



Permanent Mission of
Malaysia
to the United Nations

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STATEMENT BY
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DELEGATION OF MALAYSIA
ON
AGENDA ITEM 106: CRIME PREVENTION AND CRIMINAL JUSTICE
AGENDA ITEM 107: INTERNATIONAL DRUG CONTROL
AT THE
THIRD COMMITTEE OF THE 62nd SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY
NEW YORK, 10 OCTOBER 2007

Mr. Chairman,

As this is the first time that my delegation is taking the floor, allow me to take this opportunity to congratulate you on your appointment as Chairman of this Committee. I wish also to extend our congratulations to the other members of your Bureau. We are confident that you and your Bureau will be able to steer the work of this Committee to a successful conclusion. Towards this end, we assure you of our fullest cooperation.

Mr. Chairman,

2. Transnational crime continues to be a serious threat to international security. Where crime is allowed to persist, and where countries are unable to counter it – crime undermines democracy and the rule of law – causing political and social instability, disrupting free markets, draining national assets, and inhibiting the overall development of able societies.

3. In this regard, Malaysia believes that investment by countries in their basic crime prevention efforts brings about benefits that can extend from the local to the national, regional and even international levels. While many countries are taking measures to combat transnational crime, there exist diverging views on how best to tackle these threats and there are differing levels of development among countries in their law enforcement and legal capacities. It is thus important that in combating transnational

crime, continued co-operation in the forms of exchange of information, capacity-building, technology-transfer as well as confidence-building measures be enhanced to allow countries to gain trust and capability to move towards a common understanding and urgency of the threats. These will also allow countries to better integrate their work in more practical and operational aspects.

Mr. Chairman,

4. The Convention against Transnational Organised Crime, to which Malaysia is a party, recognizes that the serious and growing problem of transnational organised crime can only be solved through close international cooperation. Combating transnational crime requires cooperation among countries in the forms of exchange of information, capacity-building, mutual legal assistance and joint investigations. Malaysia fully supports actions and measures to combat transnational crime at the national, regional and international levels and strongly believes in the enhancement of international cooperation in the sharing of information and intelligence, as well as analyzing the effects and danger of crimes on society.

5. Although much emphasis has been given towards regional and multilateral efforts to combat transnational crime, Malaysia believes that bilateral cooperation between neighbours on issues of similar concerns and interests remains an important and effective method to address the serious and growing problem of transnational crimes. In this regard, the sharing of information, and also intelligence, needs to be done on a needs and reciprocal basis, within the limits of the domestic legislation and regulations of a particular country, and with respect to the sensitivity of that information. Through our experience, bilateral agency-to-agency contact remains the most effective way at sharing information. The challenge for all countries hence is to allow this information to be shared on a wider scale for practical uses. In this regard, legal mechanisms through conventions, treaties, regional arrangements, or bilateral agreements or memorandums of understanding may be required.

6. At the regional level, Malaysia has been working with our ASEAN partners to strengthen the legislative and procedural framework which allows for practical cooperation in combating crime. In recognizing the urgency to develop new and effective cross-border cooperation, Malaysia spearheaded the formulation of a regional *Treaty on Mutual Legal Assistance in Criminal Matters*. All the ten countries in Southeast Asia whom are members of ASEAN have become signatories to this Treaty and with this development, the Treaty has been accepted as an ASEAN Treaty on Mutual Legal Assistance in Criminal Matters. The Treaty assists in reducing the legal red tape that hinders the fight against transnational crime and terrorism and facilitates cross-border cooperation in criminal investigations and the gathering of evidence for court proceedings.

Mr. Chairman,

7. Nationally, Malaysian laws are constantly being reviewed as appropriate and more stringent measures adopted when necessary to combat and respond to the ever-changing nature and growing complexity of crimes.

8. With regard to the exchange of information through mutual legal assistance, Malaysia renders and requests assistance under the Mutual Assistance in Criminal Matters Act 2002 (MACMA 2002) as the legal basis for mutual assistance in criminal matters, including in terrorism cases. Malaysia's domestic framework is governed primarily through the MACMA, which came into effect on 1 May 2003 while the Mutual Assistance in Criminal Matters Regulations 2003 came into operation on 15 June 2003. Under the MACMA, Malaysia would be able to provide assistance if there was the requisite legal basis.

9. With regard to the issue of trafficking in persons, Malaysia's Anti-Trafficking in Persons Act has recently come into force in August of this year. This Act reflects the strong and serious commitment of Malaysia in moving towards strengthening the legal framework in combating trafficking in persons and our.

10. As trafficking in persons is multifaceted and complex, international initiatives should also focus on the developmental and security issues within the countries of origin. The Government of Malaysia has made significant efforts to curb human trafficking within its available resources and capacity. While Malaysia continues to prosecute those found engaging in human trafficking, Malaysia welcomes the initiatives by the countries of origin to strengthen their own self-regulation measures to stamp out trafficking and abuse of persons for illicit purposes and gains.

11. With regard to the issue of anti-money-laundering and the counter-financing of terrorism (AML/CFT), the Asia-Pacific Group on Money Laundering (APG), a Financial Action Task Force regional-style body, undertook a Mutual Evaluation Exercise of Malaysia's AML/CFT measures early this year. The evaluation of Malaysia's AML/ CFT regime was based on the Forty Recommendations of 2003 and the Nine Special Recommendations on Terrorist Financing of 2001 of the Financial Action Task Force (FATF), and was prepared using the AML/CFT Methodology of 2004. The evaluation was based on Malaysia's laws, regulations and other materials and information obtained by the Evaluation Team during its on-site visit to Malaysia from 29 January to 9 February 2007. The result of the Mutual Evaluation Exercise found Malaysia to be in the top-two tiers of compliant or largely compliant on 33 of recommendations, and partially compliant on 15 – a result which was better than many more developed countries. Malaysia will strive further to strengthen our AML/CFT regime to ensure better compliance.

Mr. Chairman,

12. Illicit drug trafficking is another serious international problem that no country can control or eradicate on its own. Due to its transnational nature, measures to control illicit drug trafficking are best carried out through bilateral and regional arrangements. Strong international support and cooperation is also vital in the efforts of national governments to combat the problem. There needs to be concerted international effort to stem the supply and demand of illicit drugs, including the provision of technical assistance and capacity building to alternative sources of income in drug-producing countries.

13. Malaysia has consistently called for stringent measures to be adopted to curb illicit drug trafficking. Strict enforcement at the national level by law enforcement authorities has helped to suppress drug trafficking into our country. Comprehensive steps are also being taken by our National Anti-Drug Agency (NADA) to implement a strategic plan to create a drug-free generation by 2023. At the regional level, Malaysia is also very much committed to combating drug abuse in the region to achieve the goal of a Drug-Free ASEAN by 2015.

14. In conclusion, Mr Chairman, Malaysia lauds the work that has been undertaken by the UN, its agencies and member states in promoting strong respect for and adherence to the basic principles of international justice. Malaysia acknowledges the important work done by the UNODC and has indeed benefited directly from its assistance particularly in capacity-building programmes. Malaysia will continue to give its support, cooperation and commitment in the prevention and fight against crime and uphold criminal justice.

Thank you.