

Court to decide Anwar's appeal case on Friday

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KUALA LUMPUR, Mon. — The Federal Court will decide on Friday whether to grant Datuk Seri Anwar Ibrahim leave to appeal the dismissal of his appeal relating to the striking out of his RM100 million defamation suit against Prime Minister Datuk Seri Dr Mahathir Mohamad.

Chief Justice Tan Sri Mohamed Dzaiddin Abdullah, the Chief Judge of Malaya, Tan Sri Wan Adnan Wan Ismail and Federal Court judge Datuk Abdul Malek Ahmad deferred decision today after hearing submissions by counsel.

Anwar was represented by Karpal Singh and Ramkarpal Singh while Datuk M. Adnan Shuaib and N. Chandran appeared for the Prime Minister.

Anwar's suit was struck out by the High Court on Aug 30, 1999, as a preliminary issue without going for a full trial.

The Court of Appeal upheld the High Court's decision last Dec 9.

In his submission Karpal raised three questions on whether the Court of Appeal was right in holding that:

- The convictions of businessman Sukma Darmawan Sasmitaat Madja and Dr Munawar Anees and the admission of the facts of their cases constituted a defence of justification to the Prime Minister re-

lating to the "offending" words against Anwar, meriting his suit to be struck out;

Sukma (Anwar's adopted brother) and Munawar (Anwar's former speech writer) were convicted in 1998 for allowing Anwar to sodomise them.

- The High Court's findings should not be disturbed; and,

- The Prime Minister was "sheltered" by the defence of qualified privilege, having regard to the facts and circumstances of the application to strike out the suit.

Karpal said there were several legal issues of public interest to be dealt with and Anwar should be allowed "his day in court" to rebut the defamatory words.

In reply, Adnan said the High Court and the Court of Appeal were right in holding that the defence of justification and qualified privilege was available to Dr Mahathir.

"Such decision was arrived at based on well established general principles of the Law of Defamation as laid down in numerous cases," he said.

Adnan said there was no new point of law of public interest to be dealt with, adding that the High Court and the Court of Appeal were right in striking out Anwar's suit on the ground that it was "obviously unsustainable".