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23 (C)
KUALA LUMPUR, MAY 16 (BERNAMA) -- THE HIGH COURT WILL DELIVER ON JUNE 17 JUDGMENT IN THE PRIME MINISTER'S APPLICATION FOR INFORMATION FROM THE FAR EASTERN ECONOMIC REVIEW AND ITS EDITOR RELATING TO ITS REPORT ON THE PURPORTED PROPOSAL TO SELL LIMBANG TO BRUNEI DARUSSALAM.

JUSTICE DATUK AJAIB SINGH DEFERRED DECISION AFTER HEARING SUBMISSIONS BY SENIOR FEDERAL COUNSEL T. SELVENTHIRANATHAN, FOR DATUK SERI DR MAHATHIR MOHAMAD, AND ENCIK MUHAMMAD SHAFEE ABDULLAH, FOR THE DEFENDANTS.

DATUK SERI DR MAHATHIR IS SUING THE HONGKONG-BASED WEEKLY NEWS MAGAZINE AND ITS EDITOR, DEREK DAVIES, FOR LIBEL OVER THE ARTICLE WHICH APPEARED IN THE MAGAZINE'S MAY 21 ISSUE LAST YEAR.

THE ARTICLE, APPEARING UNDER THE HEADING '+SARAWAK SALE?' CLAIMED THAT DATUK SERI DR MAHATHIR DISCUSSED THE POSSIBLE SALE OF LIMBANG TO BRUNEI DARUSSALAM FOR A STARTING PRICE OF US\$6 BILLION (ABOUT \$15 BILLION) DURING HIS VISIT TO THE SULTANATE IN MARCH LAST YEAR.

DATUK SERI DR MAHATHIR IS ALSO SEEKING UNSPECIFIED DAMAGES FOR ALLEGED LIBEL CONTAINED IN AN APOLOGY AND RETRACTION RELATING TO THE ARTICLE. -- MORE

1737MST 16 05 88

U E727 AAE
COURT-FEER 2 KUALA LUMPUR

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 WAS A PUBLIC FIGURE KNOWN IN MALAYSIA AND THE WORLD.

EARLIER, ENCIK SHAFEE SAID THERE WAS NO COMPELLING REASON FOR THE DISCLOSURE OF INFORMATION AS THE PURPORTED SALE OF LIMBANG -- THE PART OF SARAWAK WHICH SEPARATES THE TWO PARTS OF BRUNEI -- POSED NO THREAT TO NATIONAL SECURITY.

ENCIK SHAFEE, URGING THE COURT TO DISMISS THE APPLICATION WITH COSTS, SAID THE COURT COULD ONLY ORDER THE MAGAZINE AND DAVIES TO REVEAL THE SOURCES IF THE PLAINTIFF COULD PROVE THE ARTICLE WAS A THREAT TO NATIONAL SECURITY AND THAT IT HAD VIOLATED THE OFFICIAL SECRETS ACT.

HE ALSO SAID THE SOURCES, IF DISCLOSED, WOULD BE SUBJECTED TO HARASSMENT, NOT FROM THE PLAINTIFF, BUT FROM HIS SUPPORTERS. -- MORE

1739MST 16 05 88

U E728 AAE
COURT-FEER 3 KUALA LUMPUR

ENCIK SELVENTHIRANATHAN SAID THE DEFENDANTS MUST SPECIFY THE SOURCES BECAUSE SUCH INFORMATION IS MATERIAL FOR THE PREPARATION OF THE PLAINTIFF'S CASE.

HE CONTENDED THAT THE SOURCES MIGHT BE NON-EXISTENCE IF THEY REFUSED TO REVEAL THE SOURCES. -- BERNAMA

1739MST 16 05 88