

06 MAY 1999

Court-Anwar

ANWAR'S PRELIMINARY OBJECTION IN RM100 MILLION SUIT AGAINST SUN REJECTED

KUALA LUMPUR, May 6 (Bernama) -- The High Court here today dismissed preliminary objections by Datuk Seri Anwar Ibrahim and will hear tomorrow an application by Sun Media Corporation Sdn Bhd to dispose of his RM100 million libel suit against the company as a preliminary issue.

Justice Datuk R. K. Nathan made the decision after hearing submissions from Karpal Singh, counsel for the former deputy prime minister, and and Datuk V.K. Linggam, for Sun Media.

Sun Media, which filed its summons-in-chambers on April 6, sought a court ruling on several issues relating to the question of qualified privilege as pleaded in its defence to Anwar's suit.

The summons-in-chambers was supported by the affidavit of Sun Media director Tan Sri Abdul Rahim Din who said it was appropriate for the court to try the issues as preliminary issues in the interest of justice, judicial expediency and considering the costs involved.

In his affidavit-in-reply, Gobind Singh Deo, Anwar's other counsel, said the prayers sought by Sun Media in the application was misconceived and it would not be appropriate for them to resolve the matter as preliminary issues.

Gobind Singh said Anwar was entitled to a full trial, having regard to his contention that a defence of qualified privilege was not open to Sun Media.

Anwar, 51, is suing Sun Media for alleged libel for publishing an article under the heading, "Anwar's behaviour is despicable: PM", on Sept 23 last year.

In his statement of claim, Anwar said Sun Media had published the defamatory words against him without verifying the facts with him before publication.

He said the Sun had re-published the said words on Jan 28, 1999 under the heading "Report On Sodomy and Masturbation" after the issue of the suit, thereby, making profit from the sale.

In his suit, Anwar is also seeking an injunction to restrain Sun Media, formerly known as Sun Media Group Sdn Bhd, by its directors, servants, and/or agents from further publishing the said or any similar libel on him.

Anwar is also seeking interest, costs, and any other relief deemed fit and proper by the court.

In its statement of defence, filed on March 11, Sun Media, which admitted publishing the words, contended that it did so upon an occasion of qualified privilege.

The company said it was its legal, moral and social duty to publish the said words to readers of its newspaper, The Sun, who had a legitimate interest to receive the information.

The statement of defence also included the full text of what the Prime Minister Datuk Seri Dr Mahathir Mohamad had said at a news conference held on Sept 22 last year and also questions he was asked by journalists.

The company claimed that it was Dr Mahathir's public duty to explain to the general public the dismissal of Anwar from his post and it was the duty of the media to convey the explanation to the general public as the general public had a co-responding interest to hear the explanation.

In his reply, Anwar claimed that Sun Media had failed to exercise reasonable caution in publishing the words despite his earlier denial of any sexual misconduct.

He said the plea of qualified privilege was not open to Sun Media.

Alternatively, Anwar said the plea of qualified privilege must fail because Sun Media was "actuated by malice" when publishing the offending words.

He said the Sun Media also did not make any effort to confirm the truth of the offending words from him or from the parties allegedly involved with him in the alleged sexual misconduct.

He also claimed that Sun Media published the words knowing well that he was then under detention under the Internal Security Act and was therefore unable to reply.

-- BERNAMA

SBB JK