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# Tun M **fails** to remove two RCI members

> High Court says only King has jurisdiction to appoint, replace panellists

**PETALING JAYA:** Tun Dr Mahathir Mohamad's bid to remove two people from sitting on the Royal Commission of Inquiry (RCI) examining a financial scandal from his administration was dismissed by the High Court yesterday.

In a nine-page written judgment delivered in chambers, High Court judge Datin Azizah Nawawi said the RCI panel was correct to refuse Mahathir's application to disqualify two of its members.

The judge said the Commission of Enquiry Act's Sections 2 and 4 meant the power to appoint RCI members or to appoint new members to replace those who resign, die or wish to be discharged lies with the Yang di-Pertuan Agong, adding that the RCI has no jurisdiction or power on the appointment and/or removal of its members.

On Mahathir's bid for a mandamus order, Azizah said such a court order to compel an authority to perform a public duty can only be issued against a public officer, a corporation or a court subordinate to the High Court.

She pointed out that a previous court

decision ruled that both the Malaysian government and ministers were not public officers within the meaning of mandamus orders under Section 44 of the Specific Relief Act 1950.

The judge said she was bound by the Federal Court's 2011 decision in former judge Tun Ahmad Fairuz Sheikh Abdul Halim's lawsuit against an RCI panel, noting that the apex court had cited public interest when dismissing leave to challenge the RCI's findings.

Mahathir's lawyer Mohamed Haniff Khatri Abdulla said his team had filed a notice of appeal in the registry of the High Court in Kuala Lumpur yesterday.

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