

Batu Puteh RCI stays closed-door, ex-CJ still heads it

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The Royal Commission of Inquiry (RCI) into Malaysia's 2018 withdrawal of its appeal over the International Court of Justice (ICJ) decision to award Batu Puteh's sovereignty to Singapore will remain closed-door and not open to the public.

The RCI will also still be headed by former chief justice Md Raus Sharif, whom former prime minister Dr Mahathir Mohamad claimed is biased against him.

The former prime minister has been summoned to the closed-door proceedings later today.

The Kuala Lumpur High Court this morning dismissed a large portion of Mahathir's judicial review over the RCI.

However, judge Amarjeet Singh allowed leave for Mahathir to proceed with one part of the judicial review, namely for his lawyers to be allowed to be present during the RCI.

Amarjeet has set June 26 for case management to set a hearing date for the merits of Mahathir's judicial review to allow his lawyers to be present with him in the ongoing RCI.

When met by the media outside the civil court, Mahathir's counsel Muhammad Rafique Rashid Ali said they would appeal to the Court of Appeal in order to ensure the RCI is open to the public.

They will also attempt to recuse Raus as well as two other RCI members from the commission over alleged bias.

Senior federal counsel Shamsul Bolhassan and Ahmad Hanir Hambaly @ Arwi appeared for the federal government.

The 2008 ICJ ruling awarded sovereignty over Pulau Batu Puteh to Singapore, Middle Rocks to Malaysia, and South Ledge to "the state in the territorial waters of which it is located".

'Biased' members

In Mahathir's affidavit in support of the legal action, the former prime minister claimed there was past animosity between him and Raus.

This is because in 2017, Mahathir filed a judicial review to challenge Raus' appointment as an additional Federal Court judge past his retirement age.

After Mahathir became prime minister again, Raus purportedly met him in May 2018 to express his intention to resign as chief justice and then tendered his resignation a month later.

Mahathir claimed that the other two RCI members he sought to recuse - Baljit Singh Sidhu and Mohammed Ridha Abd Kadir - were biased as they were part of a previous task force over the issue during his second tenure as prime minister between 2018 and 2020.

In 2022, then-prime minister Ismail Sabri Yaakob revealed the findings of the task force report that Mahathir was possibly negligent by failing to file an appeal against the ICJ's decision.

The previous task force was also chaired by former attorney-general Mohd Apandi Ali, who has an alleged "bitter history" with Mahathir.

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