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KUALA LUMPUR, MAY 17 (BERNAMA) -- THE SUPREME COURT HERE TODAY DISMISSED AN APPEAL BY THE FAR EASTERN ECONOMIC REVIEW AND ITS EDITOR AGAINST A RULING REFUSING THEIR APPLICATION TO INCLUDE THE HOME MINISTER AND THE GOVERNMENT AS THIRD PARTIES TO A LIBEL SUIT FILED AGAINST THEM BY PRIME MINISTER DATUK SERI DR MAHATHIR MOHAMAD.

CHIEF JUSTICE OF MALAYA TAN SRI HASHIM YEOP SANI WHO SAT WITH SUPREME COURT JUDGES DATUK MOHAMED YUSOFF MOHAMED AND DATUK GUNN CHIT TUAN MADE THE ORDER AFTER COUNSEL ENCIK MUHAMMAD SHAFEE ABDULLAH TOLD THE COURT THAT HIS CLIENTS HAD INSTRUCTED HIM TO WITHDRAW THE APPEAL.

THE HIGH COURT HAD REJECTED THE APPLICATION BY THE MAGAZINE AND ITS EDITOR DEREK DAVIES TO INCLUDE THE HOME MINISTER AND THE GOVERNMENT AS THIRD PARTIES ON APRIL 8 LAST YEAR.

IT RULED THEN THAT THE APPLICATION BY THE TWO WAS CLEARLY AN ATTEMPT TO EMBARRASS THE PRIME MINSITER AND PREJUDICE THE FAIR TRIAL OF HIS SUIT, WAS MISCONCEIVED AND AN ABUSE OF THE PROCESS OF THE COURT.

DATUK SERI DR MAHATHIR HAD SUED THE MAGAZINE AND ENCIK DAVIES OVER AN ARTICLE ON LIMBANG THAT APPEARED IN ITS MAY 21 ISSUE IN 1987. -- MORE
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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 M\$17 BILLION) DURING HIS VISIT TO THE SULTANATE IN MARCH, 1987.

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, 1987.

THE MAGAZINE AND ENCIK DAVIES, 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.

SENIOR FEDERAL COUNSEL T.SELVENTHIRANATHAN REPRESENTED THE PRIME MINISTER. -- BERNAMA
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