

Gani 's sacking unconstitutional, say lawyer's group
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Datuk Seri Najib Razak's removal of former attorney-general Tan Sri Abdul Gani Patail is reckless and unconstitutional, a lawyer's advocacy group said today. Lawyers for Liberty executive director Eric Paulsen said while it may be the prime minister's prerogative to appoint and remove members of his Cabinet, the position of the A-G was governed by the Federal Constitution.

He said under Article 145(6) of the constitution, the A-G's security of tenure was protected and he "shall not be removed from office except on the like grounds and in the like manner as a judge of the Federal Court."

"A Federal court judge and therefore the AG can only be removed through a tribunal that is appointed by the Yang di-Pertuan Agong for breach of code of ethics, inability, infirmity of body or mind or any other cause, to properly discharge the functions of his office," he said in a statement today.

He said this in response to the appointment of former Federal Court judge Tan Sri Mohamed Apandi Ali to replace Gani who held the position since 2002.

He said the sudden removal of Gani at the whim of the prime minister was shocking and could only fuel public suspicion of interference that this was done in bad faith.

Paulsen said this was because Gani had been the head of task force investigating the massive 1MDB scandal.

"We call on the prime minister not to act recklessly and in contravention of the constitution," he said.

He said if Gani was unable to discharge the functions of his office, the right thing to do was to set up a tribunal so that he could defend himself against any charges or be removed.

DAP's Bukit Gelugor MP Ramkarpal Singh also urged Gani to challenge his termination in court.

"In the circumstances, there seems to be reason to believe that Gani's termination may have been politically motivated," he said in a statement today, adding that Gani had been denied his right to be heard before a tribunal before being removed.

"In the circumstances, there can be no doubt that Gani was unilaterally terminated when he is constitutionally guaranteed a right to be heard. He did not resign on grounds of ill health.

"Instead, chief secretary to the government Tan Sri Ali Hamsa released a statement this morning stating that his services were terminated early due to the latter's health

problems," Ramkarpal said.

Meanwhile, Pokok Sena MP Datuk Mahfuz Omar also questioned whether Gani's unlawful sacking was associated with the on-going investigation on government linked company 1MDB.

"The removal of Gani is serious and needs public attention since it was made hurriedly which is in violation of the constitution," he said in a statement.

He said Gani's removal could plunge the nation into a constitutional crisis, similar to the 1988 incident when the then Lord President of the Supreme Court Tun Salleh Abas was sacked.

Mahfuz said he found the announcement by the Chief Secretary to the Government Tan Sri Ali Hamsa as uncouth for it was a show of disrespect to the A-G's office.

He also questioned whether Gani's departure was a pre-emptive strike to stop him from prosecuting those alleged to have committed criminal offences.

"I demand the prime minister quickly clarify the matter," he said, adding that Opposition leader Datin Seri Wan Azizah Wan Ismail should act expeditiously to assemble all progressive MPs to stop the political mayhem by the Barisan Nasional government and save the nation. – July 28, 2015

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