

05 APR 1999

Court-Anwar

ANWAR REPLIES TO PM'S STATEMENT OF DEFENCE

KUALA LUMPUR, April 5 (Bernama) -- Datuk Seri Anwar Ibrahim today replied to Prime Minister Datuk Seri Dr Mahathir Mohamad's statement of defence filed in response to the RM100 million defamation suit brought by his former deputy against him.

The reply was filed by his counsel, Karpal Singh, at the registry of the High Court in Wisma Denmark.

Anwar, 51, who is also former finance minister, claimed that Dr Mahathir slandered him in a news conference held at the Prime Minister's Department on Sept 22, last year.

In his statement of defence filed on March 22, Dr Mahathir said that the alleged defamatory words were published in his capacity as Prime Minister of Malaysia on an occasion of qualified privilege.

Anwar, in his reply to the statement of defence filed by Dr Mahathir, said that the defence of qualified privilege is not open to him.

Anwar alternatively said that Dr Mahathir cannot rely upon the defence of qualified privilege as he, in uttering and causing to be published, and republished, both nationally and internationally, the offending words of and concerning him, acted maliciously and in bad faith.

"Further, the defence of qualified privilege must fail as the said words were uttered by the defendant recklessly and actuated wholly with malice aforethought," said Anwar.

He claimed that Dr Mahathir failed to verify the truth of the offending words nor make any reasonable inquiry with any person who was directly involved, namely him, nor the said Dr Munawar Ahmad Anees, but chose only to rely on police information, accuracy whereof was doubtful, given the fact that he (Anwar) had openly claimed, almost immediately prior thereto, that his dismissal from political office was attributable to a conspiracy of the highest level involving institutions which included the police.

Anwar contended that Dr Mahathir took advantage of his detention and uttered the offending words intending national and international coverage and publication of such words in print and the electronic media or alternatively, knowing full well the offending words would be internationally published so as to personally gain political mileage with the express intention of politically damaging effectively his (Anwar's) reputation, both nationally and internationally.

Anwar stated that he will, in any event, assert that Dr Mahathir is liable for the libel he intentionally caused to be published and printed nationally and internationally and also through the electronic media, including CNN and CNBC.

Apart from the damages, costs and other reliefs deemed fit by the court, Anwar is also seeking an injunction to restrain Dr Mahathir from further making any defamatory statements against him.

In his amended statement of claim, Anwar said Dr Mahathir had falsely and maliciously spoken to local and foreign journalists, of matters concerning him in his conduct as deputy prime minister.

Anwar said that the offending words were uttered by Dr Mahathir with the intention calculated to disparage him in both his private and official capacities, including as deputy prime minister and minister of finance.

He said that the defamatory words were published in the Sun newspaper dated Sept 23, 1998 under the heading "Anwar's behaviour despicable: PM" which was widely circulated in Malaysia.

It was also published in the Newsweek dated Oct 5, 1998 under the title "Here's Mud in Your Face - Accusations of sexual misconduct and corruption in an Asian smear war that rivals even Washington's", he said.

Anwar said that the offending words were also televised widely over CNN International and other television and radio stations worldwide.

He contended that the publication of the offending words had caused grave injury to his character, credit and reputation both nationally and internationally.

He is also suing Sun Media Corporation Sdn Bhd, seeking another RM100 million in damages for libel over the article published in its newspaper following a suit against the prime minister.

Anwar, who was sacked from the Cabinet on Sept 2, last year, was later charged with five counts of corrupt practice and another five of sodomy before the High Court.

The High Court will deliver its verdict on four of the corrupt practice charges on April 14 while the other charges have yet to be heard.

Meanwhile, Karpal Singh stated in a statement that in the public interest, the suit should be heard early and hoped Chief Judge of Malaya Datuk Wan Adnan Ismail would consider priority being given to the hearing of the suit.

-- BERNAMA

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