

13 NOV 1998
LEAD Court-Anwar (Dismissal)
ANWAR SUES MAHATHIR OVER DISMISSAL

KUALA LUMPUR, Nov 13 (Bernama) -- Datuk Seri Anwar Ibrahim today filed a suit against Prime Minister Datuk Seri Dr Mahathir Mohamad challenging his dismissal from the Cabinet on Sept 2 this year.

His suit against Dr Mahathir, the first defendant, and the Malaysian government, as the second defendant, was filed by law firm Messrs Karpal Singh and Company at the High Court Registry in Wisma Denmark here.

In the suit, Anwar sought a court declaration that his removal as Deputy Prime Minister and Finance Minister was unconstitutional.

He also sought a declaration that his dismissal as from 5.30pm on Sept 2 1998 is null and void, inconsequential and of no effect.

Anwar, who is also seeking a declaration that he is still a minister in the cabinet, is also asking for cost and any further or other relief deemed fit and proper by the court.

In his affidavit, he said that Dr Mahathir was at all material time acting as agent of the Malaysian government which is vicariously liable for all acts, omission and or defaults of the Prime Minister.

Anwar said he was appointed as minister by the Yang di-Pertuan Agong on the advice of the Prime Minister pursuant to Article 43 (2) (b) of the Federal Constitution.

He said his dismissal as Minister of Finance and Deputy Prime Minister on Sept 2, 1998 is effective from 5.30 pm by the defendant was unlawful and in contravention of the provision of Article 43 (5) of the Constitution.

Anwar said he had been advised by his lawyers and verily believed that Dr Mahathir had no lawful authority or right to dismiss him after his appointment as minister by the Yang di-Pertuan Agong.

He said it is only the Yang di-Pertuan Agong that could revoke his appointment on the advice of the Prime Minister under Article 43 (5) of the Constitution.

Anwar said on Sept 2, the Prime Minister's Department had issued a press statement stating that he had been dismissed as Minister of Finance and Deputy Prime Minister with effect from 5.30 pm on that day and that the Yang di-Pertuan Agong had been informed of the dismissal.

He said the Prime Minister also admitted in the Dewan Rakyat on Oct 23 in response to the queries by the Member of Parliament for Jelutong Karpal Singh that he (Dr Mahathir) had conveyed his decision to dismiss him to the Yang di-Pertuan Agong.

"I respectfully state my appointment as minister by the Yang di-Pertuan Agong after the general election in April 1995 has not been lawfully revoked. Accordingly, I'm still minister in the Malaysian cabinet," Anwar said.

In his affidavit, Anwar also attached a copy of a letter by the Prime Minister for his dismissal, a press statement released by the Prime Minister's Department and a copy of parliamentary debate dated Oct 23 relating to the matter.

The documents were issued by Karpal Singh to the Press this afternoon outside the Federal Court building here.

Karpal, just before Dr Mahathir presented his 1999 Budget in the Dewan Rakyat on Oct 23, had claimed that Dr Mahathir's appointment as First Finance Minister was invalid.

Karpal had also asked if the Yang di-Pertuan Agong had revoked Anwar's appointment and if the revocation had been gazetted.

In reply, Dr Mahathir told a press conference later that his appointment as First Finance Minister had been confirmed by a gazette dated Sept 5 issued on command of the Yang di-Pertuan Agong.

The gazette, signed by the Chief Secretary to the Government, was issued under the Ministerial Functions Act 1969 and the Ministers of Federal Government Orders 1998.

-- BERNAMA

KLS AHH rn