

07 JAN 1999

Anwar-Appeal

ANWAR FILES APPEAL IN SUIT AGAINST GOVT

KUALA LUMPUR, Jan 7 (Bernama) -- Datuk Seri Anwar Ibrahim today filed a memorandum of appeal against the High Court's decision striking out his suit against Prime Minister Datuk Seri Dr Mahathir Mohamad and the Malaysian government, challenging his dismissal from the Cabinet on Sept 2 last year.

Anwar, 51, the former deputy prime minister and former finance minister, filed the appeal, which contained seven grounds, through his counsel, Karpal Singh, at the Court of Appeal registry, here, at 2.05pm.

On Dec 23 last year, Justice Datuk Mohamed Saari Yusoff struck out Anwar's suit with costs after ruling that his dismissal from the cabinet was in accordance with the federal constitution and did not breach Article 43(5) as claimed.

Mohamed Saari made the ruling after allowing an application by the Attorney-General to strike out Anwar's suit on the ground that it did not disclose any cause of action, was vexatious, trivial and an abuse of the process of court.

Anwar, had sought a declaration that his dismissal was unconstitutional and that Dr Mahathir had contravened Article 43 (5) in removing him.

He wanted the court to declare that his dismissal was null and void and ineffective and that he is still a cabinet minister.

Among the grounds of appeal is that Mohamed Saari was wrong in hearing his application despite the application having been designated lawfully to be heard by Justice Datuk James Foong, especially when the judge had not given valid reasons for doing so.

Anwar claimed that Saari had seriously misdirected himself in fact and in law when concluding that his case "discloses no reasonable cause of action and is obviously unsustainable" when his case was not such a one.

The judge was also wrong in concluding that the requirements of Article 43(5) had been satisfied when, clearly, the position was the reverse, he said.

Anwar claimed that striking out his suit had occasioned a manifest miscarriage of justice and this was further compounded in that he was being deprived of his livelihood in contravention of Article 5 (1) of the Federal Constitution.

He said Mohamed Saari was wrong in not observing that the prime minister had clearly abused his power by revoking his appointment as minister and then informing the Yang di-Pertuan Agong, when it was the king, pursuant to Article 43 (5), who alone had the prerogative to revoke his appointment on Dr Mahathir's advice, as it was the king who appointed him in the first place, on the advice of the prime minister.

-- BERNAMA

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