

02 AUG 1999

Court - Mahathir

PM HAS DUTY TO MAKE STATEMENTS TO THE NATION, SAYS COUNSEL

KUALA LUMPUR, Aug 2 (Bernama) -- Datuk Seri Dr Mahathir has a duty as Prime Minister to make statements particularly to explain to the nation the reasons for the removal of Datuk Seri Anwar Ibrahim as deputy prime minister and deputy president of Umno, the High Court here told today.

Counsel Datuk Mohd Adnan Shuaib, who appeared for Dr Mahathir said this in seeking an order from the court to strike out a RM100 million defamation suit brought against him by Anwar.

Anwar, 51, in his suit against Dr Mahathir, claimed that Dr Mahathir had slandered him in a news conference held at the Prime Minister's Department on Sept 22 last year. He said Dr Mahathir made the statements on an occasion of qualified privilege concerning a person who was his former deputy in the Cabinet and his deputy in Umno.

Adnan contended that Dr Mahathir had a moral and social duty to the nation to have made the statements given the position he was occupying and given the pressure upon him to come out in the open on matters relating to his former deputy, who was sacked on Sept 2 last year for alleged sexual misconduct.

Adnan said what Dr Mahathir told journalists was information received by him from the police relating to criminal proceedings against Anwar's former speechwriter, Dr Munawar Ahmad Anees and his (Anwar) step-brother Sukma Darmawan Sasmitaat Madja.

He said the information was further confirmed by the criminal proceedings against Dr Munawar and Sukma Sasmitaat which took place two days prior to the press conference and their convictions were evident of Anwar's involvement in the "acts of gross indecency".

Both Sukma and Munawar was sentenced to six month's jail by the Sessions Court on Sept 19 last year after they pleaded guilty to allowing Anwar to sodomise them.

He added that the allegation made by Anwar that Dr Mahathir was motivated by malice when he made the statement, was totally misplaced as the allegation did not apply to the circumstances of this case.

" The words spoken were true in substance and in fact and in consequence and (Dr Mahathir) is justified in what he spoke to journalists at the press conference:".

Mohd Adnan said the information relating to the criminal proceedings were of public knowledge as at Sept 22 last year as it had been given wide publicity through the mass media prior to the press conference.

He said Dr Mahathir had a clear defence of justification which was an absolute defence to a defendant in a defamation suit.

Meanwhile, counsel Karpal Singh, representing Anwar, asked the court to dismiss Dr Mahathir's application to strike out the suit because his claim was obviously not sustainable.

He said Dr Mahathir's statement had been added on and gone beyond the facts of the criminal proceedings and conviction of Munawar and Sukma.

Karpal Singh added that any conviction or facts relating to the conviction must relate to the words which were impugned and not beyond that.

Karpal Singh also said the impugned words spoken by Dr Mahathir at the press conference did not relate to the criminal proceedings against Sukma in any way but referred to Munawar only.

He said for the defence of qualified privilege as sought by the prime minister, evidence had to be led to show bona fides and lack of malice.

Justice Datuk Dr R.K. Nathan will give his decision on Aug 30.  
Also appearing for the prime minister are counsels Cecil Abraham and N.  
Chandran.

Anwar is serving a six-year jail sentence after being convicted by the High  
Court on four counts of corrupt practice on April 14.

He is presently on trial with Sukma for sodomy.

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