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PM: Malaysia accepts World Court decision on Param

ALOR STAR, Fri. - Prime Minister Datuk Seri Dr Mahathir Mohamad said Malaysia accepted yesterday's ruling by the World Court that Datuk Param Cumaraswamy, the United Nations special rapporteur on human rights, was entitled to immunity from legal proceedings.

"We now know that when we give immunity to a person to work for the UN, he is free to do what he likes," Dr Mahathir told a Press conference on arrival at the Sultan Abdul Halim Airport in Kepala Batas here to begin a three-day visit to Kedah.

"The next time we get a request for a Malaysian to serve with the UN," Dr Mahathir said, "we would like to know exactly the extent of his immunity because we know that Param is someone who is, from the very beginning, suspicious of the Government."

He said when the Government agreed to nominate Param for the job, it reckoned that Param would be responsible for his actions.

Param faces lawsuits from several Malaysian companies seeking a total of US\$112 million (RM426 million) in damages for allegedly defamatory comments he made in an interview with a British magazine, International Commercial Litigation.

But yesterday, the ICJ ruled that Param, was entitled to immunity from legal proceedings.

By a 14 to one vote, the ICJ said Param should not be sued for comments he made to the media in November 1995 about the Malaysian judicial system.

Dr Mahathir said a person making observations or whatever appraisals must give a semblance of neutrality.

"If we pick a person whose inclinations are already known, obviously his reports reflect his bias," he said.

The Prime Minister said the Government's earlier understanding of a UN rapporteur's immunity was that relating to his studies and reports to the UN only.

But now, he said, it appeared that the immunity also covered differences in views regarding issues reported in the newspapers.

"He is free to say anything, condemn the Government," Dr Mahathir said. "This is his immunity. This is determined by the World Court and we accept it. He is free to say what he likes whether it is the truth or not, it does not matter."

The Prime Minister said the Government had only wanted a person to uphold the truth and not to make wild allegations.

Commenting on the decision, Param described it as a "most welcome addition" to the international law on privileges and immunities of the UN and its functionaries.

"It comes at a crucial time when certain governments appear hostile towards the UN special procedure mechanism for the protection of human rights," Param said.

"This opinion, which is decisive between the UN and Malaysia, will strengthen the special procedure mechanism and give the required protection to the large number of UN human rights monitors all over the world." Bar Council president R.R. Chelvarajah, in welcoming the decision, said since Malaysia was represented at the ICJ, it could imply the Government would abide by the opinion.

Malaysia's case at the ICJ was presented by Solicitor-General Datuk Heliliah Mohamed Yusof.

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