

# APANDI BACKS CRIMINAL PROBE AGAINST DR MAHATHIR

He claims he was not consulted when govt withdrew application for ICJ interpretation

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Former attorney-general (A-G) Tan Sri Mohamed Apandi Ali has voiced his support for the Royal Commission of Inquiry's (RCI) recommendation to initiate a criminal investigation into former prime minister Tun Dr Mahathir Mohamad.

The RCI, which was tasked with investigating the handling of issues concerning the sovereignty of Batu



Tan Sri Mohamed Apandi Ali

Puteh, Middle Rocks and South Ledge, had proposed that Dr Mahathir be investigated under Section 415(b) of the Penal Code.

This provision, which addressed cheating and dishonesty, could lead to penalties under Sections 417 and 418.

The RCI had recommended that the secretary of the commission lodge a police report to enable an investigation into the matter.

Apandi said Dr Mahathir did not consult him when the government in 2018 withdrew its application for an interpretation of the International Court of Justice's (ICJ) decision that awarded Batu Puteh to Singapore.

In 2008, the ICJ ruled that Batu Puteh belonged to Singapore while Middle Rocks was awarded to Malaysia.

It also ruled that the ownership of South Ledge would be determined based on the delimitation of territorial waters.

Malaysia filed an application to review ICJ's ruling in 2017, but it was withdrawn in May 2018, shortly after Dr Mahathir took power after the 14th General Election.

The RCI said Malaysia could refile an interpretation application at an appropriate time.

"However, the commission does not suggest that Malaysia refile the interpretation application," it said.

Apandi further alleged that he was compelled to take a 30-day leave by the then-chief secretary to the government shortly after Dr Mahathir became prime minister.

Apandi succeeded Tan Sri Abdul Gani Patail as A-G in July 2015. He was replaced by Tan Sri Tommy Thomas on June 2018 at Dr Mahathir's recommendation.

The RCI was set up in February to look into the then government's handling of the matter.

The final declassified report was submitted to His Majesty Sultan Ibrahim, King of Malaysia, at

Istana Negara by RCI chairman Tun Md Raus Sharif on Aug 12.



Tun Dr Mahathir Mohamad

The report, which was signed by seven commission members and chaired by Raus, a former chief justice, said Dr Mahathir had allegedly deceived the cabinet and manipulated the government into withdrawing the application.

It said the decision was believed to have been made unilaterally without cabinet approval.

At press time, Dr Mahathir had yet to comment on the matter.

Meanwhile, Dewan Rakyat Speaker Tan Sri Johari Abdul confirmed the receipt and approval of the motion for the presentation of the RCI report in the Dewan Rakyat.

The report, he said, was expected to be tabled next week by Minister in the Prime Minister's Department (Law and Institutional Reform) Datuk Seri Azalina Othman Said. **Additional reporting by Latifah Ariffin**