

'Decision based on expert advice'

Tun M denies wrongdoing in Batu Puteh dispute, rejects treason claims

By **ZAKIAH KOYA**
and **FARIK ZOLKEPLI**
newsdesk@thestar.com.my

PUTRAJAYA: Malaysia should not renege on its promise made with Singapore and Indonesia in accepting the decision made by the International Court of Justice (ICJ) on Batu Puteh, says Tun Dr Mahathir Mohamad.

The 99-year-old broke his silence five days after the release of the Royal Commission of Inquiry (RCI) report suggesting that a criminal probe can be initiated against the leader, who was twice prime minister, for his role in the sovereignty issue.

Dr Mahathir said his decision to accept the ICJ's decision was based on the advice of experts, who said that should Malaysia contest the decision on Batu Puteh - also known as Pedra Branca - it might lose Middle Rocks too, which the ICJ had awarded to Malaysia.

He also dismissed the claim of "elements of treason" by Prime Minister Anwar Ibrahim on the issue following the report's release.

"I was not treacherous in accepting the ICJ decision, as Middle Rocks is more valuable to the country as Malaysia has developed it and it is bigger," the nonagenarian told a media conference at the Perdana Leadership Foundation here yesterday.

In a highly redacted and declassified report tabled in Parliament on Dec 5, the RCI - chaired by former chief justice Tun Md Raus Sharif - pointed out that Dr Mahathir might have deceived the government, leading it to withdraw Malaysia's application to review the ICJ decision that had awarded Batu Puteh to Singapore.



Saying his piece: Tun Mahathir speaking during a press conference regarding the Royal Commission of Inquiry report at the Perdana Leadership Foundation in Putrajaya.

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

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

At the media conference, Dr Mahathir also called out the RCI for conducting the hearing in secrecy and presenting a publicly released report that had 47 pages redacted.

"How can my decision be called treachery when I did it without any personal gain and gained more for the country with the Middle Rocks?" he asked.

The decision not to appeal the ICJ ruling, he said, was made with the then Cabinet's full agreement in 2018, as Middle Rocks given to Malaysia was considered to be

more valuable to the country than Batu Puteh.

"We found that we should not claim any more than what was given by the ICJ. The decision to drop the appeal against the ICJ ruling was based on advice from experts," he said.

"The principal expert was Prof Malcolm Shaw QC, who said the appeal might adversely affect Malaysia. The ICJ might very well reverse its decision and we might even lose Middle Rocks.

"When I studied it, I felt we should drop the claim and this was conveyed to the then Cabinet, some of whom who are in the current government did not object.

"The then deputy prime minister Datuk Seri Dr Wan Azizah Wan Ismail, who sat next to me in that Cabinet meeting, also did not

object. It was assumed that they agreed.

"These ministers who are still in the government should have been called as witnesses to the RCI hearing. The whole objective of the RCI was to come to a decision that I had made a wrong decision without consulting the then Cabinet."

Dr Wan Azizah, currently the Bandar Tun Razak MP, is Anwar's wife and served under Dr Mahathir in his second stint as prime minister.

Dr Mahathir also said the ICJ had decided to give Batu Puteh to Singapore as "there was proof that Johor Rulers had once said they had no interest in owning the island".

"Singapore, Malaysia and Indonesia undertook to accept all the decisions made by the ICJ. If we queried its findings, then we were not sticking to the promise that we had made," he said.

"When a country undertakes to do a certain thing and when we are implementing, we change our position and regard the understanding or the agreement as not fully binding on us, then that country will not be trusted by other countries.

"ICJ decided that Batu Puteh goes to Singapore, but Middle Rocks belongs to us. So, the decision was not entirely for Singapore; it was also for us."

Between Batu Puteh and Middle Rocks, the latter held the promise of a substantial island in the middle of the South China Sea, said Dr Mahathir.

"We built an island which includes a runway for planes and a hotel, and it became a divers' centre. Middle Rocks is not just a simple outcropping, but it is quite

a lengthy island with a tower and a very long jetty. You can see that it is bigger than Batu Puteh," he added.

He called on the then ministers who are still in the Cabinet now to speak the truth.

"Lots of things are hidden in the RCI document, which is of interest to the public. This RCI report is presented to pinpoint that I was the one who was responsible. It was not me alone. It was the then Cabinet.

"It is in the interest of the country that I made that decision. Yet, to charge me as a criminal under criminal law, that is not right, as I have never worked for Singapore.

"Everybody knows that I had always been very difficult with Singapore. Singapore was difficult to deal with because they kept on postponing decisions or demanding that all the problems we had with Singapore must be solved in one go," said Dr Mahathir.

The RCI report will be debated in the Dewan Rakyat during its ongoing meeting next week.

Meanwhile, Inspector-General of Police Tan Sri Razarudin Husain said the police have not received any reports against Dr Mahathir in connection with the RCI report.

In its findings, the commission has recommended that the RCI secretary lodge a police report to initiate a criminal probe against the former prime minister on the Batu Puteh decision.