

Court of Appeal: Anwar's dismissal 'lawful'
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In a unanimous judgment, the Court of Appeal found Anwar Ibrahim's dismissal as deputy prime minister and finance minister lawful in accordance with Article 43(5) of the Federal Constitution.

In the Court of Appeal today, Justices Zulkefli Ahmad Makinudin, Raus Sharif and Heliliah Mohd Yusof dismissed Anwar's appeal with costs.

In 1998, Anwar sued then prime minister Dr Mahathir Mohamad and the Malaysian government for unlawful dismissal by contesting that a letter of revocation stripping him of his ministerial posts preceded the King's consent.

In the revocation letter, Mahathir told Anwar that he will be stripped from all his government posts effective Sept 2, 1998. In a separate paragraph, he stated that the King had been informed about this.

The defendants adduced evidence of a letter, dated Sept 5, 1998, from the King's then confidential secretary, Abdul Halim Ali, which stated the King's assent on Anwar's dismissal.

According to Article 43(5) of the Federal Constitution, a minister shall remain as one until removed by the King upon the advice of the prime minister.

The High Court on Dec 24, 1998 concluded that the suit was 'unsustainable' and that the revocation letter by the then prime minister dated Sept 2, 1998 was valid.

In a written judgment, Zulkepli upheld the High Court decision and said there was no provision in the law that the dismissal of a cabinet minister must be communicated personally to the King.

He also found that the provision for the PM to advise the King under Article 43(5) was mere formalities because the King can't refuse such advice.

Anwar, who is Parti Keadilan Rakyat advisor, is set to appeal against this decision.

'Illogical and unreasonable'

Making a surprise visit to the Putrajaya courtroom this morning, Anwar told reporters that he found the decision "illogical and unreasonable".

"We're not questioning whether the PM has the right to appoint and dismiss ministers but the validity of such acts depends on the King's consent and assent," he said.

He revealed that the then King Tuanku Jaafar ibni Almarhum Tuanku Abdul Rahman had personally told him that he was not informed of Anwar's dismissal on Sept 2, 1998.

"He went to Munich to visit me and he said 'Anwar, I was not informed on the 2nd and I did not sign (the papers) on the 2nd'.

"When (the courts) say we don't need the King's signature and that it is a mere formality to advise the King on such dismissals, this is an usurpation of the King's power," he stated.

He was quick to point out that the date for the decision to be given by the appellate court was suspect.

"The Court of Appeal set the date (to give judgment) to fulfill Ijok and not in respect of the King.

"This is the BN's prize to Ijok [...] waited two days before the Ijok by-election to give its judgment," he added.

Anwar was represented by Karpal Singh and N Sankara. Senior federal counsel Asmabi Mohamad appeared for the respondents.

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