

D892

U E600 AAE
COURT-FEER

88 P
KUALA LUMPUR, MARCH 28 (BERNAMA) -- A LAWYER CLAIMED IN THE HIGH COURT HERE TODAY THAT THE RELEVANT AUTHORITY HAD FAILED TO HOLD AN INQUIRY INTO THE FAR EASTERN ECONOMIC REVIEW'S (FEER) REPORT ON THE PURPORTED PROPOSED SALE OF LIMBANG IN SARAWAK TO BRUNEI DARUSSALAM DESPITE ITS +CATCHY+ TITLE.

ENCIK MUHAMMAD SHAFEE ABDULLAH SAID THE TITLE +SARAWAK SALE+ AND +LIMBANG TO BE SOLD TO BRUNEI+ BY ITSELF SHOULD +HAVE ROCKETED A REASONABLE MAN IN THE POSITION OF A SENIOR AUTHORISED OFFICER TO THE CEILING+ TO HAVE AN INQUIRY BUT THIS WAS NOT DONE.

THIS FAILURE REASONABLY INFERRED NEGLIGENCE ON THE AUTHORITY'S PART, SAID ENCIK MUHAMMAD SHAFEE, WHO IS APPEARING FOR THE MAGAZINE AND ITS EDITOR, DEREK DAVIES.

THE MAGAZINE AND EDITOR ARE BEING SUED BY PRIME MINISTER DATUK SERI DR MAHATHIR MOHAMAD OVER AN ARTICLE ON LIMBANG WHICH APPEARED IN ITS MAY 21 ISSUE LAST YEAR.

ENCIK MUHAMMAD SHAFEE WAS SUBMITTING ON AN APPLICATION BY THE TWO DEFENDANTS TO INCLUDE THE HOME MINISTER AND THE GOVERNMENT AS THIRD PARTIES IN THE LIBEL SUIT FILED LAST AUGUST. -- MORE
1839MST 28 03 88

D893

U E602 AAE
COURT-FEER 2 KUALA LUMPUR

AFTER COMPLETING HEARING OF THE PRESENT APPLICATION, THE COURT WILL HEAR THE PRIME MINISTER'S APPLICATION FOR THE DEFENDANTS TO SPECIFY THE NAME OF THE SOURCE OR SOURCES (FOR THE REPORT) WHICH THEY CLAIMED HAD IN THE PAST PROVED TO BE WELL-INFORMED AND RELIABLE.

THE FEER AND ENCIK DAVIES, IN THEIR DEFENCE FILED LAST OCTOBER, HAD CLAIMED THAT THE ARTICLE WAS PUBLISHED AS A RESULT OR INFORMATION RECEIVED FROM SOURCES WHICH HAD IN THE PAST PROVED TO BE WELL-INFORMED AND RELIABLE.

LAST WEEK, ENCIK MUHAMMAD SHAFEE TOLD JUSTICE DATUK AJAIB SINGH THAT AN OFFICER HAD SEIZED THE MAGAZINE AT THE AIRPORT AND REFERRED THE ARTICLE TO THE HOME MINISTRY WHICH WITHHELD THE MAGAZINE FOR ABOUT SIX DAYS BUT LATER RELEASED IT WITHOUT ANY ERASURE MADE.

COUNSEL SAID IT WAS NOT FRIVOLOUS FOR THE DEFENDANTS TO ARGUE THAT THE OFFICER CONCERNED WAS NEGLIGENT OR HAD BREACHED A DUTY UNDER THE PRINTING PRESSES AND PUBLICATIONS ACT.

HE SAID A SECTION OF THE ACT IMPOSED A DUTY ON THE OFFICER TO DELETE, ERASE OR REMOVE THE OFFENDING PART (IN THE ARTICLE) BY TEARING OUT THE PAGE IF IT WAS CONTRARY TO ANY LAW. -- MORE
1841MST 28 03 88

0896

U E603 AAE
COURT-FEER 3 KUALA LUMPUR

COUNSEL ARGUED THAT IF THE REPORT WAS DEFAMATORY IT WAS CERTAINLY SOMETHING THAT WAS OBVIOUS WHICH THE AUTHORISED OFFICER WOULD KNOW IMMEDIATELY, ADDING THAT THE OFFICER'S CARELESSNESS AND NEGLIGENCE HAD DIRECTLY AFFECTED THE PRIME MINISTER'S REPUTATION AND CAUSED LOSS.

IF IN THE FIRST ARTICLE THE OFFICER CONCERNED DID NOT SET HIS MIND ON AN INQUIRY, THEN HE WOULD HAVE BEEN MORE ALERT WHEN THE SECOND EDITION OF THE MAGAZINE WHICH PUBLISHED AN APOLOGY RELATING TO THE ARTICLE, WHICH THE PRIME MINISTER CONTENDED WAS ALMOST AS DEFAMATORY, WAS RELEASED.

ENCIK MUHAMMAD SHAFEE SAID THE +APOLOGY+ IN THAT SECOND EDITION WAS RELEASED WITH NO ERASURE AND NO DELETION BY THE HOME MINISTRY, ADDING THAT THE PRIME MINISTER WAS ALSO THE HOME MINISTER.

IN THE SUIT, DATUK SERI DR MAHATHIR, AMONG OTHER THINGS, IS SAYING THAT THE WORDS IN THE ARTICLE CONCERNING HIM IN THE WAY OF HIS OFFICE AS PRIME MINISTER, IN THEIR ORDINARY MEANING, ARE UNDERSTOOD TO MEAN THAT HE WAS ENGAGED IN AN UNCONSTITUTIONAL AND SURREPTITIOUS ATTEMPT TO SELL TO BRUNEI A PART OF THE TERRITORY OF SARAWAK WHICH IS A COMPONENT OF MALAYSIA.

DATUK SERI DR MAHATHIR SAYS THAT BECAUSE OF THE PUBLICATION OF THE SAID WORDS, HE HAD BEEN DAMAGED IN HIS CHARACTER AS PRIME MINISTER AND HAD BEEN BROUGHT INTO PUBLIC SCANDAL, ODIUM AND CONTEMPT. -- MORE

1846MST 28 03 88

0897

U E604 AAE
COURT-FEER 4 KUALA LUMPUR

THE FEER AND ITS EDITOR, IN THEIR DEFENCE, DENY THAT THE ARTICLE WAS MEANT TO DEFAME THE PRIME MINISTER.

THEY CLAIM THAT IF THE WORDS WERE DEFAMATORY, THEY WERE PUBLISHED ON +QUALIFIED PRIVILEGE+, CONTENDING, AMONG OTHER THINGS, THAT DATUK SERI DR MAHATHIR WAS A PUBLIC FIGURE KNOWN IN MALAYSIA AND THE WORLD.

HEARING CONTINUES TOMORROW. -- BERNAMA
1847MST 28 03 88