



Malaysia

Permanent Mission to the United Nations

**STATEMENT BY
HONOURABLE MR K.DEVAMANY
MEMBER OF PARLIAMENT
REPRESENTATIVE OF MALAYSIA**

ON

**AGENDA ITEM 148: MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM**

**AT THE SIXTH COMMITTEE DURING THE 59TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY**

MONDAY, 18 OCTOBER 2004

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Mr. Chairman,

Since this is the first time my delegation is taking the floor in this session of this Committee, allow me, at the outset, to congratulate you on your election as Chairman of the Sixth Committee. I wish to also congratulate the other members of the Bureau on their election. I am confident that with your vision and leadership, further progress would be made in addressing important issues on the agenda of this Committee.

2. My delegation aligns itself with the statement delivered by the distinguished representative of Turkey on behalf of the Organization of Islamic Countries (OIC) and the statement delivered by the distinguished representative of Vietnam on behalf of the Association of Southeast Asian Nations (ASEAN).

Mr. Chairman,

3. Terrorism in all its forms and manifestations is one of the most complex security challenges facing the world today. The tragic consequences of events perpetrated by terrorists around the world clearly show that no country is immune to acts of terrorism. The increase in international terrorism necessitates the adoption of adequate international measures to eliminate this scourge.

4. The war against terrorism cannot be won unless the international community begins to identify and address the underlying factors and the root causes that motivate terrorism or support terrorist activities. Efforts undertaken to combat terrorism would be futile if the environment that breeds terrorism, such as foreign occupation, injustice, exclusion, poverty and economic disparity, is allowed to thrive. The fight against terrorism demands effective and coordinated international measures under the ambit of internationally accepted laws and conventions. International efforts in combating international terrorism should be carried out in an impartial and objective manner, in accordance with the Charter of the United Nations and the principles of international law and action by Member States against terrorist must adhere to the United Nations Counter-Terrorism Conventions and Protocols.

Mr. Chairman,

5. Malaysia also welcomes the individual efforts of Member States in strengthening their legislative framework including financial and border controls to curtail the acquisitions by terrorist of means to finance and conduct their activities. Terrorism can only be effectively eliminated through greater cooperation and collaborative efforts of all nations. To this end, the efforts of the United Nations in formulating the existing conventions as well as new ones could provide the foundation for a truly global response.

6. Malaysia reiterates its commitment to fighting terrorism, beginning with emphasis on the identification of and effective effort to deal with the underlying causes of terrorism. Malaysia strongly believes that efforts should be focused on prevention as well as the importance of timely and effective exchange and use of information and intelligence among law enforcement and intelligence agencies. We call on all States to strive to build on the existing regional and international networks and to fully utilize them. Malaysia will extend its full cooperation in this regard.

Mr. Chairman,

7. Malaysia has a comprehensive compendium of 55 laws that can be utilized in the ongoing efforts to combat terrorism. Foremost of these are the Penal Code and the Internal Security Act 1960.

8. The **Penal Code** criminalizes, among others, offences against the State. This includes the waging of war against the Government of any power in alliance or at peace with His Majesty the Yang di-Pertuan Agong of Malaysia and harboring the enemies of His Majesty (which is defined to include the provision of money), whether in Malaysia or elsewhere. The Penal Code has been amended to make the commission of terrorist acts, the financing of terrorist acts and hostage taking as specific offences under Malaysian law. These amendments however, await other consequential amendments to be made to other legislations namely the Criminal Procedure Code, the Subordinate Court Act and the Court of Judicature Act before they can come into operation.

9. The **Internal Security Act 1960** on its part enables the detention of persons with a view to prevent them from acting in any manner prejudicial to Malaysia's national security. This legal capability is viewed largely as a preventive measure and is used sparingly for the most serious cases.

