

Chong to appeal High Court's decision in 'black hole' suit

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KUCHING: Chong Chieng Jen's legal team has filed a notice of appeal against the High Court's decision in respect of the Sarawak government's defamation suit brought against him.

The state Democratic Action Party (DAP) chairman said the notice of appeal was filed on Sept 12, after the High Court here had on Aug 30, ruled in favour of the Sarawak government and the Sarawak Financial Authority (SFA) in the 'black hole' defamation suit brought against him.

The High Court also ordered Chong to pay damages in the sum of RM150,000 and RM50,000 in legal cost to the plaintiff.

Chong pointed out that such High Court's decision had far-reaching effects in the Commonwealth law and democracy.

According to him, the High Court's decision will set a precedent for the government to have a cause of action - defamation suit against an individual.

"It has never been the law of any Commonwealth country that a government can sue an individual for defamation. This case has set a precedent and this will go a long way in curtailing the freedom of speech and the right to criticise the government. With the precedent set by this case, if an individual were to make a comment like saying that this government is useless, he will be liable for defamation. That goes against any principle of law set in Commonwealth countries or even in US or other legal systems," he told a press conference at the Sarawak DAP headquarters here today.

Chong said the High Court's decision has an impact on transparency and accountability of the government in the management of government's

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Chong Chieng Jen



Chong stresses a point during the press conference. With him is Pending assemblywoman Violet Yong.

business.

He said when the rights of citizens to criticise the government had been curtailed, the extent of transparency and accountability of the government would be lessened.

"Putting aside the amounts that have been awarded, as a matter of principle of law, we are of the view that this is a wrong decision. Therefore, we are appealing against the decision.

"Notice of appeal has been filed, it will be followed by records of appeal; the matter will go to the Court of Appeal for determination in due course," he added.

Asked whether the High Court's judgement has been enforced, Chong said: "After we filed the notice of appeal, it depends on whether the Sarawak Attorney-

General's Chambers would want to enforce the judgement."

He said the state Attorney-General's Chambers could agree that they would not enforce the High Court's judgement until the final determination of the Court of Appeal or even the Federal Court.

"In fact in this case, we managed to strike out the case at the High Court level before the trial. There was a cost against the state government but the state government refused to pay the cost and we did not enforce because the state government has appealed, so we leave it to the court to decide.

"I think that gesture should be reciprocated. That was in 2013 or 2014, at the very initial stage, we managed to strike out the case," he added.