

'Dr M not made a subject matter'

RCI meant to probe and not point fingers, High Court told

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KUALA LUMPUR: The Royal Commission of Inquiry (RCI) on issues surrounding the sovereignty of Batu Puteh, Middle Rocks and South Ledge has never made former prime minister Tun Dr Mahathir Mohamad a subject matter in the inquiry, the High Court has been told.

Senior Federal Counsel Shamsul Nolhassan said that the RCI's terms of reference made no men-

tion of Dr Mahathir as a subject matter in the investigation.

"The terms were just to investigate and not to point fingers," he said here yesterday.

Shamsul also told the court that the matter had become academic as the inquiry was completed last month.

The report on the inquiry was handed to the Yang di-Pertuan Agong in August with Parliament expected to debate the inquiry's findings.

Dr Mahathir's lawyer Zainur

Zakaria, however, submitted that the matter could not be seen as academic just yet because Section 18 of the Commissions of Enquiry Act 1950 was a statutory requirement and non-compliance could nullify the proceedings.

Justice Amarjeet Singh told parties that he needed time for deliberation and fixed Oct 28 to deliver a decision.

On June 12, the same court dismissed Dr Mahathir's leave application for a judicial review in his

bid to seek open proceedings for the RCI.

Justice Amarjeet dismissed Dr Mahathir's application to prohibit Tun Md Raus Sharif from acting as the RCI chairman and to prevent Datuk Dr Baljit Singh Sidhu and Datuk Mohammed Ridha Abd Kadir from being RCI members.

The court also denied Dr Mahathir's application to postpone the RCI proceedings until the final resolution of the judicial review application.

The court, however, granted

leave to Dr Mahathir to ventilate if the former prime minister had a right to have lawyers representing him and for him to be present in the RCI proceedings.

On the same day (June 12), Dr Mahathir provided testimony during closed RCI proceedings.