

Doctor awarded \$105,000 over false murder allegations

Steve Butcher

A former Melbourne doctor was awarded \$105,000 in damages for defamation yesterday after a five-year controversy sparked by false allegations that he helped murder his cousin's husband.

Dr Mohammed Abdur Awal, 50, was forced to flee to country Victoria after being ostracised in the city's Bangladeshi community following claims that he poisoned the man.

The County Court heard that the body of Mohammed Abdur Razzak Sarker was later exhumed in Bangladesh and returned to Melbourne for an autopsy.

The autopsy, which confirmed that Mr Sarker 45, died of a heart attack in August 1999, found no evidence of poisoning.

In his judgement yesterday, Judge Barton Stott found that Judge Barton Stott found that Mohammed Abdur Rouf's "baseless allegations" had seriously damaged Dr Awal's reputation.

Judge Stott said this had resulted in him being "shunned by members of the Bangladeshi community and leading to his leaving Melbourne, withdrawing from the community and relocating to EchUCA".

The allegations "deeply upset him, causing him loss of face, emotional distress and adversely affected his health, wellbeing and practice as a medical practitioner".

Judge Stott said Dr Awal had

been held in high esteem until members in his community gossiped about the allegations and read about the case in Bangladeshi newspapers on the internet and in *The Age*.

"Loss of face is a cultural issue resulting in social exclusion," Judge Stott said.

Dr Awal, questioned by his barrister, James Cahlin, accused Rouf, 45, Mr Sarker's brother, of defamation over two letters he wrote to the Medical Practitioners Board of Victoria.

The first, in March 2000, asked the board to act against Dr Awal for "negligence, undue medical practices, intentional or manipulation of the death certificate and for failure to report a reportable death".

The second letter, in June 2001, included allegations that Dr Awal planned, aided and concealed the homicide with Mr Sarker's wife.

The letters followed Rouf's unsuccessful application to the Supreme Court in October 1999 to have the coroner hold an inquest on Mr Sarker's death.

Justice Marilyn Warren found that there was no possible motive for Mr Sarker's wife to kill him and described as "hearsay upon hearsay" information about a poisoned fish meal.

The Medical Practitioners Board closed the matter in November 2001, when it cleared Dr Awal after receiving the autopsy results.



Mohammed Abdur Rouf, outside the County Court yesterday after he was found guilty of defaming Dr Mohammed Abdur Awal.

PICTURE: JOHN WOODS/STRA

Judge Stott said that while the letters were not published, "it may fairly be assumed" that board members would regard them as defamatory.

"It's clear (Rouf) had a paranoid obsessive belief implicating

(Dr Awal) in the deceased's death which he continued to maintain despite clear, unequivocal, objective evidence that the death was due to (heart attack) and not contributed to in any way by (Dr Awal)," he said.

Speaking later, Dr Awal, a father of two, told *The Age* he was pleased justice had been done after "so much damage had been done to him and his family."

"People will now know ... what the truth is."

Rouf, a part-time taxi driver from Sydney, who was unrepentant at the trial and now has to pay \$105,000 to Dr Awal, told *The Age* he was devastated. "I think this is an injustice and I'm going to appeal," he said.