



HA 30/19

The Permanent Mission of Malaysia to the United Nations presents its compliment to the Office of Legal Affairs of the United Nations and has the honour to refer to the Note Verbal reference LA/COD/11/1 dated on 8 January 2019.

The Permanent Mission of Malaysia has further the honour to submit the Government of Malaysia's input on the implementation of the declaration of measures to eliminate international terrorism for the purposes of preparing the annual report of the Secretary-General.

The Permanent Mission of Malaysia avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations, the assurances of its highest consideration.

New York, 30 May 2019

The Office of Legal Affairs of the United Nations  
New York



A. MULTILATERAL, REGIONAL AND BILATERAL INTERNATIONAL TREATIES RELATING TO INTERNATIONAL TERRORISM

Universal Instruments

1. Malaysia is committed to the international counter-terrorism regime. Malaysia is a State Party to 10 international conventions on terrorism which are listed as follows:-

*United Nations*

- (i) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents 1973;
- (ii) International Convention against the Taking of Hostages 1979;
- (iii) International Convention for the Suppression of Terrorist Bombings 1997;
- (iv) International Convention for the Suppression of the Financing of Terrorism 1999;

*International Civil Aviation Organization*

- (v) Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963;
- (vi) Convention for the Suppression of Unlawful Seizure of Aircraft 1970;
- (vii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971;
- (viii) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation 1988;
- (ix) Convention on the Marking of Plastic Explosives for the Purpose of Detection 1991;
- (x) Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft 2014.

Regional Instruments

2. At the regional level, Malaysia is a State Party to the ASEAN Convention on Counter Terrorism which was signed on 13 January 2007 (ACCT).

3. On other fronts, Malaysia had also entered into various agreements in relation to issues of counter-terrorism:-

(i) Treaty on Mutual Legal Assistance in Criminal Matters with ASEAN Member Countries which had been concluded on 29 November 2004;

(ii) Bilateral agreements on mutual assistance in criminal matters with Australia, the United States of America, Hong Kong SAR, the United Kingdom, the Republic of India, the Republic of Korea, People's Republic of China and the Ukraine; and

(iii) Bilateral treaties on extradition have been concluded by Malaysia with Thailand, the Republic of Indonesia, the United States of America, Hong Kong SAR, Australia, the Republic of India, the Republic of Korea and the Ukraine.

#### B. DOMESTIC LEGISLATIVE FRAMEWORK

4. All international obligations including under the United Nations Security Councils Resolutions (UNSCR) such as UNSCR 2178 (2014) are addressed *via* our domestic legislations. Terrorism is specifically criminalized in the Penal Code [Act 574] i.e. Chapter VIA (130B – 130T) and it is further addressed through Malaysia's other relevant laws as follows:-

- (i) Special Measures Against Terrorism in Foreign Countries Act 2015;
- (ii) Aviation Offences Act 1984;
- (iii) Prevention of Terrorism Act 2015;
- (iv) Security Offence (Special Measures) Act 2012;
- (v) Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001;
- (vi) Mutual Assistance in Criminal Matters Act 2002;
- (vii) Extradition Act 1992;
- (viii) Criminal Procedure Code;
- (ix) Strategic Trade Act 2010;
- (x) National Security Council Act 2016;
- (xi) Chemical Weapons Convention Act 2005;

- (xii) Peaceful Assembly Act 2012;
- (xiii) Extraterritorial Offences Act 1976 read with s127A of the Criminal Procedure Code;
- (xiv) Firearms (Increased Penalties) Act 1971;
- (xv) Arms Act 1960;
- (xvi) Corrosive and Explosive Substances and Offensive Weapons Act 1958;
- (xvii) Explosives Act 1957; and
- (xviii) Exchange Control Act 1953.

C. RELEVANT DATA AND STATISTICS ON ARREST, PROSECUTION AND CONVICTION RELATING TO TERRORISM OFFENCES IN MALAYSIA 2018-2019

5. In 2018, the Royal Malaysia Police (“RMP”) arrested 85 suspected terrorists. Out of this number, 28 had been charged with 22 of them being convicted. 6 were detained under the Prevention of Terrorism Act 2015, 5 were referred to other agencies with 4 to the Malaysia Immigration Department and 1 to a foreign agency upon request. 13 of them were deported and the remaining 33 were released after being investigated further within their prescribed detention period under the Security Offence (Special Measures) Act 2012. From the total arrests made in 2018, 78 are male and 7 females. In terms of nationality, 41 are Malaysians and 44 are foreigners. From the 22 that have been convicted, 12 were charged under Section 130 of the Penal Code, 9 under the Immigration Act 1959/63 and 1 under the Arms Act 1960.

6. From January to April 2019, RMP had arrested 26 suspected terrorists comprised of 24 male and 2 females. Out of this figure, 10 have been prosecuted with 9 convicted while 1 was discharged of not amounting to acquittal. The nationality of those arrested consist of 5 Malaysians and the rest were foreigners. Those convicted were charged under the Immigration Act 1959/63 and will eventually be deported back to their home countries.

#### D. OTHER MATTERS

7. In 2018, the RMP identified a religious school in a northern state of Malaysia following the Salafi Jihadi ideology. The religious school admitted more foreign students compared to locals. The authorities were worried that the students could be used as a conduit in importing more extreme brand of Islam to Malaysia and executive actions were taken on certain foreign students who were identified as having extremist ideologies. All of them were deported back to their homeland.

8. The east coast of Sabah, a targeted vulnerable area, saw arrests being made as authorities faced tough challenges policing the maritime borders from being infiltrated by the Abu Sayyaf Group and other similar terrorist linked groups into Malaysia.

9. The executive action in Malaysia covered three areas of focus, mainly prosecution, followed by disruption, and finally deportation. These areas of focus are to display our determination in deterrence, prevention and finally eradicating or reduce and control the threat of terrorism and violent extremism in Malaysia.