

Our ref: 2014084 NSY

Date: 10 August 2014

Your ref: *please advise*

Sent by: Fax (78850531) & Hand

1. **YB Dato' Dr Tan Kee Kwong**  
Pengerusi Lembaga Disiplin, Parti Keadilan Rakyat  
A-1-09, Merchant Square  
No. 1, Jalan Tropicana Selatan 1  
47410 Petaling Jaya, Selangor Darul Ehsan
2. **YB Dato' Seri Dr Wan Azizah Wan Ismail**  
Presiden, Majlis Pimpinan Pusat, Parti Keadilan Rakyat  
A-1-09, Merchant Square  
No. 1, Jalan Tropicana Selatan 1  
47410 Petaling Jaya, Selangor Darul Ehsan



Dear YB Dato' Dr Tan Tan Kee Kwong and YB Dato' Seri Dr Wan Azizah Wan Ismail,

**DECISION BY THE CENTRAL LEADERSHIP COUNCIL ADVISED BY  
DISCIPLINARY BOARD ANNOUNCED IN A MEDIA CONFERENCE ON 9  
AUGUST 2014 AT AROUND 6:00 PM**

We act for Tan Sri Khalid Bin Ibrahim. Our client instructs as follows:

1. Our client notes that pursuant to a meeting between the Disciplinary Board of Parti Keadilan Rakyat (PKR Disciplinary Board) and the Central Leadership Council of Parti Keadilan Rakyat (PKR MPP) on 9 August 2014, the PKR MPP has decided to sack our client as a member of the party.
2. You would note that pursuant to Part XI of the Constitution of Parti Keadilan Rakyat ("PKR Constitution"), the PKR Disciplinary Board had fixed a hearing date for our client who in turn had by letter dated 8 August 2014 requested a postponement in addition to posing further queries such as the precise nature of the charge against him. No reply has been forthcoming. Further by a letter from us to the PKR Disciplinary Board on 9 August 2014 received by YB Dato' Dr Tan Tan Kee Kwong at around 11:00 am, our client continued to labour under the understanding that a hearing would take place subject to the PKR Disciplinary Board replying to our client's letter dated 8 August 2014 on the new date and time, and with satisfactory details as requested.
3. Instead, not only has the PKR Disciplinary Board not replied the said letter or held a hearing, it had proceeded to make a decision in absence of any hearing and/or in our client's absence. The PKR Disciplinary Board then recommended that the PKR MPP should sack our client.

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4. The disciplinary process against our client smacks of impunity, abuse, pre-judgment and bias for the following reason:
- 4.1 The PKR Disciplinary Board has:
- a. convened a disciplinary hearing on short notice.
  - b. failed to specify with sufficient clarity the charge(s) levelled against our client.
  - c. subsequently called on our client to answer 5 new issues which were not in the show cause letter.
  - d. not replied to our client's request for postponement.
  - e. failed to provide details as to the composition of the PKR Disciplinary Board.
  - f. convened a disciplinary hearing in absence of our client.
  - g. been chaired by YB Dato' Dr Tan Kee Kwong, who himself is under inquiry for alleged mismanagement of funds under the *Skim Mesra Usia Emas*.
  - h. proceeded to recommend that the PKR MPP sack our client without hearing our client.
- 4.2 The PKR MPP has:
- a. failed to take into account the flawed and illegal disciplinary process by the PKR Disciplinary Board.
  - b. taken into account matters not contained in the show cause letter such as the Selangor water restructuring, increase in the Menteri Besar's allowance, increase in business licence taxes, and KIDEX.
  - c. allowed members who have a vested interest to sack our client given that:
    - i. YB Dato' Seri Dr Wan Azizah Wan Ismail has purportedly been selected to "replace" our client as the Menteri Besar of Selangor.
    - ii. Members of the PKR MPP have entrenched their positions by making wild and spurious allegations against our client which would be difficult for them to retract now.
    - iii. Members of the PKR MPP have further endorsed the distribution of a defamatory "dossier" of our client in an attempt to compel his ouster.
5. It is imperative to note that the total time taken from the date of the show cause letter of 5 August 2014 to the sacking of our client is less than 5 days.



6. The PKR Disciplinary Board and the PKR MPP have breached the PKR Constitution in particular Article 41 read with Article 9. Please provide us as solicitors for our client (i) the names of those in attendance at the PKR MPP and how each of them voted; and (ii) the names of the members who constituted the PKR Disciplinary Board who decided on this issue.
7. Our client wishes to convey his surprise at the undue haste the PKR Disciplinary Board and the PKR MPP have acted. Your actions confirmed that PKR does not practice principles of "natural justice" and that the decision to sack our client was made for a collateral purpose, namely, to influence the sentiments of the public and/or political parties in the Pakatan Rakyat coalition (particularly PAS which is due to have a meeting soon on our client's position as the Menteri Besar of Selangor) to clamour for our client's removal as the Menteri Besar of Selangor.
8. In the final analysis, our client protests this illegal and flawed decision against him, and vehemently objects to the process that has been undertaken in our client's sacking. However, as you are well aware, section 18C of the Societies Act 1966 ousts the court's jurisdiction in hearing cases regarding political parties' disciplinary matters. And our client's right to an internal appeal – though YB Dato' Dr Tan Tan Kee Kwong has paid lip service to it – is nugatory and illusory by the recent sequence of events which PKR has willed to happen. Our client has little choice but to accept PKR's decision albeit an illegal and flawed one made without due process, and to move on.
9. Our client reminds you that upholding the rule of law and independence of the judiciary (or equivalent judicial-making tribunals as relevant in our client's case here) are among the purpose and objectives of the party, PKR, under Article 5.3 of the PKR Constitution. The PKR MPP and the PKR Disciplinary Board have utterly failed on both scores. In this sorry saga, the PKR MPP and the PKR Disciplinary Board have played the role of accuser, judge, jury and executioner. A litany of violations of natural justice and procedure without any semblance of independence is evident to any layperson's untrained eye. These actions have highly embarrassed the party, and our client feels very sad that it had to happen this way.

Our client reserves his rights in the meantime. .

Yours faithfully,  
For and on behalf of

**BON**  


**New Sin Yew**  
c.c. Client