

## **Sept 4 hearing for Mahathir's bid to have lawyers in Batu Puteh RCI**

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KUALA LUMPUR: Former prime minister Dr Mahathir Mohamad's application for judicial review, where he claims a right to legal representation in the royal commission of inquiry (RCI) on Batu Puteh, will be heard on Sept 4.

Mahathir's lawyer Rafique Rashid Ali said the date was fixed today following case management before a High Court deputy registrar.

Rafique said the Attorney-General's Chambers (AGC), representing the seven RCI commissioners at the substantive hearing, had been instructed to file its affidavit by July 26.

Rafique added that Mahathir had to file his affidavit in reply by Aug 8.

On June 12, Justice Amarjeet Singh said he was only granting leave to Mahathir to ventilate if the ex-prime minister had a right to have lawyers representing him and for him to be present in the RCI proceedings.

Mahathir said lawyers should act for him as he was also the subject of the inquiry as stated in Section 18 of the RCI Act 1950.

However, Amarjeet refused Mahathir's bid to recuse RCI chairman Raus Sharif and two other members, Baljit Singh Sidhu and Ridha Abd Kadir, from the panel.

In also refusing the former prime minister's application for the RCI hearing to be made public, the judge said RCI proceedings were not amenable to judicial review by the courts.

Today, Rafique said Mahathir had 30 days from June 12 to decide if he wanted to appeal Amarjeet's decision.

"We are still awaiting instructions from the client," he added.

On June 5, Mahathir, who was prime minister from 1981 to 2003 and again between May 2018 and February 2020, said Raus's appointment was a gross violation of natural justice because he was an interested party.

Mahathir had also filed a judicial review in 2017 to challenge the legality of Raus remaining chief justice until 2020, when he was appointed as an additional judge of the Federal Court after reaching the retirement age set out in the Federal Constitution.

He said Baljit and Ridha would have predetermined the issues as they were also members of a special task force set up in 2021 to scrutinise and give recommendations regarding Batu Puteh, including a review of laws.

On Feb 3, 2017, Putrajaya filed an application to review the 2008 International Court of Justice' decision awarding Singapore sovereignty over Batu Puteh.

However, the Pakatan Harapan government under Mahathir withdrew the application before it came up for hearing on June 11, 2018.

On Feb 14 this year, Yang di-Pertuan Agong Sultan Ibrahim consented to Raus leading an RCI to look into why Malaysia had dropped its territorial claim to the island.

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