

Anwar's sacking unlawful, appeals court told

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PUTRAJAYA: Former Prime Minister Tun Dr Mahathir Mohamad sacked Datuk Seri Anwar Ibrahim from his cabinet post on his own accord without advising the Yang di-Pertuan Agong, the Court of Appeal heard yesterday.

Anwar's counsel Karpal Singh said Anwar was unlawfully dismissed as deputy prime minister and finance minister on Sept 2, 1998 as his termination contravened Article 43 (5) of the Federal Constitution which states that the Yang di-Pertuan Agong was the lawful authority to dismiss him upon advice from the prime minister.

The three-member presiding judges comprising Justices Datuk Zulkefli Ahmad Makinudin, Datuk Md Raus Sharif and Datuk Heliliah Yusof heard the appeal by Anwar, 59, to set aside the High Court's

decision delivered nine years ago, throwing out his application for an order to declare Mahathir's decision to dismiss him as null and void.

Karpal argued that the High Court was wrong to strike out Anwar's originating summons summarily as there were triable issues to be determined by the court because there were contradictions in the termination letter and the sworn affidavit by the Yang di-Pertuan Agong's confidential secretary on whether the King was advised prior to dismissing Anwar as required under the constitution.

He said the termination letter did not indicate that Mahathir had advised the Yang di-Pertuan Agong on the revocation of Anwar's appointment as deputy prime minister and finance minister.

In his application for declaration, Anwar had sought to be reinstated

as a cabinet minister but in view of the change of circumstances, Anwar now wants to be compensated.

Senior Federal Counsel Asmabi Mohamad said the King was advised and informed of the matter which was shown in two sworn affidavits by the King's confidential secretary Jaapar Wahab and the then chief secretary to the government Tan Sri Abdul Halim Ali.

She said the two affidavits were sufficient to prove that Mahathir had advised the King before he dismissed Anwar, therefore complying with the requirement of Article 43 (5).

The appellate court deferred decision in this appeal to another date to be fixed as it needed time to consider the submissions. - Bernama