

Umno President, Executive Secretary Sue Malaysiakini

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KUALA LUMPUR, June 3 (Bernama) -- Umno president Datuk Seri Najib Tun Razak and Umno executive secretary Datuk Ab Rauf Yusoh have filed a defamation suit against the company operating the Malaysiakini portal and two of its editors over the publication of two articles last month.

The writ of summons was filed through Messrs Hafarizam Wan & Aisha Mubarak last Friday at the High Court registry here. The media obtained a copy of the writ today.

Najib and Ab Rauf (on behalf of Umno) named Mkini Dotcom Sdn Bhd, Malaysiakini.com editor-in-chief Steven Gan and chief editor Fathi Aris Omar as the first, second and third defendants, respectively.

In their statement of claim, Najib and Ab Rauf claimed that the three defendants had reported, produced and allowed to be published two articles entitled "A case of the PM reaping what he sows" and "How much will Najib spend to keep Terengganu?".

It is claimed that the articles were published on May 14.

They claimed that the articles were carried in the 'Yoursay' column of the www.malaysiakini.com portal by the defendants themselves or their assistants based on comments from the portal's subscribers or users which were grouped into the articles under the major topics.

One of the articles, "A case of the PM reaping what he sows", was related to government policies and hudud while the other, "How much will Najib spend to keep Terengganu?", was on the political situation in Terengganu last month, they said.

Najib, who filed the writ in his personal capacity, and Ab Rauf, on behalf of Umno, claimed that the defendants allowed the publication of the articles on purpose, knowing that they were baseless accusations and untruths.

Najib claimed that the defamatory words had undermined his reputation as a politician, the Umno president and the prime minister.

Besides, the two plaintiffs claimed that the comments implied sarcasm to indicate that Umno was incompetent as a political party and the backbone of the Barisan Nasional.

They also claimed that the defamatory words were designed to portray Umno as having abused its authority in the interests of the party, that it was an undemocratic party and one that deliberately created undesirable situations.

The two plaintiffs claimed that as a result of the publication of the articles, their reputations were severely tarnished when Umno was condemned, particularly in the social media and mass media.

They claimed that the articles were comments offered without any basis that were merely wild accusations made with malice against Umno, causing tension between the people and Umno.

"The defamatory articles raised tension in the people against Umno, associated the party with public scandals, subjected it to embarrassment and humiliation in public in the country and internationally.

"The damage to Umno's reputation can go on for years because the defamatory articles can be widely accessed anywhere at all as they are published on the portal which has virtual readers around the world, and the articles can be shared on social websites as well as forums and personal blogs without restriction," the plaintiffs claimed.

The two plaintiffs said that on May 15, a notice of demand was sent to the defendants through Messrs Hafarizam Wan & Aisha Mubarak for an unconditional written apology and retraction of the alleged defamatory articles or similar statements.

On the same day, the plaintiffs also demanded that all the defendants prepare a written undertaking not to issue similar statements.

However, the following day (May 16), Malaysiakini replied to the notice of demand citing defence of fair comment in the public interest and offered to the plaintiffs to reply to the articles without fulfilling the demand made by the plaintiffs.

On May 28, the plaintiffs rejected the offer and, through the defamation suit, demanded general and special damages that would be assessed by the court.

They also sought aggravated damages, excessive damages, interest, an injunction to restrain the defendants or their assistants from publishing the articles, an order that the

defendants issue a written apology to be published in the newspapers and costs.

Case management has been set for June 18 before High Court Judge S.M. Komathy Suppiah.

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