

Anwar ordered to pay PM costs over failed suit

By CHELSEA L.Y. NG

KUALA LUMPUR: The Court of Appeal yesterday awarded over RM35,000 in costs to Prime Minister Datuk Seri Dr Mahathir Mohamad, making the total amount to be paid by his former deputy Datuk Seri Anwar Ibrahim for a failed slander suit RM138,870.

Deputy registrar of the Court of Appeal, Mohd Nasir Yahya made the order in the presence of Dr Mahathir's lawyer Fadzilah Mohd Pilus and Anwar's counsel Karpal Singh.

Of the RM35,381 granted yesterday, RM30,000 was for the counsel's getting up fee, RM2,626 for allocatur fee (which is a payment made to

the court for sealing an order) and the rest for miscellaneous expenses.

On April 17, last year, the High Court granted costs of RM85,000 to Dr Mahathir and subsequently on July 6, the Federal Court awarded a further RM18,489 after the Prime Minister successfully applied to strike out the RM100mil defamation suit.

The different sets of costs ordered against Anwar were meant for the expenses incurred and charges made by Dr Mahathir's lawyers at separate stages of the case.

The last attempt made by Anwar to reinstate his case was through an application to the Federal Court for leave to appeal against the decision to

throw out his suit on Aug 30, 1999.

On Feb 23, the Federal Court dismissed his appeal with costs.

The High Court had on Aug 30, 1999, thrown out the suit on the grounds that Anwar's claim was "obviously unsustainable", frivolous, vexatious and an abuse of the court process.

Justice Dr R.K. Nathan, who threw out the suit filed on Jan 25, held that the words uttered by Dr Mahathir at a press conference at his office on Sept 22, 1998, to a group of local and foreign journalists were not defamatory.

He said that the statement about Anwar's sexual relations with his (Anwar's) former

speech writer Dr Munawar Aness and adopted brother Sukma Darmawan Sasmitaat Madja had come three days after the two men had pleaded guilty to sodomy charges and after they had been convicted for allowing the former deputy Prime Minister to sodomise them.

The judge said that Dr Mahathir's words "did not state anything by way of news for the first time as Munawar and Sukma, being charged and convicted, were very much of public knowledge."

In his 25-page judgment, Justice Dr Nathan had said that there was no malice on the part of Dr Mahathir in making the statement.

He added that, as Prime

Minister, Dr Mahathir was duty bound to inform the public about the behaviour of Anwar, who was then the deputy prime minister and deputy president of Umno.

On the defence of justification, Justice Dr Nathan held that it was clearly available to Dr Mahathir as "his words were based on true facts and that the suit ought to be struck out on this score alone."

As for the defence of qualified privilege, he said Dr Mahathir was obliged and compelled to respond to Anwar's attacks against him, the officers of the Attorney-General's Chambers, the police, the Government and Umno.

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