

## **Court strikes out civil suit over Pulau Batu Puteh sovereignty**

**Malaysiakini**

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**Hidir Reduan Abdul Rashid**

The prime minister and the government have succeeded in their bid to nullify a civil action over the International Court of Justice's (ICJ) award of Pulau Batu Puteh's sovereignty to Singapore.

The Kuala Lumpur High Court this morning allowed the two defendants' application to strike out the lawsuit by Malaysian Mohd Hatta Sanuri.

Senior federal counsel Shamsul Bolhassan - who appeared for the premier and government - said that judge Hayatul Akmal Abdul Aziz allowed the striking-out bid.

He explained that the court found that the Pulau Batu Puteh sovereignty issue is not one suitable to be decided by the courts (non-justiciable).

"(The court ruled that) the subject matter is non-justiciable and the plaintiff (Hatta) lacks locus (legal standing to file the legal action)," Shamsul told

Malaysiakini, adding that the court ordered Hatta to pay RM6,000 costs to the defendants.

When contacted, Hatta's legal counsel Mohaji Selamat confirmed the outcome, adding that they will appeal to the Court of Appeal.

On May 28 last year, Hatta filed the writ of summons over Malaysia's 2018 withdrawal of its application for the ICJ to review its decision to award sovereignty over the island - also known as Pedra Branca - to Singapore.

In late May 2018, following Pakatan Harapan's 14th general election (GE14) victory, Dr Mahathir Mohamad's government at the time had withdrawn its review application against the ruling by ICJ, which is the UN's highest court.

On Tuesday, Mahathir walked out in protest from the Attorney-General's Chambers where he was invited for an interview by a panel on tort misfeasance regarding the sovereignty of Pulau Batu Puteh.

This came after he learned that the panel was still being chaired by former attorney-general Apandi Ali, whom Mahathir said has a conflict of interest in the case.

Pulau Batu Puteh - a main rocky outcrop, no more than half the size of a football field - is located about 15km off Peninsular Malaysia's southern coast.

### **Hatta's suit for the people**

According to a copy of the statement of claim, Hatta contended that he is suing on behalf of himself and 32 million other Malaysians.

According to him, all Malaysians were affected by the defendants' unilateral act of withdrawal of the ICJ review application without first tabling and discussing it in Parliament.

The 46-year-old claimed that the government had not given an explanation for the withdrawal of the ICJ review application in light of alleged new evidence that favours Malaysia's side in the bid for Pulau Batu Puteh's sovereignty.

Among the court orders sought by the plaintiff is for the two defendants to give a written explanation on the reason for the withdrawal of the ICJ review application and for a declaration that they have been negligent and breached the trust of Malaysians.

Hatta also wanted a declaration for the defendants to pay around RM10 million in compensation to Malaysians.

He said the amount is to be based on further court deliberation and should be calculated based on the land value of Pulau Batu Puteh and the economic loss incurred by Malaysians, including himself.

He was also seeking an order, among others, for the defendants to reveal in detail the total cost spent by the government to prepare the ICJ review application on Feb 3, 2017, until the defendants suddenly retracted it as confirmed by ICJ on June 1, 2018.

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