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COURT-FEER

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KUALA LUMPUR, APRIL 27 (BERNAMA) -- THE HIGH COURT HERE WAS TOLD TODAY THE FAR EASTERN ECONOMIC REVIEW AND ITS EDITOR WERE PREPARED TO RISK NOT REVEALING THEIR SOURCES RELATING TO THE REPORT ON THE PURPORTED PROPOSAL TO SELL LIMBANG TO BRUNEI DARUSSALAM.

THEIR COUNSEL, ENCIK MUHAMMAD SHAFEE ABDULLAH, SAID THEY WOULD TAKE THE RISK EVEN IF IT MEANT THEIR DEFENCE TO A LIBEL SUIT BY THE PRIME MINISTER WOULD NOT BE AS EFFECTIVE AS IT WOULD BE IF THE SOURCES WERE REVEALED.

HE SAID IT WOULD BE TO HIS CLIENTS' DETRIMENT IF THEY DID NOT REVEAL THE SOURCES SOUGHT BY PRIME MINISTER DATUK SERI DR MAHATHIR MOHAMAD BUT THEY WERE DOING THIS AT THEIR OWN PERIL. +

COUNSEL WAS SUBMITTING IN AN APPLICATION TO GET THE MAGAZINE AND ITS EDITOR DEREK DAVIES TO SPECIFY THE NAME OF THE SOURCE OR SOURCES, PARTICULARS OF EACH AND EVERY OCCASION WHEN THE DEFENDANTS CONTENDED THE SAID SOURCE OR SOURCES PROVED TO BE WELL-INFORMED AND RELIABLE, WHEN AND WHERE THE INFORMATION WAS RECEIVED, AND IN WHAT FORM IT WAS CONVEYED.

DATUK SERI DR MAHATHIR WHO HAD SUED THE TWO FOR LIBEL OVER THE ARTICLE THAT APPEARED IN THE MAGAZINE'S MAY 21 ISSUE LAST YEAR, IS SEEKING THE PARTICULARS. -- MORE

1818MST 27 04 88

U E608 AAE
COURT-FEER 2 KUALA LUMPUR (CORRECTED REPETITION)

IN THE SUIT, HE 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.

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

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 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 MUHAMMAD SHAFEE CONTENDED THAT THE PRIME MINISTER WAS NOT ENTITLED TO THE INFORMATION SOUGHT AT THIS STAGE OR AT THE TRIAL PROPER IF THE DEFENDANTS CHOSE NOT TO REVEAL THE SOURCES. HE SAID HE COULD NOT SEE HOW IT WOULD PREJUDICE THE PLAINTIFF'S CASE IF THE SOURCES WERE NOT DISCLOSED.

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1829MST 27 04 88

0316

U E609 AAE
COURT-FEER 3 KUALA LUMPUR

+THE PLAINTIFF IS NOT ALLOWED TO GET THE INFORMATION RELATING TO THE SOURCES...IT IS ALMOST ABSOLUTE PROHIBITION FOR HIM TO ASK THE DISCLOSURE OF THE SOURCES... AT LEAST AT THIS STAGE,+ COUNSEL ADDED. HE CITED CASES TO BACK HIS CONTENTION.

ENCIK MUHAMMAD SHAFEE ALSO CLAIMED THAT NEWSPAPER REPORTS INDICATED THAT THE SOURCES, IF REVEALED, WOULD BE SUBJECT TO INTIMIDATION AND HARASSMENT.

EARLIER, SENIOR FEDERAL COUNSEL T.SELVENTHIRANATHAN, CONTINUING HIS SUBMISSION, SAID ENCIK DAVIS HAD SAID IN HIS AFFIDAVIT THAT IF THEY WERE TO SUPPLY THE PARTICULARS SOUGHT, IT WOULD MEAN THE +DEATH OF INVESTIGATIVE JOURNALISM.+

HE SUBMITTED THAT THE DEFENDANTS WERE RELYING ON THEIR SOURCE OR SOURCES TO RAISE THE DEFENCE OF QUALIFIED PRIVILEGE AND THEREFORE THEY SHOULD PROVIDE THE PARTICULARS, OTHERWISE THAT DEFENCE SHOULD BE STRUCK OUT.

+THE DEFENDANTS CANNOT RAISE THE DEFENCE OF QUALIFIED PRIVILEGE AND THEN HIDE BEHIND THE CLOAK OF INVESTIGATIVE JOURNALISM,+ ENCIK SELVENTHIRANATHAN ADDED.

HEARING BEFORE JUSTICE DATUK AJAIB SINGH CONTINUES ON MAY 3. --

BERNAMA

1831MRT 27 04 AA