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Anwar to know court decision on Friday

KUALA LUMPUR: Datuk Seri Anwar Ibrahim will know on Friday whether he has leave to appeal against an order striking out his RM100mil defamation suit against Prime Minister Datuk Seri Dr Mahathir Mohamad.

After hearing submissions yesterday, the Federal Court — comprising Chief Justice of the Federal Court Justice Dzaidin Abdullah, Chief Judge of the High Court of Malaya Justice Wan Adnan Ismail and Federal Court Justice Abdul Malek Ahmad — reserved its judgment.

Anwar was represented by Karpal Singh and Ramkarpal Singh while Dr Mahathir's counsel were Datuk Adnan Shuaib and N. Chandran.

Karpal Singh posed two questions of law for the Federal Court to consider.

They were whether the Court of Appeal was right in:

● **HOLDING** that the convictions of Anwar's adopted brother Sukma Darmawan Sasmitaat Madja and former speechwriter Dr Munawar Anees by the Sessions Court and the admission of facts read out in court by both of them could constitute a defence of justification meriting the striking out of the suit; and

● **CONCLUDING** that the decision of High Court Justice Dr R.K. Nathan on the issue of qualified privilege should not be disturbed.

Karpal Singh argued that the High Court should not have struck out Anwar's suit on the grounds that someone else had implicated him in another court.

"In this case, it was the convictions of the partners — Sukma and Dr Munawar — which had been taken into consideration by the court.

"If the position taken by the Court of Appeal is allowed, then all a person needs to do is to make allegations in court about another and that person would not be able to retaliate with a civil suit," he said, adding that mere implication was not sufficient.

Karpal Singh argued that the appellate court was wrong in relying on a case which did not directly deal with an application to strike out.

He said if malice was alleged, then such an application on grounds of having qualified privilege "just cannot succeed."

Adnan argued that the questions posed by Karpal Singh did not raise any point of public importance.

Justice Dr Nathan had thrown out Anwar's suit on Aug 30 last year on the grounds that Anwar's claim was "obviously unsustainable" and that his suit was frivolous, vexatious and an abuse of the court process.

Anwar had sued Dr Mahathir over a press statement given during a press conference held at the Prime Minister's office on Sept 22 to a group of journalists both from the national and international media.