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Anwar files appeal against dismissal of suit

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KUALA LUMPUR, Thurs. - Datuk Seri Anwar Ibrahim today filed a notice of appeal against the decision of the High Court in striking off his civil suit against Prime Minister Datuk Seri Dr Mahathir Mohamad and the Government of Malaysia.

The notice of appeal was filed at the High Court Registry, Civil Division, in Wisma Denmark through the legal firm of Karpal Singh and Co at 10.37am.

No hearing date has been fixed yet.

The Attorney-General's application to strike out the suit under Order 18 Rule 19(1)(a)(b)(d) of the High Court Rules 1980 was allowed by Judge Datuk Mohd Saari Yusof yesterday as "based on the facts and the law, the former Deputy Prime Minister's case is unsustainable".

In his judgment delivered yesterday, Mohd Saari had said the letter of revocation sent by the Prime Minister to Anwar had "in substance although not in format" satisfied Article 43(5) of the Federal Constitution.

He had said as Anwar's case revolved around the Prime Minister's letter sent to him, there was no need for further hearing or arguments on the matter.

In his judgment, Mohd Saari had said prudence dictated that the Prime Minister should first formulate the decision, then inform the Yang di-Pertuan Agong and then convey the decision to Anwar.

However, he had said, "The question is who is responsible to inform the plaintiff (Anwar) as normally the King would not inform the Minister on the revocation.

"There is no prescribed format requiring any one person to sign the letter of revocation. I don't see why the Prime Minister himself could not sign the letter conveying his decision."

Lawyer Karpal Singh, for Anwar, later told reporters that he will be applying for an early hearing date.

Anwar had filed a suit against Dr Mahathir and the Government on Nov 13 challenging his dismissal from the Cabinet.

In the suit, Anwar is seeking a declaration that his removal was unconstitutional and that his dismissal as from 5.30pm on Sept 2 this year was null and void, inconsequential and of no effect.

Anwar, 51, is also seeking a declaration that he is still a Minister and is claiming costs and any other relief deemed fit and proper by the court.

Anwar is currently facing five charges of sodomy and five counts of corrupt practices.

Hearing on four counts of corrupt practices began in the High Court on Nov 2 and continues.

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