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NO OTHER LANGUAGE ACCEPTED IN PROCEEDINGS

PUTRAJAYA: Lawyers are bound by the supremacy of the Malay language or Bahasa Malaysia in court proceedings, the Court of Appeal has ruled.

It said this in its written judgment when dismissing an appeal by Datuk Seri Anwar Ibrahim in his RM100 million defamation suit

against former prime minister Tun Dr Mahathir Mohamad.

The Malay language must be used, not only in the proceeding but also in the filing of court documents, said Justice Abdul Malik Ishak in his 51-page written judgment dated Nov 2 and made available yesterday.

On Oct 10, Abdul Malik, who sat with Justices Datuk Azhar Ma'ah and Datuk Syed Ahmad Helmy Syed Ahmad, dismissed Anwar's appeal on the grounds that the memorandum of appeal filed in English was defective, invalid and an abuse of the process of the court.

"The supremacy of Bahasa Malaysia or the Malay language in our courts cannot be denied," he said.

"Article 152 of the Federal Constitution, read together with Section 8 of the National Language Act, provides that all proceedings, other than the giving of evidence by a witness, in the Federal Court, Court of Appeal, High Court and subordinate court shall be in the national language.

"Rule 101 of the Rules of the Court of Appeal 1994 states that documents shall be in the national language. Thus, the failure on the part of the appellant to file a memorandum of appeal in Bahasa Malaysia renders the record of appeal useless."

The memorandum of appeal that Anwar filed in the English language amounted to a blatant breach of the law and must be rejected, he said. "It requires the appellant to file the memorandum of appeal in the national language. No other language will be entertained and it will not qualify as a record of appeal."

In his suit filed on Jan 26, 2006, Anwar claimed that Mahathir's remarks, calling him a homosexual, were highly defamatory and aimed at humiliating him in his personal and official capacities as former finance minister and deputy prime minister.

On July 4, 2007, the High Court in Kuala Lumpur dismissed the suit with costs after it allowed Mahathir's application to strike it out. Anwar appealed to the Court of Appeal against the decision.

On Oct 10, a three-man panel of the Appeal Court granted Mahathir's application to strike out the appeal and ordered Anwar to pay costs.

"Everything seems to go wrong with the appellant and the flagrant breaches of the rules seem to be the hallmark of the appellant in this case," Abdul Malik said.

"To add salt to injury, the purported memorandum of appeal in the English language is also not signed by the appellant's solicitors, thereby rendering it to be invalid and of no effect, whatsoever."

Karpal Singh and S.N. Nair acted for Anwar, and Datuk V.K. Lingam and R. Thayalan appeared for Mahathir. - Bernama