



## **PRESS STATEMENT**

### **FRENCH SUPREME COURT DELIVERS LANDMARK VICTORY FOR MALAYSIA IN SULU CASE**

On 6 November 2024, the French Supreme Court for civil and criminal matters, the Court of Cassation, fully dismissed the challenge filed by the so-called heirs of the long-defunct Sultanate of Sulu ("the Claimants") against the decision of the Paris Court of Appeal which had refused to recognise the so-called Partial Award on jurisdiction dated 25 May 2020 (the "Partial Award").

The decision means that the Partial Award, which was the initial basis for the sham Final Award that ordered Malaysia to pay USD 15 billion, is not recognised under French law. Following this decision, the Paris Court of Appeal will now proceed, in due course, to annul the so-called Final Award rendered by Dr Stampa on 28 February 2022 and bring an end to the Sulu case. The proceedings to annul the so-called Final Award had been stayed by the Paris Court of Appeal pending today's decision by the Court of Cassation.

This decision is a fundamental victory for Malaysia in its overall strategy to prevent the illegal global enforcement efforts that the Claimants (and their funder, Therium) have been pursuing to date. The attempt to hold the people of Malaysia to ransom has failed, and Malaysia will now focus its efforts in France to obtain the annulment of the Final Award as soon as possible.

To recall, today's decision from the Supreme Court follows the annulment of the Partial Award in Spain in June 2021. The Claimants had sought its recognition in France on an *ex parte* basis in September 2021. On 6 June 2023, the Paris Court of Appeal upheld Malaysia's appeal against the recognition of the Partial Award on the ground that Dr Stampa had incorrectly asserted his jurisdiction. The Paris Court of Appeal specifically ruled there was no valid arbitration agreement binding Malaysia. The Claimants challenged this decision.

Today's decision from the Court of Cassation definitively settled the matter by dismissing this challenge and upholding the Paris Court of Appeal's refusal to recognise the Partial Award.

In particular, the Court of Cassation ruled as follows that, in its 6 June 2023 decision, the Paris Court of Appeal properly applied the rules for the interpretation of arbitration agreements to conclude that there was no arbitration agreement binding Malaysia.

Malaysia therefore welcomes this landmark decision by the Court of Cassation as a momentous victory for the rule of law, which will help preserve the sanctity of international arbitration as an alternative form of dispute resolution.

We would like to thank YAB Dato' Seri Anwar bin Ibrahim, the Prime Minister of Malaysia, for his continued support and unwavering trust in our ongoing effort to uphold Malaysia's position. We would also like to express our gratitude to YB Dato' Seri Utama Haji Mohamad Bin Haji Hasan, the Minister of Foreign Affairs; YB Tuan Ahmad Fahmi bin Mohamed Fadzil, the Minister of Communications and Digital, Datuk Seri Panglima Haji Hajiji Noor, the Chief Minister of Sabah, the Attorney General, the State Government of Sabah, the Attorney General's Chambers, the Legal Affairs Division, Prime Ministers Department, Ministry of Foreign Affairs, National Security Council Office, the Malaysian Embassy in France, the relevant Ministries and agencies and all other parties involved.

The Government of Malaysia will continue to take all necessary legal actions to put an end to the claims of the Sulu case and to ensure that Malaysia's interests, sovereign immunity and sovereignty are protected at all times.

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