

19 FEB 2001

Court-Anwar

FEDERAL COURT TO DECIDE ON ANWAR'S APPLICATION ON FRIDAY

KUALA LUMPUR, Feb 19 (Bernama) -- The Federal Court will decide on Friday Datuk Seri Anwar Ibrahim's application for leave to appeal against the High Court's dismissal of his RM100 million defamation suit against Datuk Seri Dr Mahathir Mohamad.

Chief Justice Tan Sri Mohamed Dzaiddin Abdullah, who sat with Chief Judge of Malaya Tan Sri Wan Adnan Ismail and Federal Court judge Datuk Abdul Malek Ahmad, fixed the date after hearing submissions from counsel Karpal Singh for Anwar and Datuk Mohamed Adnan Shuaib for Dr Mahathir.

Anwar, 53, is seeking leave to appeal in the Federal Court after the Court of Appeal upheld Justice Datuk Dr R.K.Nathan's decision to dismiss his suit with costs.

In the suit filed in January 1999, the former Deputy Prime Minister claimed that Dr Mahathir had lied and had malicious intention when he told a press conference at the Prime Minister's Department that Anwar had committed immoral acts.

Besides damages, interest and costs, Anwar also sought an injunction to prevent the Prime Minister from repeating the words.

Karpal submitted that leave should be granted to enable Anwar to appeal to the Federal Court because there were triable issues in this case.

He said the court must decide whether the Court of Appeal was right in holding the convictions of Sukma Darmawan Sasmitaat Madja and Dr Munawar Ahmad Anees by the Sessions Court.

Sukma is Anwar's adopted brother while Dr Munawar is his former speech-writer. They were each jailed six months by the Sessions Court on Sept 19, 1998 after they pleaded guilty to allowing Anwar to sodomise them.

Karpal said the Federal Court must decide whether the admission of the facts read out in court by Sukma and Dr Munawar constituted the defence of justification in respect of the offending words meriting the dismissal of Anwar's suit under Order 18 Rule 19 of the Rules of the High Court.

He said the court should also consider whether the Court of Appeal was right in holding that Dr Mahathir was sheltered by the defences of justification and qualified privilege, having regard to the facts and circumstances and in particular, the application to strike out Anwar's suit.

Dr Mahathir had in his statement of defence contended that he spoke the words as prime minister on an occasion of qualified privilege.

The Prime Minister said the words were published in the course of discussion of government and political matters which concerned Anwar in relation to his suitability for the office he held and after due inquiry and investigation into the matter.

In his submission, Mohamed Adnan said the High Court and Court of Appeal had decided that the defences of justification and qualified privilege were available to Dr Mahathir based on well-established general principles of the law in defamation.

Therefore, there was no new point of law of public importance arising from the decision for leave to be granted to Anwar to appeal to the Federal Court, he argued.

Mohamed Adnan also contended that the High Court and the Court of Appeal were right in ordering that Anwar's suit be struck off on the ground that his claim against Dr Mahathir was unsustainable.

-- BERNAMA

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