

Dr M: Anwar abused system by suing twice

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KUALA LUMPUR: Datuk Seri Anwar Ibrahim has abused the court process by suing Tun Dr Mahathir Mohamad for defamation twice for calling him a homosexual, the former prime minister said in his defence.

Dr Mahathir said a similar suit filed against him on Jan 25, 1999, by Anwar over the same allegation had been struck out by the High Court in August 1999 on the grounds that the former was justified in making those comments as well as protected by qualified privilege.

He said the Court of Appeal and Federal Court later upheld the High Court judgment stating that the words complained of were true.

This observation, Dr Mahathir said, made the second suit a "flagrant attempt to re-litigate the claim" and Anwar was, therefore, stopped from denying that he was a homosexual or that he had committed sodomy with his former speech-writer Dr Muna-war Aness Ahmad and adopted brother Sukma Darmawan Sasmitaat Madja.

The defence was filed by lawyer Datuk V.K. Lingam at the High Court registry at Wisma Denmark in Jalan Ampang here yesterday.

Anwar had on Jan 27 filed the second defamation suit against Dr Mahathir for allegedly portraying him as a man of no morals and who was dangerous to Malaysian society.



Dr Mahathir: Sued by Anwar for allegedly portraying him as a man of no morals.

Dr Mahathir had allegedly made those remarks at a Suhakam conference held in a hotel here last Sept 9.

Anwar, who is seeking compensatory, aggravated and exemplary damages, alleged that Dr Mahathir had publicly spoken the words with the knowledge that he had been acquitted of sodomy charges by the Federal Court on Sept 2, 2004.

In his defence, Dr Mahathir said that although Anwar had been acquitted of the sodomy charges, the Federal Court had in its majority judgment then held that "Anwar and Sukma were involved in homosexual activities and we are more inclined to believe that the alleged incident at Tivoli Villa did happen."

On his defence of qualified privilege, Dr Mahathir said he had given an opening address at

the Suhakam conference in his capacity as the former prime minister and the alleged defamatory remarks were made in response to questions from the floor after his speech.

"The questions were attacks upon the defendant (Dr Mahathir) because they consisted of criticisms concerning his human rights record when he was prime minister, specifically his treatment of the plaintiff (Anwar), a subject of legitimate interest to the people of Malaysia and to others living abroad interested in Malaysia," the 37-page defence stated.

"The defendant had a social and moral duty to publish the words complained of to those attending the conference and through them to Malaysians or persons abroad interested in Malaysia."

Dr Mahathir added that he was asked at the Suhakam conference to explain why he had taken action against Anwar and he needed to correct the media misconception that he had something against Anwar.

He said he had therefore explained why it was unacceptable to have a homosexual in his Cabinet, "particularly when such a person could later succeed him and become the Prime Minister of Malaysia."

He added that homosexual activities were both criminal and contrary to Islam and that had rendered Anwar unfit to hold political office in Malaysia, including that of prime minister.