

Court dismisses Dr M's bid to attend RCI hearing

KUALA LUMPUR: The High Court yesterday dismissed Tun Dr Mahathir Mohamad's judicial review application seeking the right to be present throughout Royal Commission of Inquiry (RCI) proceedings on the sovereignty of Batu Puteh, Middle Rocks and South Ledge.

Judge Datuk Amarjeet Singh dismissed the former prime minister's application during proceedings that lasted less than five minutes.

After Dr Mahathir's lawyer, Zainur Zakaria, asked for a brief grounds of judgment, Amarjeet said: "I will write a full judgment soon. That will be better for you."

Co-counsel Muhammad Rafique Rashid Ali confirmed that his team was instructed to appeal against the decision.

No costs were ordered against Dr Mahathir.

Present at the proceedings was senior federal counsel Shamsul Bolhassan.

In the application, Dr Mahathir sought a declaration that he was an individual involved in or related to the matter being investigated by the RCI under Section 18 of the Commissions of Inquiry Act 1950.

In September last year, Zainur submitted that the same section guaranteed the right of an individual under investigation to be represented by a lawyer throughout the proceedings.

He had said Dr Mahathir was the subject of the RCI, but he was not allowed to be represented by a lawyer during the closed-door proceedings.

However, Shamsul had argued that the term of reference was only for investigations, not for pointing fingers at Dr Mahathir.

Shamsul had said Dr Mahathir's judicial review application had become academic, as the RCI proceedings were completed and a report submitted to the king and tabled and debated in Parliament.

Dr Mahathir had named RCI chairman Tun Mohd Raus Sharif and his deputy, Tan Sri Zainun Ali, as the first and second respondents in his application.

The third to eighth respondents were RCI members Datuk Dr Baljit Singh Sidhu, Datuk Dr Johan Shamsuddin Sabaruddin, Professor Datin Dr Faridah Jalil, Datuk Mohammed Ridha Abd Kadir, Tuan Hai Dickson Dollah and commission secretary Zamri Misman.

Dr Mahathir also sought an order prohibiting Raus from acting as RCI chairman, and preventing Dr Baljit and Ridha from being members of the RCI.

Dr Mahathir had claimed that Raus' appointment as RCI chairman posed a "real danger of bias" due to animosity between Raus and him.

On Feb 14 last year, His Majesty Sultan Ibrahim, King of Malaysia consented to the establishment of the RCI.

In 2022, then prime minister Datuk Seri Ismail Sabri Yaakob had said there was possible negligence and oversight on Dr Mahathir's part in the Batu Puteh claim issue.

Ismail Sabri had said the cabinet was told by the special task force set up to look into the case that Dr Mahathir might have erred in withdrawing an application to review the International Court of Justice's (ICJ) award of Batu Puteh to Singapore.

Dr Mahathir then claimed that the withdrawal of the appeal was



Lawyer Muhammad Rafique Rashid Ali says his team has been told to appeal the court's decision. NSTP PIC BY HAIRUL ANUAR RAHIM

based on the advice of then attorney-general Tan Sri Mohamed Apandi Ali's officers.

In 2008, the ICJ ruled that Batu Puteh belonged to Singapore, Middle Rocks to Malaysia and South Ledge to the state in the territorial waters in which it is located.

In June 2017, Malaysia applied to the ICJ to request an interpretation of the judgment.

In 2018, the Pakatan Harapan government, under the leadership of Dr Mahathir, withdrew the application.