



PRESS STATEMENT

MALAYSIA CONTINUES TO SUCCESSFULLY DEFEND ITS INTERESTS IN FRANCE

Malaysia's 6 June 2023 victory in the appeal against the exequatur of the so-called partial award on jurisdiction leads to the withdrawal of the measures registered by the long-defunct Sultanate of Sulu ("the Claimants") on diplomatic buildings owned by Malaysia in Paris, France. Malaysia had notably challenged these measures on the ground of its immunity, in particular the immunity of its diplomatic premises as recognised under the Vienna Convention on Diplomatic Relations of 1961.

On 6 November 2023, the Paris enforcement judge quashed its prior *ex parte* order authorising that a statutory mortgage be registered on three diplomatic buildings owned by Malaysia in Paris. The judge considered that it did not have the power to authorise such a measure and ordered the Claimants to pay 15,000 euros to Malaysia as costs. The Claimants have confirmed that they will now remove the statutory mortgage. This adverse cost order comes in addition to the 100,000 euros adverse cost order issued by the Paris Court of Appeal in its 6 June 2023 decision in favour of Malaysia which had refused the recognition of the so-called partial award dated 25 May 2020 in France. Malaysia is taking the necessary steps to ensure that these adverse cost orders are also paid as soon as possible by the Claimants or their litigation funder, Therium. On 9 November 2023, as a further result of the 6 June 2023 decision, the Paris enforcement judge recorded the Claimants' withdrawal from the proceedings they had initiated to seize the aforementioned diplomatic buildings.

Malaysia has been successful in protecting its interests throughout the world, including in France (where the so-called final award purports to have been rendered). As of today, neither the so-called partial award nor the so-called final award can be enforced in France: the recognition and enforcement of the former have been refused by the Paris Court of Appeal in its 6 June 2023 decision and the enforcement of the latter has been stayed by the Paris Court of Appeal pending the outcome of the annulment proceedings. In light of these developments, the Government of Malaysia is confident that the ultimate annulment of the purported final award by the Paris Court of Appeal is only a matter of time, and is making every effort to secure that result as quickly as possible. The Government of Malaysia shall ensure that the sovereignty, security and interest of Malaysia are protected at all times.

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