

08 JUN 1999

Court-Anwar (Mahathir)

MAHATHIR'S APPLICATION DEFECTIVE, SAYS ANWAR

KUALA LUMPUR, June 8 (Bernama) -- Datuk Seri Anwar Ibrahim, in an affidavit filed today, said Datuk Seri Dr Mahathir's application to strike out his RM100 million defamation suit against the prime minister is defective.

Anwar said Dr Mahathir's supporting affidavit did not clearly explain how the facts stated in it met the requirement for the order sought by the prime minister to be made by the court.

He said both the summons and supporting affidavit failed to adhere to the provisions of Rule 19 (2), Order 18 of the Rules of High Court 1980.

Dr Mahathir's application to strike out his former deputy's suit, under Order 18, was filed on May 24.

Anwar's affidavit-in-reply was filed at the High Court civil registry, at Wisma Denmark here, today through his solicitors, Karpal Singh & Co.

Anwar said his claim against Dr Mahathir was that the prime minister had uttered the alleged defamatory words falsely, maliciously, in bad faith and without due care.

He said his claim had merit and contained serious triable issues, and did not amount to something that was obviously unsustainable.

Dr Mahathir was dishonest when he said that the contents of his affidavit had sufficiently supported his alleged defamatory remarks, according to Anwar.

Anwar, who was sacked as deputy prime minister on Sept 2, sued Dr Mahathir over remarks the latter made at a press conference at the Prime Minister's Department on Sept 22 last year to a group of local and foreign journalists.

Anwar said the publication of the remarks had tarnished his good name, character and reputation at home and abroad.

Dr Mahathir, in his statement of defence, said the alleged defamatory words were published in his capacity as the prime minister on an occasion of qualified privilege.

Anwar in his reply said the defence of qualified privilege was not open to Dr Mahathir.

This was because the prime minister, in uttering the offending words and causing them to be published and republished within and outside the country, had acted maliciously and in bad faith, said Anwar.

Besides damages, interests and costs, Anwar is seeking an injunction restraining Dr Mahathir from further uttering such words.

-- BERNAMA

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