

Sulu 'heirs' legal team disputes M'sia's version over legal tussle

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Lawyers for the alleged descendants of last Sulu ruler Sultan Jamalul Kiram II denied Malaysia's claim that the Spanish Constitutional Court rejected the claimants' appeal over the nullification of the appointment of Gonzalo Stampa as their arbitrator.

The legal team from London-based law firm 4-5 Gray's Inn Square also contended that it would seek to rectify a Luxembourg Court order that would have allowed the claimants to seize overseas Malaysian assets.

The Sulu claimants' counsel was responding to Malaysian Law and Institutional Reform Minister Azalina Othman Said's three media statements in relation to the ongoing international legal tussle between Malaysia and the alleged royal heirs over unpaid lease payments for Sabah.

Reacting to Azalina's statement, the Sulu claimants' lawyer Paul Cohen claimed that the legal outcome was due to the court considering that the alleged heirs

should have filed their home addresses rather than their counsel's address for the purpose of service of court papers.

On Jan 26, Azalina hailed as a victory to Malaysia regarding the Luxembourg Court agreeing to set aside an order that allowed the purported heirs to the Sulu sultanate to seize Malaysian assets, believed to be in reference to two Petronas subsidiaries that the claimants seized last year as part of the legal battle.

Four days later, she said the Luxembourg Court made the order because the claimants purportedly voluntarily omitted to reveal their real addresses.

Then on Feb 2, Azalina said the Spanish Constitutional Court rejected the Sulu claimants' appeal over Stampa's appointment.

In a series of emails to Malaysiakini, Cohen contended the judge there made clear that he was not making a judgment on the merits of the still ongoing case in Luxembourg.

"And, for the avoidance of doubt, he was not ruling on the claim, the arbitration, the US\$14.9 billion award (to the Sulu heirs) or the decision to take the enforcement action to Luxembourg.

“But he is concerned that the paperwork should have had the addresses. We will correct this. The enforcement action continues,” Cohen claimed.

The lawyer claimed that on Dec 1 last year, the Superior Court of Justice of Madrid – the Spanish court that appointed Stampa – made a unanimous ruling that not only was the arbitration process in the Sulu case still valid and extant, but that it had never been annulled by that court, or any other court nor by any action by Malaysia’s lawyers, among other things.

“We will not comment on the Luxembourg district court's decision until we (and the Malaysian side) have received and read it. But it seems temporary and is very limited. The (Malaysian) government statement is rather an exaggeration,” Cohen claimed.

‘Merely side-shows’

In another email response to Malaysiakini regarding Malaysia’s statement over the Spanish Constitutional Court ruling, the Sulu claimants’ co-counsel Elizabeth Mason denied this assertion and made reference to the Dec 1 court ruling.

“On Dec 1 (last year), Stampa’s jurisdiction was affirmed in Spain by the Tribunal Superior de Justicia, as it was in France earlier.

“Malaysia’s bungling of this case means it now has not one, but two European jurisdictions that have affirmed Stampa’s jurisdictional rights to have awarded ‘US15 billion’ to the Sulu heirs.

“All the minister’s confused statements on other technicalities are merely side-shows to fool the Malaysian public that the government has this situation under control. They do not,” Mason contended.

Malaysiakini has reached out to the Law and Institutional Reform Ministry for a response over the matter.

On March 1 last year, Stampa issued a ‘final award’ of US\$14.92 billion (about RM63 billion) to the claimants in an arbitration court in Paris, France. In effect, Malaysia was ordered to pay this amount to the alleged royal heirs.

Armed with the award, the claimants then attempted to seize Petronas Azerbaijan (Shah Deniz) and Petronas South Caucasus through the Luxembourg legal system.

The two companies are purportedly worth US\$2 billion.

Later on July 12, 2022, the Paris Court of Appeal in France allowed Malaysia’s

application to stay the enforcement of the final award.

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