

# APANDI SEEKS PROOF OF CORRESPONDENCE

**Documents on move to end his service as A-G in possession of defendants, says lawyer**

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**F**ORMER attorney-general (A-G) Tan Sri Mohamed Apandi Ali is demanding proof of the correspondence between former prime minister Tun Dr Mahathir Mohamad and the government on the decision to terminate his service as A-G, three years ago.

This is in relation to his discovery application to obtain documents on his termination in his RM2.2 million lawsuit against Dr Mahathir and the government.

He is also seeking a declaration that his sacking as A-G was unlawful.

His lawyer, Datuk Abdul Shukor Ahmad, when contacted yesterday, said the documents his client sought were in the possession of the defendants.

"The documents are relevant to the case. They are in the possession of the defendants and the documents do not fall under official secrets," he said.



*Tan Sri Mohamed Apandi Ali*



*Tun Dr Mahathir Mohamad*

Shukor said the High Court had fixed May 25 to deliver its decision on the application after hearing the matter yesterday.

The hearing was conducted via Zoom before judicial commissioner Datuk Seri Latifah Mohd Tahar.

In opposing the application, senior federal counsel Shamsul Bolhassan, who acted for the defendants, said he submitted that there was a high possibility that the unidentified documents sought were classified as "Rahsia" under the Official Secrets Act 1972 and could not be disclosed.

Among others, he said, the application for discovery was too vague as it was couched in broad terms such as "all correspondences" and "all other documents" and was not sufficiently

specified.

Shamsul added that the application was a waste of time and that the former A-G's bid for discovery, inspection and production of the documents ought to be dismissed with costs.

Apandi filed the discovery application on Dec 11 last year seeking to obtain the documents.

He said the documents could help him establish his claim that his termination might not have received the consent of the Yang di-Pertuan Agong.

In the application, he is seeking, among others, a court order to allow him to freely inspect and be furnished with a copy of documents or letters regarding the termination of his service.

He claimed that the documents were in the possession, custody



*The High Court fixed May 25 to deliver its decision on former attorney-general Tan Sri Mohamed Apandi Ali's application, file pic*

or within the power of both Dr Mahathir and the government and should be given to him to prove his lawsuit.

On Oct 13 last year, Apandi filed the suit to seek a declaration that his termination as A-G was unlawful.

The suit was filed after the Attorney-General's Chambers (A-GC) did not respond to his letter of demand which was served on it on Sept 30, last year.

The former A-G, in the letter, demanded the A-GC respond to his claim of restitution and unspecified damages within seven days of the date of the issuance of the letter, failing which he would begin legal proceedings for an appropriate remedy, including exemplary or punitive damages as well as costs.

In his statement of claim, Apandi, who was a Federal Court judge before being appointed as attorney-general in 2015, is seeking a declaration that the first defendant (Dr Mahathir) had committed a misfeasance and misconduct in public office and a

declaration that the first defendant had caused and induced the breach of contract between him and the government of Malaysia.

Apandi also wants a declaration that there was a failure of compliance with Article 145 of the Federal Constitution over his termination, and a declaration that his termination as attorney-general was not in accordance with the law and hence, unlawful.

He is seeking special damages amounting to RM2,233,599.36, general damages, exemplary and/or punitive damages, costs and other relief deemed fit by the court.

In a statement of defence filed on Nov 12 last year, the defendants claimed that there was no abuse of power by Dr Mahathir in the termination of Apandi from his service as A-G.

The defendants claimed that the termination of Apandi's contract was in accordance with the legal provisions and a letter by the Judicial and Legal Service Commission dated July 27, 2015.