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KUALA LUMPUR, MARCH 29 (BERNAMA) -- A LAWYER SUBMITTED IN THE HIGH COURT HERE TODAY THAT PRIME MINISTER DATUK SERI DR MAHATHIR MOHAMAD, BEING THE AGGRIEVED PARTY, COULD HAVE APPEALED AGAINST THE DECISION ALLOWING THE RELEASE OF THE FAR EASTERN ECONOMIC REVIEW ISSUE WHICH CARRIED A REPORT ON THE PURPORTED PROPOSED SALE OF LIMBANG TO BRUNEI DARUSSALAM.

ENCIK MUHAMMAD SHAFEE ABDULLAH SAID UNDER SECTION 9(3) OF THE PRINTING PRESSES AND PUBLICATIONS ACT 1984, AN AGGRIEVED PERSON, IN THIS CASE THE PRIME MINISTER, COULD APPEAL ON GROUNDS THAT THE RELEVANT OFFICER HAD WRONGLY ALLOWED THE RELEASE OF THE ISSUE CARRYING THE REPORT.

+BUT THIS HAS NOT BEEN DONE UNTIL TODAY,+ SAID ENCIK MUHAMMAD SHAFEE, COUNSEL FOR THE MAGAZINE AND ITS EDITOR DEREK DAVIES, WHO ARE BEING SUED FOR LIBEL BY DATUK SERI DR MAHATHIR OVER AN ARTICLE ON LIMBANG THAT APPEARED IN ITS MAY 21 ISSUES LAST YEAR.

COUNSEL SUBMITTED THAT THE WORD +ANY PERSON+ UNDER SECTION 9(3) INCLUDED A PERSON AGGRIEVED BY THE RELEASE OF A PUBLICATION BY A SENIOR AUTHORISED OFFICER.

HE 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

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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 WHICH THEY CLAIMED IN THEIR DEFENCE, HAD PROVED IN THE PAST TO BE WELL-INFORMED AND RELIABLE.

THE HONG KONG-BASED MAGAZINE IN ITS MAY 21 ISSUE LAST YEAR REPORTED THAT THE PRIME MINISTER HAD DISCUSSED THE POSSIBLE SALE OF LIMBANG TO BRUNEI DARUSSALAM AT A STARTING PRICE OF US\$6 BILLION (M\$15 BILLION) DURING HIS VISIT OF THE SULTANATE IN MARCH LAST YEAR.

ENCIK MUHAMMAD SHAFEE SAID THE PRIME MINISTER SHOULD HAVE APPEALED AGAINST THE DECISION OF THE OFFICER ALLOWING THE IMPORTATION OF THE FEER WITHOUT ANY FORM OF CENSORSHIP.

LAST WEEK, HE HAD TOLD THE COURT PRESIDED BY JUSTICE DATUK AJAIB SINGH THAT THE MAGAZINE WAS WITHHELD FOR SIX DAYS BUT WAS LATER RELEASED WITHOUT ANY ERASURE BY THE HOME MINISTRY.

ENCIK MUHAMMAD, WHO CLAIMED THAT THE INTENDED THIRD PARTIES -- THE HOME MINISTER AND THE GOVERNMENT -- WERE JOINT WRONGDOERS (TORTFEASORS) IN THE PUBLICATION OF THE MAGAZINE TO THE PUBLIC, SAID LEAVE FOR INCLUSION OF THIRD PARTIES WAS A MATTER OF DISCRETION AND WOULD NOT BE GIVEN IF IT WOULD PREJUDICE, EMBARRASS OR DELAY THE PLAINTIFF IN HIS SUIT.

HOWEVER, IN THIS CASE, IT WOULD NOT PREJUDICE, EMBARRASS OR DELAY DATUK SERI DR MAHATHIR, HE ADDED. -- MORE

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IN THE SUIT, DATUK SRI DR MAHATHIR, AMONG OTHER THINGS, CLAIMED 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 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 SRI DR MAHATHIR SAID 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.

THE MAGAZINE AND ITS EDITOR, IN THEIR DEFENCE, DENIED THE ARTICLE WAS MEANT TO DEFAME THE PRIME MINISTER, ADDING THAT IF THE WORDS WERE DEFAMATORY, THEY WERE PUBLISHED WITH QUALIFIED PRIVILEGE AS DATUK SRI DR MAHATHIR WAS A PUBLIC FIGURE KNOWN IN MALAYSIA AND THE WORLD.

SENIOR FEDERAL COUNSEL T. SELVENTHIRANATHAN, REPRESENTING THE PRIME MINISTER, WILL MAKE HIS SUBMISSION TOMORROW. -- BERNAMA
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