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Malaysia can extradite so-called Sulu Sultan

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PETALING JAYA: Malaysia can seek the extradition of self-proclaimed Sulu Sultan Jamalul Kiram III from the Philippines to face the law over the intrusion into Sabah, legal experts said.

They said Malaysia's arrest and extradition of Moro National Liberation Front leader Nur Misuari to the Philippines in 2001 following a request by that country had set a precedent for cooperation in dealing with such cases.

Muslim Lawyers Association of Malaysia Datuk Zainul Rijal Abu Bakar said the culprits, including those based in Philippines such as Jamalul Kiram, needed to be brought to Malaysia to face criminal charges of waging war against the Yang di-Pertuan Agong, an offence under the Penal Code that is punishable by death upon conviction.

"Our sovereignty has been challenged and while Malaysia wanted to avoid bloodshed they started firing, triggering action which resulted in our security personnel dead, which means there is no more room to forgive them," said Zainul.

He added that since Jamalul Kiram did not directly take up weapons in Malaysian territory, he could be investigated for abetting to wage war, which also carries the death penalty upon conviction.

International Islamic University Malaysia (IIUM) Associate Professor Shamrahayu A. Aziz said the charge could be used against the culprits



Wanted: Jamalul speaking to the press in Manila as he affirms his sultanate's claim to Sabah. — AFP

even if they were not Malaysian citizens because what mattered was where the crime was committed.

"It is also possible for Malaysia to request the extradition of a person who is not in our country if we can prove that the instructions came from him or that he instigated or incited the actions," she said.

Emeritus Professor of Law at Universiti Teknologi Mara Prof Datuk Shad Saleem Faruqi said many Sections in Chapter 6 of the Penal Code could be used against the culprits.

He said Malaysians in Lahad Datu, who had given protection to the intruders, could also be charged

under Section 125A of the Act, which makes it an offence to harbour any person in Malaysia or a foreign country who is at war or considered hostile against the King.

In addition, Shad Faruqi said the culprits could also be charged under the newly included Section 6A of the Penal Code, which deals with offences relating to terrorism.

On the possibility of the Philippines requesting to Malaysia to send its naval ships to offer assistance, Prof Dr Aruna Gopinath from Universiti Pertahanan Nasional Malaysia said it must only be done after obtaining an agreement from the Malaysian



Government.

"If there is an offer from them to want to help or monitor then they must wait for an agreement from us, they cannot just sail here unilaterally as that would be trespassing," she said.

In an unrelated development Raja Muda Azzimudie Kiram, the brother of the self-proclaimed Sulu Sultan Jamalul Kiram III, is believed to be alive and well even after the attack.

"He (the Raja Muda) is still alive," the sultanate's spokesman Abraham Idjirani told *The Star* in a phone interview from Manila.

"I spoke to him yesterday (Tuesday) morning and he said he and the troops were still in Sabah and still in good condition".

However, Idjirani admitted he had not heard from Azzimudie since then but claimed he was "definitely okay".

"The Malaysian security forces attacked an area that the Raja Muda and his troops had long since vacated. There are only four injured men, but they are all safe," he said, referring to the Malaysian security force's assault on the intruders in Lahad Datu early yesterday morning.