

'EX-PM RUINED BATU PUTEH CASE'

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He may be arrested if he skips RCI looking into the matter, says law minister

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THE prime minister who made a decision "in secret" was responsible for ruining Malaysia's Batu Puteh case, Datuk Seri Azalina Othman Said told the Dewan Negara yesterday.

The minister in the Prime Minister's Department (Law and Institutional Reform) said the prime minister at the time did not consult the attorney-general, who was then on garden leave for four days.

She did not name the prime minister but said she was not the minister in charge of law at the time and that this event would not have transpired if she was in charge.

"At the time, not one person made a fuss even though it involved our sovereignty.

"The matter was investigated by a special team.

"He was summoned but he did not turn up, and the matter now is under the royal commission of

inquiry (RCI).

"If he is summoned and does not show up, he can be detained."

She said this in her winding-up speech during the second reading of the Jurisdictional Immunities of Foreign States Bill in the upper chamber of Parliament yesterday.

On Jan 24, the cabinet agreed to establish an RCI to look into the handling of the territorial dispute with Singapore over Batu Puteh, Middle Rocks and the South Ledge.

Malaysia and Singapore took their dispute to the International Court of Justice.

In 2008, the ICJ awarded Batu Puteh to Singapore, Middle Rocks to Malaysia and the South Ledge to the country that has sovereignty over the waters around this maritime feature.

This ambiguity and other issues led Malaysia to apply to the ICJ for an interpretation of its 2008 ruling. That appeal was withdrawn in 2018, shortly after the 14th General Election when Tun Dr Mahathir Mohamad swept to power for a second stint as prime minister.

On Oct 29, 2021, then prime minister Datuk Seri Ismail Sabri Yaakob said his government

would set up a task force to look into the handling of the Batu Puteh case as there was possible negligence on Dr Mahathir's part when he was the prime minister.

That task force for the case released its report in January 2023, concluding that Dr Mahathir might have made a mistake in withdrawing the application to the ICJ.

On Jan 24 this year, the cabinet agreed to set up an RCI.

In February, it was announced that the RCI would be led by former chief justice Tun Md Raus Sharif.

Dr Mahathir has said that withdrawing the application to the ICJ was based on former attorney-general Tan Sri Mohamed Apandi Ali's officers' advice.

Meanwhile, Azalina said all parties must allow the RCI to conduct its duties.

Earlier, several senators during the debate had voiced their concerns about clauses 32 and 33 in the Jurisdictional Immunities of Foreign States Bill.

The clauses touch on the powers of the prime minister to exempt foreign countries from specific provisions of the act, and to enact regulations considered necessary to fully enforce or enhance the provisions of the act.

"In the act, any decision by the prime minister under Clause 32 must be gazetted and publicised.

"He cannot make any decision by himself in secret," she added.



Datuk Seri Azalina
Othman Said

