

LETTER | Mahathir is absolutely correct!

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LETTER | It has come as a great shock that the government has surreptitiously settled the sacked former attorney-general (AG) Mohamed Apandi Ali's suit against Dr Mahathir Mohamad, the prime minister then, and the federal government out of court.

Why was it so? Nobody knows. The present AG, Idrus Harun, did not feel the need to announce the settlement or explain why he chose to settle this matter out of court.

Soon after becoming the prime minister for the second time following the defeat of the Barisan Nasional in the 14th general election on May 9, 2018, Apandi Ali's (above) services were terminated as the attorney-general on June 5, 2018.

One would assume that Mahathir would have consulted the AG's Chambers before firing Apandi. Or was it a unilateral action by Mahathir?

The AG owes the rakyat jelata (ordinary citizens) a clarification to confirm whether he or his chambers was consulted for a legal opinion before Mahathir embarked on the dismissal of Apandi, the first-ever such dismissal in 60 years from our Independence on Aug. 31, 1957.

If Mahathir did not seek assistance from the AGC, did the AG consequently advise Mahathir that what he did was wrong and it went against the legal position? Did the AG act prudently?

If indeed Mahathir had acted unilaterally without seeking a legal opinion, does it mean that the AG's position now is that Mahathir was wrong then in what he did, leading to the present out-of-court settlement?

Mahathir claims that when he went to the AGC to give his witness statement, he was told that he had a good case. Was this true or was Mahathir concocting a cock-and-bull story to appear that he was right in what he did?

This aside, there was some justification as to why Mahathir got rid of Apandi. When Apandi appallingly dropped the case against Najib Abdul Razak's 1MDB investigation on Jan 25, 2016, claiming that there was no case against Najib in spite of the massive evidence glaring at him, thinking Malaysians were then unanimously of the opinion that Apandi was not a competent AG.

What followed next under Tommy Thomas, as the new AG replacing Apandi, contradicted that opinion and established that there was a case to answer.

Najib was subsequently tried, convicted and sentenced for corruption. His appeal is pending. But the fact as it stands now is that the High Court and the Court of Appeal have found him guilty of corruption.

The next issue that begs an explanation is how much was Apandi paid as compensation? The AG cannot hide behind some privacy privilege and refuse to disclose the amount paid as compensation.

After all, it was the people's money that he doled out freely and the people have every right to know how much of their money was used towards this "unsettling settlement." It wasn't his money to give away as he pleased.

Wouldn't it have been better to have gone to court over this issue and let the trial take its own course, so that the presiding judge(s) can rule from the evidence adduced either to dismiss Apandi's suit seeking special damages totalling RM2.23 million, general damages, exemplary and punitive damages, costs and other relief deemed fit by the court, or grant him a publicly disclosed compensation on publicly disclosed grounds of judgment?

Why the AG did not choose this usual way of settling the issue is something that he needs to convince us. Whatever the court awarded would be reported as opposed to what had happened now.

As things stand, the amount of compensation has now become a state secret and hidden from the public. This shroud of secrecy cannot be accepted or tolerated by all thinking Malaysians.

Mahathir is right in demanding that the settlement amount be disclosed and made public. We, Malaysians, have a right to know why the AG chose to settle this suit out of court just five days before it was due to go on trial?

We have a right to know in whose interest the AG acted in this instance. Malaysians await clarification from the AG. Will he dare to respond?

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