

Anwar suit against PM dismissed

STAR

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KUALA LUMPUR: Datuk Seri Anwar Ibrahim failed to obtain leave from the Federal Court yesterday to appeal against a refusal to reinstate his RM100mil defamation suit against the Prime Minister.

Chief Justice of the Federal Court Justice Dzaiddin Abdullah dismissed the application with costs.

He, together with Chief Judge of the High Court of Malaya Justice Wan Adnan Ismail and Federal Court Justice Abdul Malek Ahmad, had

reserved their judgment on Monday after hearing submissions.

"We are of the view that the question of law for the consideration of the court is whether in a defamation action, the High Court can decide on the defence of justification and qualified privilege without a trial to dismiss the suit under Order 18 Rule 19 of the Rules of the High Court.

"In our view, the question which we formulated above raises a question of general principle not previously decided by the Federal Court,"

said Justice Dzaiddin in a six-page judgment.

"It comes under the first criteria of Section 96(a) of the Courts of Judicature Act (under which the leave was sought)," he said.

Justice Dzaiddin added that Anwar's counsel had not submitted on the prospects of success of the appeal should leave be granted.

He said the criterion was an important factor which the Federal Court would have to take into account apart from the fact that it raised a question yet to be decided by

the court.

He added that High Court Justice Dr R.K. Nathan had correctly addressed the issues of justification and qualified privilege raised by Datuk Seri Dr Mahathir Mohamad in his defence.

"We hasten to add that he relied on the facts admitted and the confession as to the acts of gross indecency in the criminal cases involving (Dr) Munawar (Anees) and Sukma (Darmawan Sasmitaat Madja) to found his finding that the words spoken of by the respondent (Dr Mahathir) con-

stitute justification.

"On qualified privilege, we also find the judge had applied the correct test and law to the facts and circumstances of the case.

"Having agreed with the reasons and conclusion of the trial judge, it is our provisional view that should leave to appeal be granted, the applicant would not have any prospect of success," he said.

On Monday, the Bench heard submissions from Karpal Singh and counsel Datuk Mohd Adnan Shuaib.

Last Aug 30, Justice Dr Na-

than had thrown out the suit 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 conference to local and foreign journalists at the Prime Minister's office on Sept 22.

In his defence, Dr Mahathir said the alleged defamatory words were published in his capacity as Prime Minister of Malaysia on an occasion of qualified privilege.