

**Malaysiakini Publisher, Two Others Want Judge To Hear Suit By Najib
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KUALA LUMPUR, June 27 (Bernama) -- Malaysiakini publisher and two others who were sued by Umno president Datuk Seri Najib Tun Razak and party executive secretary Datuk Ab Rauf Yusoh over the publication of two articles, have applied for a High Court judge to hear the suit.

In their application, Mkini Dotcom Sdn Bhd, Malaysiakini.com editor-in-chief Steven Gan and its chief editor Fathi Aris Omar, asked to recuse Judicial Commissioner Datuk Wira Kamaludin Md Said from hearing the defamation suit on grounds of a real danger of bias.

The suit was fixed to be heard before Kamaludin.

In the application, they said that Judicial Commissioners were appointed by the Yang di-Pertuan Agong acting on the advice of the prime minister after consultation with the Chief Justice.

They said Judicial Commissioners did not enjoy security of tenure, further, there was no certainty that they would be appointed as High Court judges.

So, they are seeking Kamaludin be recused from hearing the suit and it be heard before a High Court judge.

Counsel Ashok Kandiah, representing the three defendants, told the media that the application was filed last Tuesday. The copy of the application was made available to the media today.

He said the court set July 8 for case management of the application before the deputy registrar.

Counsel Raihanah Ashriqin Ariffin, acting for Najib and Ab Rauf, when asked on the matter, said she would get her clients' instruction on whether to object to the application.

On May 30, Najib filed the suit in his personal capacity and Ab Rauf, on behalf of

Umno, claiming that the three defendants had reported, produced and allowed the publishing of two articles titled "A case of the PM reaping what he sows" and "How much will Najib spend to keep Terengganu?".

The articles were said to have been published on May 14.

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

One of the articles, "A case of the PM reaping what he sows", related to government policies and hudud while the other, "How much will Najib spend to keep Terengganu?" was on the political crisis in Terengganu which happened in May.

Najib and Ab Rauf claimed that the defendants had deliberately allowed the publication of the articles although knowing they were baseless accusations and untruths.

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

The two plaintiffs also claimed that the comments implied sarcasm to indicate that Umno was incompetent as a political body and as the backbone of Barisan Nasional.

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

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

The plaintiffs seek general and special damages that would be assessed by the court.

They are also seeking 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.

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