

Newspaper	New Straits Times
Date	19/08/2017

# DR M LOSES APPEAL, R.C.I. STARTS MONDAY

NST- 19/8/2017 Pg. 10

Two disputed members will sit on panel probing into BNM's forex losses

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**T**HE Royal Commission of Inquiry (RCI) into Bank Negara Malaysia's foreign exchange losses will proceed on Monday after the Court of Appeal denied Tun Dr Mahathir Mohamad's application for a stay of proceedings.

The three-man panel led by Datuk Mohd Zawawi Salleh unanimously dismissed the adjournment request by the former premier. The other two judges were Datuk Abdul Rahman Sebli and Datuk Kamardin Hashim.

"For the sake of public interest, we think the RCI proceedings must continue," Zawawi said.

Dr Mahathir had applied for a stay of the RCI proceedings pending the hearing of his appeal against the Kuala Lumpur High Court's decision yesterday, which dismissed the application to initiate a judicial review.

In his application, he applied to quash the decision of the RCI, which dismissed his application to drop two members from the panel of five set up to investigate Bank Negara's forex losses in the 1990s.

The application was filed on grounds that the two – Petrolam Nasional Bhd chairman Mohd Sidek Hassan and Special Task Force on Facilitating Businesses co-chairman Tan Sri Saw Choo Boon – were involved in the Special Task Force probing into the case, and had recommended the cabinet to set up the commission.

Dr Mahathir had named the two and other panel members, comprising High Court judge Datuk Wira Kamaludin Md Said, Bursa Malaysia Bhd chief executive officer Datuk Seri Tajuddin Atan, Malaysian Institute of Accountants and Malaysian Insti-

tute of Certified Public Accountants member K. Puspanathan, the commission's secretary Datuk Dr Yusof Ismail and the government, as respondents in his legal action.

High Court judge Datin Azizah Nawawi, in allowing the government's objection to the judicial review by Dr Mahathir, said the RCI had no jurisdiction to appoint or drop its members.

Meanwhile, Sidek expected the proceedings to take place for 10 days from Monday.

Yesterday, Dr Mahathir's lawyer, Mohamed Haniff Khatri Abdulla, argued that they did not intend to challenge the Yang di-Pertuan Agong, but only wanted the cabinet to advise him to have the two RCI members replaced.

Senior federal counsel Datuk Amarjeet Singh argued that there was no special condition for the adjournment to be allowed.

He said the RCI's proposal had no legal effect or authority, and it only advised the government on steps that should be taken, including amending the standard operating procedures.