

## **Dr M claims lawyers barred from 'secretive' Batu Puteh RCI**

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Former prime minister Dr Mahathir Mohamad claims that he and his legal team are being excluded from the Royal Commission of Inquiry investigating sovereignty issues regarding Batu Puteh, Middle Rocks, and South Ledge.

He claimed the RCI had conducted its proceedings behind closed doors today without notifying him or his legal team.

When his lawyers found out, he said they had tried to attend the RCI and put forward several applications and objections.

The objections include the presence of Md Raus Sharif, Baljit Singh Sidhu, and Mohammed Ridha Abdul Kadir on the panel due to alleged conflicts of interest.

All these were rejected and the RCI continued behind closed doors.

“How am I supposed to elaborate, give explanation, or defend myself if I and my lawyers are not allowed to be present throughout the proceedings?”

“The closed-door proceedings were held today without any notification to any party and was conducted in secret,” he said in a statement today.

### **RCI to be held ‘tomorrow’**

When contacted, Mahathir’s lawyer Rafique Rashid told Malaysiakini that he found out about the RCI proceedings only when an officer from the Attorney-General’s Chambers contacted him yesterday.

The officer purportedly asked when Mahathir would be available to attend the RCI and proposed several dates in early June. When Rafique asked for details about the RCI, including when it would be held, the officer replied “tomorrow” (May 21).

“So, this morning, myself and (lawyer) Zainur Zakaria attended the RCI at the Legal Affairs Division in Presint 3, Putrajaya, to record our stand including the right of (Mahathir) and his lawyers to attend as well as participate in the RCI.

“We also recorded our objections on the three RCI members.

“Our objections were dismissed. The RCI now continues with us being shut out,” he said.

## **Proceedings held 'clandestinely'**

In his statement, Mahathir said he had been advised that excluding him and his lawyers from the RCI is contrary to Section 18 of the Commissions of Enquiry Act 1950.

It stipulates that any person whose conduct is the subject of an RCI is entitled to be represented by an advocate for the whole inquiry.

“What is even stranger to me is why are the RCI proceedings held clandestinely whereas it has been publicly announced and members of the government have openly given their opinions and slandered me before the RCI began,” he said.

The establishment of the RCI was announced in February. According to its terms on reference gazetted on May 6, the commission is tasked with revisiting the findings of a special government task force that has also investigated the Pulau Batu Puteh, Middle Rocks, and South Ledge sovereignty cases.

It would also provide its opinion on whether any law, work norms, or administrative order was violated in the handling of these cases, and recommend actions that can be taken against those involved.

It would also recommend actions to “protect Middle Rocks and South Ledge and

the surrounding territorial water around Batu Puteh, Middle Rocks and South Ledge”.

The terms of reference signed by Prime Minister Anwar Ibrahim also stipulate that the inquiry “shall be conducted in private” and the commission’s report is to be completed and submitted to the Yang Di-Pertuan Agong in six months.

Batu Puteh, Batuan Tengah, and Tubir Selatan are three tiny islands between Johor and Singapore, whose ownership has been disputed.

In 2008, the International Court of Justice (ICJ) ruled that Batu Puteh belonged to Singapore and Batuan Tengah was Malaysia’s, while Tubir Selatan’s ownership was left ambiguous.

Malaysia filed a review of the ruling in 2017, but this was later dropped when Mahathir took power in 2018 as the head of the Pakatan Harapan-led administration. Then-attorney-general Idrus Harun later said the decision to withdraw the review was not done properly.

In his statement today, Mahathir denied having acted secretly or unilaterally to withdraw the review.

“It is untrue, and as far as I can remember, I had referred to the Attorney-

General's Office and sought the views of relevant lawyers before making my decision.

"After that, I tabled the matter to the cabinet and they collectively agreed to discontinue the appeal.

"Among those in attendance were Dr Wan Azizah Wan Ismail, Anthony Loke, Gobind Singh, and Mohamad Sabu. All these are in government records," he said.

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