10. The **Anti-Money Laundering Act 2001** has been amended to enable the authorities concerned to trace, freeze, seize and forfeit monies intended to be used for or acquired as a result of terrorist acts regardless whether funds are derived from legitimate sources or from the proceeds of other predicate offences. The amendments will also enable Malaysia to freeze the assets of known terrorists based on information received from, among others, the lists issued by the Security Council Sanctions Committee established under Security Council Resolution 1267 (1999). Currently the freezing of assets is implemented through directives issued under the **Exchange Control Act 1953**. The amendments to the Anti-Money Laundering Act 2001 will come into full operation upon the completion of certain consequential amendments to other legislations.

11. The **Mutual Assistance in Criminal Matters Act 2002** enables Malaysia to seek and provide mutual assistance in criminal matters, including the providing and obtaining of evidence as well as making arrangements for persons to give

evidence. The Act also enables Malaysia to assist in criminal investigations and the recovery, forfeiture or confiscation of property in respect of serious offences as defined under the Act. Assistance is provided on the basis of bilateral or multilateral arrangements or on the basis of the Special Direction of the Minister.

12. Malaysia has also initiated discussions on the possibility of concluding a Mutual Assistance in Criminal Matters Treaty among like-minded countries in the ASEAN region. This initiative has received heartening response from the other ASEAN Member Countries. Two rounds of discussions have been held with the participation of almost all ASEAN Member Countries, and the conclusion of the proposed Treaty is within sight. In addition Malaysia has also entered into several bilateral and multilateral arrangements with other countries to provide for cooperation and exchange of information in its efforts to combat terrorism.

13. Since the establishment of the Southeast Asia Regional Centre for Counter Terrorism (SEARCCT) in Malaysia in 2003, several seminars and training programmes have been conducted by the Centre in collaboration with United States, United Kingdom, Japan, Australia, European Commission, Canada and Germany. Among these are seminars and training courses relating to interdicting of terrorist organisations, disaster scene management; prevention and crisis management of chemical terrorism, financial underpinnings of terrorism for Southeast Asia region, disaster management; and document examination.

Mr. Chairman,

14. Malaysia is already party to five of the United Nations Counter-Terrorism Conventions and is in the process of concluding its internal procedures, including the passing of the relevant legislations by Parliament, to enable it to deposit its instrument of ratification to the Protocol on the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation and instruments of accession to the International Convention for the Suppression of the Financing of Terrorism, the International Convention against the Taking of Hostages and the Convention on the Marking of Plastic Explosives.

15. Malaysia has been actively participating in the ongoing efforts by the United Nations to finalize the draft Comprehensive Convention on International Terrorism and the draft International Convention for the Suppression of Acts of Nuclear Terrorism. Malaysia also strongly supports the elaboration of these two instruments to complement the existing 12 sectoral United Nations Counter-Terrorism Conventions and Protocols. We have also been participating in the ongoing review of the Convention on the Physical Protection of Nuclear Materials by the International Atomic Energy Agency as well as of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf by the International Maritime

Organization. Malaysia is optimistic that these exercises will be completed in a timely manner with the co-operation of all countries involved.

16. Malaysia is seriously concerned at the ever-present danger of nuclear terrorism. In accordance with Security Council Resolution 1540, Malaysia is taking the necessary follow-up actions to fulfil its obligations. We continue to believe that ultimately the most effective way of preventing the catastrophic consequences of acts of nuclear terrorism is the total elimination of nuclear weapons. Hence, Malaysia attaches great importance to nuclear disarmament, leading to the ultimate elimination of all nuclear weapons.

Mr. Chairman,

17. My delegation would again stress that the need to combat terrorism should not diminish the need to acknowledge the legitimate struggle and resistance of peoples under colonial or alien domination and foreign occupation for national liberation and self-determination, the legitimacy of which is recognized by the United Nations itself.

18. The threat of terrorism encountered by the world today affects all nations and have far reaching impact on the peace, security, stability and economic well being of the world. Malaysia believes that only an immediate, cohesive and unified effort would enable the international community to succeed in this massive undertaking to combat terrorism. Malaysia on its part would like to reiterate its commitment to comprehensively fight terrorism at the domestic, regional and international levels, in cooperation with all countries, in accordance with the norms and principles of international law and the Charter of the United Nations.

Thank you, Mr. Chairman.