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Anwar's appeal: Court reserves judgment

KUALA LUMPUR, Tues. - The Court of Appeal today reserved judgment on Datuk Seri Anwar Ibrahim's appeal against the striking out of his RM100 million defamation suit against Prime Minister Datuk Seri Dr Mahathir Mohamad.

Judges Datuk Ahmad Fairuz Sheikh Abdul Halim, Datuk Mokhtar Sidin and Denis Ong deferred decision after hearing submissions by Anwar's counsel Karpal Singh and Datuk Mohamed Adnan Shuaib, who appeared for Dr Mahathir.

Anwar's suit was struck out by High Court judge Datuk R.K.Nathan on Aug 30 last year without going for a full trial.

He filed the suit on Jan 25 last year claiming that Dr Mahathir had, on Sept 22, 1998 "falsely and maliciously" spoken to local and foreign reporters accusing him of committing immoral acts.

The words were defamatory in their ordinary meaning and in the context they were spoken, Anwar claimed.

Earlier, Karpal said the court should not have struck out the suit as there were issues to be tried.

"There was more than sufficient material for the judge to allow the trial to proceed," he said, adding that Nathan had relied on irrelevant matters.

Karpal said Dr Mahathir's statement was based on information which "was not the best evidence since it is hearsay".

He said Dr Mahathir believed what he was told, whereas the disputed words uttered by the Prime Minister were not admitted as fact in the case of Sukma Darmawan Sasmitaat Madja and Dr Munawar Ahmad Anees.

(Sukma and Munawar were convicted by the Sessions Court on Sept 19, 1998, for allowing Anwar to sodomise them.)

"Just because the words had been published, it did not make it the truth," Karpal said when contending Nathan's acceptance of Dr Mahathir's defence of justification.

"In (relying on the defence of) justification, you must substantially prove the truth of the allegations. The convictions (of Sukma and Munawar) are challenged and their appeals have not be finalised," he said, adding that Sukma and Munawar were forced to confess.

Counsel said the court had relied on the words of convicted men, although the convictions itself were "a mockery" of the law.

On Nathan's ruling that the Prime Minister had a duty to inform the public about Anwar's conduct, Karpal said such duty should be carried out based on proven facts.

After further submissions, Karpal urged the court to allow the appeal and let Anwar have his say in court and the Prime Minister to defend himself.

Mohamed Adnan said on the facts of the case, Nathan had correctly struck out the suit.

The judge had considered the relevant circumstances and the events surrounding the Prime Minister's statement, Mohamed Adnan said, adding that there was no malice on the part of Dr Mahathir who had every right to make the statement.

He said Dr Mahathir made the statement only after Sukma and Munawar were convicted and the convictions were public knowledge.

Mohamed Adnan said from the facts there was no need for a trial and urged the court to dismiss the appeal.

(END)

