on the Internet”.

National Union of Journal-

ists president Norila Mohd Daud said it was logical that defamation laws would apply to blog postings.

“Right now our laws do not cover blogs or online forums, but I think it’s simple logic that a defamatory statement can reach the public via any medium, by newspapers, magazines or the Internet.”

Norila also agreed that bloggers had to exercise caution on their websites.

“It is true that bloggers have to be responsible. You can express your opinions but we have to see it from the point of view of the people who are named,” she said.