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Anwar files notice of appeal against striking out of case

KUALA LUMPUR, Wed. - Datuk Seri Anwar Ibrahim has filed a notice of appeal against the striking out of his RM100 million libel suit against Prime Minister Datuk Seri Dr Mahathir Mohamad.

The notice was filed by the legal firm of Karpal Singh & Co at the High Court (civil division) registry today. No hearing date has been fixed.

Speaking to the Press, Karpal Singh said the notice was filed on a certificate of urgency in view of Anwar's other RM100 million suit against publisher Sun Media Corporation Sdn Bhd fixed for hearing as a preliminary issue on Sept 13. (Sun Media has applied under Order 33 Rule 2 of the Rules of High Court for the court to resolve the suit based on the pleadings alone, without going for a full trial.)

The High Court struck out Anwar's suit against the Prime Minister on Monday, holding the claims "obviously unsustainable", frivolous, vexatious and an abuse of the process of the court.

In allowing Dr Mahathir's application to strike out the suit under Order 18 Rule 19(1)(a) and (d) of the Rules of the High Court, Judge Datuk Kamalanathan Ratnam also awarded costs to the Prime Minister.

(Under Order 18, the court can strike out a suit if it has no merit and no reasonable cause of action.)

Anwar filed his suit against the Prime Minister on Jan 25, over what he claimed to be defamatory words which appeared in articles published by the Newsweek and The Sun newspaper on Oct 5 and Sept 23, 1998, respectively.

He claimed that Dr Mahathir had on Sept 22, last year, "falsely and maliciously" spoken to local and foreign reporters accusing him of committing immoral acts.

Anwar, who was sacked as the Deputy Prime Minister on Sept 2, last year, and as Umno's deputy president the following day, said Dr Mahathir's words were defamatory in its ordinary meaning and in the context they were spoken.

In his defence filed on March 22, Dr Mahathir contended that he had spoken the words in his capacity as the Prime Minister on an occasion of qualified privilege.

Later, the Prime Minister applied to strike out the suit under Order 18.

(END)