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PM will apply to strike out RM100m libel suit by Anwar

KUALA LUMPUR, Wed. - Prime Minister Datuk Seri Dr Mahathir Mohamad will apply to strike out Datuk Seri Anwar Ibrahim's RM100 million libel suit against him.

The Prime Minister's lawyer Datuk Mohd Adnan Shuaib told the High Court today that the application would be filed after the disposal of related criminal appeal.

He, however, did not disclose which case.

Anwar's speech writer Dr Munawar Ahmad Anees and his (Anwar's) adopted brother Sukma Darmawan Saasmitaat Madja who were sentenced to six months' jail each for allowing Anwar to sodomise them had filed for appeal against convictions and the appeals are pending.

Mohd Adnan, who was addressing judge Datuk Kamalanathan Ratnam in case management proceedings, asked for the next case management to be fixed in two months.

The judge fixed July 12 for the next case management and told the plaintiff to apply for summons for direction.

Kamalanathan said if the application to strike out the suit came before the court before the next case management date, the court would deal with the application first.

Dr Mahathir was also represented by Cecil Abraham, N. Chandran and Gurmeet Kaur in today's proceedings while M. Manoharan represented Anwar.

Anwar who filed his suit on Jan 25 is also seeking an injunction to stop Dr Mahathir, his agents and/or servants from further uttering the "offending words" or words to the effect about him (Anwar).

He is also asking for interests, costs and other relief.

Anwar claimed that Dr Mahathir had on Sept 22, last year, "falsely and maliciously" spoken to local and foreign reporters, including Dorina Elliot from Newsweek, accusing him of committing immoral acts.

He said the words were defamatory in the ordinary meaning and in the context they were spoken.

Anwar said Dr Mahathir, had uttered the words with the intention of disparaging him in his private and official capacities as the Finance Minister and Deputy Prime Minister.

He said Dr Mahathir had spoken the words knowing that and/or with the intention that it would be published by the local and international print and electronic media, including The Sun newspaper, Newsweek and CNN International, and re-published elsewhere.

Anwar said the "offending words" were published in The Sun on Sept 23, last year, headlined "Anwar's behaviour despicable: PM" and Newsweek on Oct 5, last year under the heading "HERE'S MUD IN YOUR FACE - Accusations of sexual misconduct and corruption in an Asian Smear war that rivals even Washington's".

He said the words were also televised worldwide "causing irreparable damage" to his reputation.

Anwar said the publications and re-publications of the "offending words" had gravely injured his character, credit and reputation nationally and internationally.

It had also brought him into public scandal, odium and contempt and he had suffered loss and damage, entitling him to damages.

In his defence, Dr Mahathir said the alleged "offending words" were made in his capacity as the Prime Minister on an occasion of qualified

privilege.

They were said in response to Anwar's public statements to Malaysians and "the world in general" following his dismissal from the Cabinet on Sept 2, last year and expulsion from Umno the following day.

In his 26-page defence, Dr Mahathir, who is relying on section 8 of the Defamation Act 1952, said a Press conference was held on Sept 22, last year, two days after Anwar was arrested and detained under the Internal Security Act during which he was asked about the event.

Dr Mahathir also mentioned in his defence the fact that Anwar was later charged with 10 counts of corrupt practices and sodomy.

(Four of the corrupt practice charges are pending decision on April 14 while hearings for the remaining charges are yet to be fixed.)

He denied that the words were defamatory or bore the meanings claimed by the Anwar, contending that they "are true in substance and facts".

Dr Mahathir also mentioned the case of Munawar and Sukma Darmawan.

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