

Dr M seeks to strike out RM100m Anwar suit

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KUALA LUMPUR: Tun Dr Mahathir Mohamad filed an application at the High Court yesterday to strike out Datuk Seri Anwar Ibrahim's RM100 million libel suit.

The former prime minister in his affidavit claimed that his comments at a Malaysian Human Rights Commission conference about two years ago were fair and justified, and that he had qualified privilege to make them.

Anwar's libel suit was an abuse of the court process, he said in his application filed by counsel Datuk V.K. Lingam.

On Jan 27 last year, Anwar filed a defamation suit against Dr Mahathir over his statement pertaining to Anwar's sodomy charges. Anwar alleged Dr Mahathir uttered defamatory statements at a Press conference in Suhakam's premises on Sept 9, 2005.

Anwar claimed the words meant he was a homosexual, he engaged in activities contrary to Islam, he was a pervert, unfit to hold office, had criminal tendencies and was dangerous to Malaysian society.

Dr Mahathir said his statement at the Press conference was based on the admission of guilt by Anwar's former speech writer Dr Munawar Ahmad Anees and Anwar's adopted brother Sukma Darmawan Sasmitaat Madja in 1998 of sexual misconduct with Anwar. Munawar and Sukma were both sentenced to six months' jail. However, when the Court of Appeal ordered a re-trial for Sukma, the prosecution withdrew the charge.

Dr Mahathir, in his 48-page affidavit, said the prosecution withdrawing the charge against Sukma was a very recent development.

He said he made the statement much earlier on Sept 9, 2005, and he had no doubt that Anwar had been proven to be a homosexual by reason of Sukma's conviction earlier.

The former prime minister also stated the High Court had struck out a similar defamation action filed by Anwar against him on Aug 30, 1999, on similar grounds.

Anwar's action was based on Dr Mahathir's statement at another Press conference on Sept 22, 1998, in his office.

The High Court held that Anwar's claim was "obviously unsustainable" because he was sheltered by the defences of justification and qualified privilege, and the decision was upheld by the Court of Appeal and the Federal Court.

Dr Mahathir said the issues raised by Anwar in this suit had already been determined by the courts and this suit was an abuse of the court process and "a flagrant attempt to re-litigate an issue that has unambiguously been decided against him (Anwar) in the 1999 defamation action".

Dr Mahathir said he made the statements at both Press conferences because in Malaysian society, sodomy was not acceptable.

"I strongly believe we cannot have a prime minister who is a homosexual. Malaysia is officially an Islamic country," he said.

"When I gave the answer at the (Press) conference (2005), I was not referring to specific details of the allegations... I had in mind, instead, the general conviction of Munawar and Sukma, the reasons for striking out the 1999 defamation suit and the findings by the Federal Court when it quashed the plaintiff's convictions for sodomy," he said.

He added that Anwar's appeal was successful because of a "technicality".

The suit was fixed for case management on Jan 9.