

Court rejects Anwar's appeal

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Ex-DPM fails in bid to quash decision disallowing RM100m suit against PM

'Mahathir duty-bound to disclose info on Anwar'

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Shuaib and N. Chandran.

On Jan 25 last year, Anwar had filed a suit against Mahathir claiming that the latter had accused him of sexual misconduct at a press conference on Sept 22, 1998, which damaged his reputation locally and internationally.

On Aug 30, last year Nathan allowed Mahathir's application to strike out the suit without a full trial.

In a 12-page written judgment, Ahmad Fairuz said Nathan was right in ruling that the words uttered by Mahathir was "on an occasion of qualified privilege" as he was duty-bound to disclose the information concerning Anwar who was then his deputy.

He also agreed with Nathan's conclusion that Mahathir's mind was devoid of malice when he uttered the alleged offending words.

"It is clear that the respondent

(Mahathir) was sheltered by the defence of justification and qualified privilege when he uttered the offending words.

"It is very plain and obvious that the appellant's (Anwar) claim is unsustainable," he said.

He also stated that Nathan had rightly referred to the convictions of Pakistani Dr Munawar Aness and Indonesian Sukma Darmawan Sasmistaat Madja who admitted to committing homosexual misconduct with Anwar.

He said Mahathir's word when tested against the facts would render Anwar's claim flimsy.

"We are unable to see how the trial judge (Nathan) can be said to have erred in principle in taking into account the convictions and the facts related to it," he said.

He said there is nothing in Nathan's judgment which indicated that he asked himself the wrong questions when he struck out Anwar's suit.

By **Arfa'eza A. Aziz**
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KUALA LUMPUR, Sat: The Court of Appeal here today rejected with costs Datuk Seri Anwar Ibrahim's appeal against a High Court decision to strike out his RM100 million libel suit against Prime Minister Datuk Seri Dr Mahathir Mohamad.

High Court judge Datuk R.K. Nathan had dismissed the suit on Aug 30 last year. Justice Datuk Ahmad Fairuz Sheikh Abdul Halim (now a Federal Court judge), who heard the appeal with Justices Datuk Mokhtar Sidin and Denis Ong Jiew Fook, held that Mahathir had spoken without malice and Anwar's claims were rendered "flimsy" against facts.

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Mokhtar was absent today but tendered his apologies through Ahmad Fairuz. Today's decision was made unanimously by all three judges who heard arguments on Aug 15.

Anwar was represented by lawyers Karpal Singh and Sankara Nair while Mahathir's lawyers were Datuk Adnan

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