

Shah Alam MP loses suit to Wanita Umno information chief
Malaysian Insider
July 12 , 2013
By Rita Jong

Shah Alam MP Khalid Samad has lost a defamation suit against former Sungai Rapat assemblywoman Datuk Hamidah Osman over a blog posting with a super-imposed photograph of him clad in a priest's robe.

Shah Alam High Court dismissed Khalid's suit today because he had failed to tender the original blog posting which he alleged to be defamatory.

Judicial commissioner Datuk Hashim Hamzah ordered him to pay RM20,000 in cost.

Khalid, 55, sued Hamidah, who is also the Wanita Umno information chief over the posting of an alleged "super-imposed" photograph of him, clad in a priest's robe, in her blog in January 2010 at [bloghttp://hamidahosman.blogspot.com](http://hamidahosman.blogspot.com).

Khalid is also Selangor PAS Commissioner III.

He claimed the blog posting titled "Muslims Let's Unite This Time" (Bersatulah Umat Islam Kali Ini) had portrayed him as a Christian priest and an apostate.

The blog had been shut down since September 2011.

Hashim did not read his judgment in court.

But according to his 23-page judgment, he said: "The plaintiff claimed that the said article published by the defendant was defamatory to him.

"The very subject matter of his claim will be the production of the original document. However, the plaintiff had produced a document which was not extracted from the original website."

He, however, said the alleged picture was defamatory to the plaintiff.

"It showed the plaintiff was an apostate, a strong supporter of Christianity against Islam and had no respect to the feelings of Muslims," he said.

"The alleged defamatory statement in the whole context of the article, however, is not defamatory."

Hashim said he found the whole article was aimed at uniting the Muslims against the substitution of the term "God" to the term "Allah" in the bible which became a public issue at one point of time.

"There is nothing in the article that denote in its literal and ordinary meaning that the plaintiff is an apostate or anything which tends to lower the reputation of the plaintiff in society," he said.

"Therefore, I find that should at all the alleged picture exists, the said article may be defamatory. But in the absence it, the statements contained is not."

Hence, Hashim said the plaintiff failure in producing the original document was fatal to his case.

Meanwhile, Khalid said he will appeal the decision.

"I am glad he acknowledged that the photograph was defamatory but it is unfortunate that the original article was not produced," he said to The Malaysian Insider via telephone. (During the trial, plaintiff's witnesses had claimed the defendant had taken down the photograph after posting it on its original blog).

Counsel Mohamed Hanipa Maidin and Azhana Mohd Khairudin represented Abdul Khalid while Datuk Hafarizam Harun and Nor Emelia Iszeham appeared for Hamidah.

Both Khalid and Hamidah were not present. - July 12, 2013.

Hakcipta © 2013 The Malaysian Insider

Source:

<http://www.themalaysianinsider.com/malaysia/article/shah-alam-mp-loses-suit-to-wanita-umno-information-chief/>