

B E022 AAE
COURT-FEER

88 *P Datuk Seri Dr Mahathir*
KUALA LUMPUR, APRIL 14 (BERNAMA) -- THE HIGH COURT HERE WAS TOLD TODAY THAT THE FAR EASTERN ECONOMIC REVIEW (FEER) AND ITS EDITOR ARE DUTY BOUND TO PROVIDE THE PARTICULARS OF THEIR SOURCES WHICH THEY HAD RELIED ON FOR THE ARTICLE ON THE PURPORTED SALE OF LIMBANG TO BRUNEI DARUSSALAM WHICH IS THE SUBJECT MATTER OF A LIBEL SUIT FILED AGAINST THEM BY THE PRIME MINISTER.

SENIOR FEDERAL COUNSEL T. SELVENTHIRANATHAN SAID IF THEY FAILED TO DO THIS, THEIR DEFENCE (TO THE SUIT) THAT THE SOURCES HAD IN THE PAST PROVED TO BE WELL-INFORMED AND RELIABLE SHOULD BE STRUCK OUT.

HE SAID THAT IF THEY WERE UNABLE TO DISCLOSE THEIR SOURCES, THEN THEY HAD ACTED IN BAD FAITH AND IN MALICE.

THE DEFENDANT SHOULD NOT BE HIDING BEHIND THE SOURCES, HE ADDED.

HE SAID WHEN THE MAGAZINE AND ITS EDITOR, DEREK DAVIES, PUT UP THIS DEFENCE, THEY HAD INTENDED TO SHOW THAT THERE WAS SOMETHING ON WHICH THEY COULD RELY UPON. -- MORE

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B E024 AAE
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HE SAID THAT IF THEY RELIED UPON A SOURCE OR SOURCES, IT WAS IN THE INTEREST OF JUSTICE AND VERY MATERIAL FOR THEM TO DISCLOSE THE PARTICULARS ASKED BY DATUK SERI DR MAHATHIR MOHAMAD.

ENCIK SELVENTHIRANATHAN WAS SUBMITTING IN AN APPLICATION TO GET THE DEFENDANTS TO SPECIFY THE NAME OF THE SOURCE OR SOURCES, PARTICULARS OF EACH AND EVERY OCCASION WHEN THE DEFENDANTS CONTENTED THE SAID SOURCE OR SOURCES PROVED TO BE WELL-INFORMED AND RELIABLE, WHEN AND WHERE WAS THE INFORMATION RECEIVED AND IN WHAT FORM WAS IT CONVEYED.

THE MAGAZINE AND ENCIK DAVIES ARE BEING SUED BY DATUK SERI DR MAHATHIR OVER AN ARTICLE THAT APPEARED IN ITS MAY 21 ISSUE LAST YEAR.

DATUK SERI DR MAHATHIR IS ALSO SEEKING UNSPECIFIED DAMAGES FOR ALLEGED LIBEL CONTAINED IN AN APOLOGY AND RETRACTION RELATING TO THE ARTICLE PUBLISHED BY THE MAGAZINE ON JUNE 4 LAST YEAR.

IN THE SUIT, DATUK SERI 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. -- MORE

1853MST 14 04 88

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B E026 AAE
COURT-FEER 3 KUALA LUMPUR

HE 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 THAT THE ARTICLE WAS MEANT TO DEFAME THE PRIME MINISTER, ADDING THAT IF THE WORDS WERE DEFAMATORY, THEY WERE PUBLISHED WITH QUALIFIED PRIVILEGE AS DATUK SERI DR MAHATHIR IS A PUBLIC FIGURE KNOWN IN MALAYSIA AND THE WORLD.

ENCIK SELVENTHIRANATHAN SAID THE DEFENDANTS IN THEIR AFFIDAVITS HAD STATED THAT THEY DID NOT WISH TO DISCLOSE THE NAMES OF THE SOURCE OR SOURCES AND THE OTHER PARTICULARS SOUGHT.

HE SAID SINCE THE DEFENDANTS HAD STATED THAT THEY WERE RELYING ON THESE SOURCES, TO SAY THAT THEY WOULD NOT DISCLOSE THE PARTICULARS SOUGHT, WOULD BE TO EMBARRASS THE PLAINTIFF IN THE PREPARATION OF HIS SUIT.

THE DEFENDANTS' DEFENCE THAT THE SOURCES HAD PROVEN IN THE PAST TO BE WELL-INFORMED AND RELIABLE WAS MATERIAL TO DATUK SERI DR MAHATHIR'S CONTENTION THAT THERE WAS MALICE.

IF THE DEFENDANTS SAID THAT IT WAS BASED ON THESE SOURCE OR SOURCES THAT THEY HAD BEEN ACTING ON, THEN IT WAS FOR THEM TO GIVE THE PARTICULARS TO SHOW WHETHER THERE WAS MALICE, HE ADDED. -- MORE.
1907MST 14 04 88

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B E027 AAE
COURT-FEER 4 KUALA LUMPUR

IF THEY DID NOT PROVIDE THE PARTICULARS OF THEIR SOURCES, THE SENIOR FEDERAL COUNSEL SAID, THEY SHOULD NOT BE ALLOWED TO RELY ON THAT DEFENCE.

ENCIK SELVENTHIRANATHAN ALSO CONTENDED THAT AS THEY RELIED ON THE DEFENCE OF +QUALIFIED PRIVILEGE+ AND SAID THAT THAT WAS THE BASIS ON WHICH THEY HAD ACTED UPON, THEY COULD NOT REFUSE TO DISCLOSE THE PARTICULARS WHICH HAD BEEN ASKED FOR.

IF THEY REFUSED, THEY COULD NOT SAY THEY WERE RELYING ON THIS FOR THEIR DEFENCE, HE SAID.

ENCIK MUHAMMAD SHAFEE ABDULLAH, WHO APPEARED WITH CIK CHISTINA KOW FOR THE MAGAZINE AND ENCIK DAVIES, WILL SUBMIT ON APRIL 27. --
BERNAMA

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