

Anwar's RM100m suit against Mahathir has merits, counsel tells Federal Court

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KUALA LUMPUR, Mon: There are merits in Datuk Seri Anwar Ibrahim's RM100 million libel suit against Prime Minister Datuk Seri Dr Mahathir Mohamad, the Federal Court was told today.

Lawyer Karpal Singh said the

High Court was wrong in ruling that Anwar's suit could not be tried on the grounds that Mahathir was protected by the defence of justification and qualified privilege.

The Court of Appeal had misdirected itself when it wrongly upheld the High Court's decision to strike out the libel suit without a full trial, he said when submitting Anwar's application for leave to appeal against the decision.

Chief Justice Tan Sri Mohamed Dzaiddin Abdullah, Chief Judge of Malaya Datuk Wan Adnan Wan Ismail and Federal Court judge Datuk Abdul Malek Ahmad set Friday to hand down a decision.

On Jan 25, 1999, Anwar filed a suit against Mahathir claiming the latter had damaged his reputation at a press conference on Sept 22, 1998, by accusing him of sexual misconduct.

However, on Aug 30, 1999, High

Court judge Datuk Dr R.K. Nathan allowed Mahathir's application to strike out the suit.

Nathan's decision was upheld on Dec 9 last year by Court of Appeal judges Datuk Ahmad Fairuz Sheikh Abdul Halim (now a Federal Court judge), Datuk Mokhtar Sidin and Denis Ong.

Anwar is currently serving sentence of 14 years after being convicted for corrupt practices and sodomy.

Karpal said the Appeal's Court was wrong in holding that the sodomy convictions of Dr Munawar Aness and Sukma Darmawan Sasmitaat Madja justified Mahathir to say the alleged offending words.

He argued that the convictions do not necessarily implicate Anwar as being involved in the act.

He said mere information from the police to Mahathir (then home minister) also cannot justify slander.