

# Reporters Without Borders

<http://www.rsf.org/malaysia-opposition-blogger-ordered-to-pay-20-07-2011,40659.html>

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Asia - Malaysia

## Banned from writing Prison sentence deferred

30 August 2012

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On 28 August, High Court Judge Datin Zabariah Mohd Yusof granted an application made by lawyers R. Sivarasa and Latheefa Koya to defer the prison sentence imposed on the [blogger Amizudin Ahmat](#) pending an appeal. The date of the appeal hearing has not yet been announced.

Ahmat was sentenced on 10 August to three months' imprisonment for contempt of court for breaking an order not to criticize the culture, information and communications minister, Rais Yatim (see below).

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### **10.08.2012 - Blogger Amizudin Ahmat given three-month sentence for contempt of court**

The judicial harassment of the [blogger Amizudin Ahmat](#), a member of the opposition People's Justice Party, took a new twist when High Court Judge Datin Zabariah Mohd Yusof sentenced him today to three months' imprisonment for contempt of court for breaking an order not to criticize the culture, information and communications minister, Rais Yatim.

Without going into the merits of the case, Reporters Without Borders believes these proceedings to be unacceptable and the penalty disproportionate, and they pose a dangerous threat to freedom of expression concerning members of the government.

"Instead of judging each article at issue in a spirit of open debate and giving Amizudin Ahmat a chance to defend himself, the justice system has quite simply reduced him to silence," the press freedom organization said. "And, since he dared to express himself nonetheless, it deprived him of his freedom today. Unless the judges reconsider this decision immediately, they will be answerable for creating a serious precedent for freedom of news and information in Malaysia."

Ahmat, also known by the pen name **Din Banjai**, was sentenced to pay exorbitant damages for defamation (see below) and banned from publishing any further articles about the minister. Since then, he has posted 11 more articles on the subject, judged by the High Court to be defamatory. He was found guilty of serious contempt of court and, despite his explanations, the bench ruled that the repeated nature of the offence and the language he used merited severe punishment.

[Malaysia](#) is among countries under surveillance in the list of Internet Enemies published in March by Reporters Without Borders.

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### **23.01.2012 - Blogger ordered to pay huge damages to minister in defamation case**

A Malaysian court has rejected an appeal by the [blogger Amizudin Ahmat](#) and ordered him to pay 300,000 ringgit (100,000 US dollars) in damages to the minister of information, communications and culture, Rais Yatim, for allegedly defaming him in a blog article.

The Putrajaya appeal court ruled on 19 January that, in view of the minister's "high social

standing”, the damages were not excessive and it upheld the sum awarded by the High Court. Legal costs, originally amounting to 100,000 ringgit (33,000 dollars), were reduced by half.

The blogger, better known by the pen name Din Binjai, posted a blog entry on 28 December 2010 in which he accused Rais of raping his Indonesian housemaid. It was a republication of an article taken from the website of the newspaper Harakah Daily, which the blogger recognized could have been wrong.

Reporters Without Borders regrets that the Malaysian courts have imposed such a severe financial penalty on Amizudin Ahmat when he has publicly apologised for not having checked his sources and has shown goodwill by removing the offending article.

The press freedom organization fears that this trial may set a dangerous precedent for journalists and bloggers who expose political scandals.

It is also concerned by the proceedings launched against another [blogger](#), **Ahmad Sofian Yahya**, who uses the pen name Sekupangdua. On 3 January, the member of parliament Nga Kor Ming launched a defamation case against him in the High Court, claiming 10,000 ringgit (3,000 dollars) in damages.

In an article published on 16 December, the netizen alleged that the politician abused his position in 2008 to favour a company run by his wife in the award of a tailoring contract by the state of Perak, of which he was a representative.

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### **Blogger appeals against exorbitant damages award 1st August 2011**

The blogger **Amizudin Ahmat** filed an appeal today against a 19 July court decision ordering him to pay 300,000 ringgit (100,000 US dollars) in damages to the minister of information, communications and culture, Rais Yatim, for allegedly defaming the minister in a blog entry.

Reporters Without Borders urges the civil court hearing the appeal to be lenient and to overturn the 19 July ruling, issued by a Kuala Lumpur high court.

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### **Opposition blogger ordered to pay exorbitant damages to minister July 20, 2011**

A Kuala Lumpur court today ordered political [blogger](#) **Amizudin Ahmat** to pay 300,000 ringgit (100,000 US dollars) in damages and 100,000 ringgit (33,000 US dollars) in costs in a defamation suit brought by the minister of information, communications and culture, Rais Yatim, over a blog entry suggesting that he raped his Indonesian maid.

The court issued its verdict on 4 July but did not set damages and costs until yesterday. The size of the total amount, 400,000 ringgit (133,000 US dollars), is exorbitant and constitutes an extraordinarily severe punishment for Amizudin, who blogs under the pen-name of **Din Binjai**.

“Amizudin clearly did not take all the necessary care, but he was not the author of the contested article, which he copied from a website,” Reporters Without Borders said. “He subsequently apologized for not checking his sources and removed it from his blog. This evidence of good faith should have elicited a lenient response from the court and the minister, who instead persisted with his judicial persecution. We can only condemn this excessive damages award.”

Amizudin, 42, posted the offending article on his blog on 28 December 2010. Headlined “Mister Minister, where are you trying to flee to?” it accused Rais of raping the Indonesian maid who worked for him from 1999 to 2007.

The blogger said he copied it from the Harakah Daily website without checking the source and accepted that it could be wrong. The article quoted an August 2007 report by the Indonesian NGO [Migrant Care](#) about the mistreatment of Indonesian emigrant workers.

After Rais filed his lawsuit, Amizudin travelled to Jakarta from 18 to 20 May in an attempt to meet the minister’s former maid. Although he could not locate her, he spoke to Migrant Care researcher Indah Utamin, who did not want to be a witness at the trial for fear of the Malaysian authorities, Amizudin said.

The fact that Rais persisted with his lawsuit even after Amizudin had apologized and removed the article raises questions about his motives. A member of the opposition Parti Keadilan Rakyat (PKR), Amizudin publicly accused a fellow party member of corruption last February. That person then left the party and joined Rais' party, the ruling United Malays National Organization (UMNO).

Malaysia is on the list of "[countries under surveillance](#)" in the "Enemies of the Internet" report that Reporters Without Borders released on 12 March.

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