

# Dr M denied access to Batu Puteh RCI

**KUALA LUMPUR:** The High Court here has dismissed Tun Dr Mahathir Mohamad's judicial review application for him and his lawyer to be present during the Royal Commission of Inquiry (RCI) on the handling of the Batu Puteh, Middle Rocks and South Ledge sovereignty issues.

Justice Amarjeet Singh dismissed the application without costs in a hearing attended by lawyers Zainur Zakaria and Muhammad Rafique Rashid Ali, representing Dr Mahathir, and senior federal counsel Shamsul Bolhassan and Nur Hafizza Azizan, representing the respondents.

"I will write the full judgment in a short time," said the judge when asked by Zainur the reason for dismissing the application, Bernama reported.

On June 12 last year, Dr Mahathir testified in the RCI proceedings, which were conducted behind closed doors, and the RCI declassified its report on Dec 5.

In a report circulated to MPs on Dec 5, the RCI recommended that a criminal investigation be launched against Dr

Mahathir in connection with the sovereignty case involving Batu Puteh, Middle Rocks and South Ledge.

The commission believes that Dr Mahathir may have intentionally encouraged the then Cabinet not to proceed with the applications for review and interpretation of the International Court of Justice (ICJ) rulings on the sovereignty of Batu Puteh, Middle Rocks and South Ledge, despite the fact that international negotiators believed there was a basis and that the applications had a chance of success.

On May 23, 2008, the ICJ ruled that Singapore had sovereignty over Batu Puteh, while Middle Rocks, located less than one kilometre from the island, belonged to Malaysia.

The ownership of South Ledge, located about 4km from Batu Puteh, would be determined based on the maritime boundaries of the country that controls it.

In the 217-page report, the RCI, among others, recommended that a criminal investigation could be initiated against Dr

Mahathir under Section 415(b) of the Penal Code with potential penalties under Sections 417 and 418 of the same law, upon conviction.

Dr Mahathir filed the judicial review application on June 5 last year, naming eight respondents, including RCI chairman Tun Md Raus Sharif.

The former premier claimed he was not allowed to be represented by his chosen lawyer at the RCI proceedings, in addition to claiming that he had the right to be represented by his lawyer in the investigation.

Dr Mahathir is seeking a declaration that he was the subject of the RCI investigation or was involved in the matter being investigated by the commission, as well as a mandamus order allowing him and his lawyer to attend the RCI proceedings.