



*Permanent Mission of*  
**Malaysia**  
*to the United Nations*

**STATEMENT BY THE HONOURABLE MR. ZULKIFLI NOORDIN, MEMBER OF PARLIAMENT AND REPRESENTATIVE OF MALAYSIA ON AGENDA ITEM 78: CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS AND EXPERTS ON MISSION AT THE 6<sup>th</sup> COMMITTEE OF THE 64<sup>th</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, NEW YORK 13<sup>th</sup> OCTOBER 2009**

Mr. Chairman,

Malaysia records its appreciation to the Secretariat for the comprehensive Report of the Secretary-General on this topic A/64/183 and A/64/183/ Add.1 which was prepared in pursuance of resolution 63/119.

Mr. Chairman,

2. As a Member State of the United Nations, Malaysia upholds and adheres to its obligations under the Charter of the United Nations as well as related instruments such as the Convention on the Privileges and Immunities of the United Nations adopted on 13 February 1946. Malaysia gives effect to these obligations primarily through the International Organisations (Privileges and Immunities) Act 1992 [Act 485] and Regulations made under it. Malaysia also expects that the UN and its officials and experts on mission will respect and comply with Malaysian law and procedures when carrying out their missions on Malaysian territory. Thus the issue of the criminal accountability of UN officials and experts on mission is relevant to Malaysia as both the sending country and the receiving country.

3. Malaysia is a stalwart supporter of the UN's role in peacekeeping. In this regard, Malaysia has a proud and unblemished record of participation in UN peacekeeping operations since 1960 through its military and civilian police personnels. Malaysia therefore views with concern any act which discredits the noble efforts and sacrifices of UN personnels and experts on peacekeeping and other missions.

4. Malaysia is committed to ensure that Malaysian peacekeeping personnels continue to perform their duties in a manner that preserves the image, credibility, impartiality and integrity of the UN. To this end, Malaysia established the Malaysian Peacekeeping Training Centre (MPTC) in 1996 to facilitate in the training and preparation of its peacekeepers. In addition to its operational preparations, the MPTC emphasizes training on international humanitarian law and respect for the rule of law. The MPTC is now utilized for the training of peacekeepers from around the world.

5. Malaysia fully supports the UN's zero-tolerance policy regarding serious crimes including sexual exploitation and abuse committed by its officials and experts on mission. Malaysia notes from the Report of the Secretary-General that serious efforts are being undertaken at the

Organisation level as well as in promoting awareness and pro-activeness among Member States. Regrettably, such incidents have continued to occur and it is not easy to ensure criminal accountability without the cooperation of the sending States. The work of the General Assembly and its Committees on this issue is therefore of great importance in ensuring that adequate preventive measures are put in place through pre-deployment training as well as the availability of criminal justice measures when such serious crimes occur.

Mr. Chairman,

6. With reference to paragraph 3 of General Assembly resolution 63/119, Malaysia is able to establish jurisdiction over serious crimes committed by its military personnel and civilian police personnel in their capacity as officials and experts on mission on the basis that the Armed Forces Act 1972 and the Police Act 1967 continue to apply to such personnel wherever they may be deployed. This is also provided in the applicable UN Status of Forces arrangements. In addition, Malaysia may also claim extra-territorial criminal jurisdiction in accordance with its laws and the principles of international law over serious crimes such as terrorism, offences against the State, corruption, money laundering, drug trafficking and trafficking in persons.

7. Further, Malaysia supports the call in paragraph 4 of General Assembly resolution 63/119 for cooperation among States and the UN in the exchange of information and the facilitation of investigations and prosecutions to ensure there is no impunity for serious crimes committed by officials and experts on UN missions. Malaysia's Extradition Act 1992 and Mutual Assistance in Criminal Matters Act 2002 together with its network of extradition and mutual assistance in criminal matters treaties provide the legal basis for such international cooperation.

Mr. Chairman,

8. Malaysia notes that a Working Group of this Committee is to be established to continue consideration of the Report of the Group of Legal Experts (GLE), in particular its legal aspects, during this 64<sup>th</sup> Session. Malaysia reiterates its commitment to work together with the other Member States on this issue and to explore appropriate mechanisms for dealing with the criminal accountability of UN officials and experts on mission. Many issues have previously been raised on the practical aspects of establishing extra-territorial criminal jurisdiction and obtaining evidence over such crimes when committed in receiving States. Concerns have also been raised on the information and evidence sharing mechanisms required if the investigations are conducted by the UN. Such practical and operational issues merit in-depth consideration.

9. Finally, although Malaysia notes that the GLE had proposed the elaboration of a Convention on this issue and has prepared a draft Convention for consideration in its Report, this should not pre-empt the Working Group from identifying substantive issues and exploring practicable solutions independent of the proposals in the draft text. This is especially in view that most of the target groups are already adequately regulated by domestic laws and the terms of UN Status of Forces arrangements as well as international humanitarian law.

Mr. Chairman, thank you.