

09 APR 2002

Parliament-Winding up (Crime)

MUTUAL ASSISTANCE IN CRIMINAL MATTERS BILL PASSED

KUALA LUMPUR, April 9 (Bernama) -- The Dewan Rakyat today passed the Mutual Assistance in Criminal Matters Bill 2002 to enable Malaysia to provide and obtain international assistance in criminal matters.

The Bill with 44 clauses was passed without amendment after it was debated by three members.

Parliamentary Secretary in the Prime Minister's Department Datuk Noh Omar in winding up the debate on the Bill said international cooperation in stemming criminal activities was necessary in view of a trend of criminal activities across international borders.

The activities across borders include drug trafficking, human smuggling especially of women and children, smuggling of weapons, violence and piracy.

"The cooperation is necessary to address the weaknesses in the global justice system so that criminals would not seek shelter in any other country and escape prosecution due to differences in criminal laws and difficulties in obtaining evidence of the crime," he said.

He said the weaknesses identified were due to differences between requirements of a civil system and common laws and between legal requirements of the respective countries.

He said the formulation of the relevant United Nations' convention and treaty and the specific inclusion of joint cooperation in criminal matters was aimed at streamlining and minimising issues of differences in systems and requirements of the law, especially those which were grounded on civil and common laws.

Noh said the issues of differences could be resolved if all countries adopted the United Nations' convention and updated their domestic laws.

He said Malaysia was studying the relevant convention and were striving towards that objective.

He said the Bill was Malaysia's reaction to initiatives by international bodies for a comprehensive and effective joint international assistance in criminal matters.

On the existing cooperation, Noh said it included extradition, restraining of dealings and forfeiture of property from proceeds of crime, extradition of a prisoner for sentencing in the country of origin and transfer of proceedings.

Currently Malaysia has extradition treaties with Indonesia, Thailand, United States and Hong Kong and had drafted the Extradition Act 1992.

On investigations into Perwaja Steel Sdn Bhd highlighted by Husam Musa (PAS-Kubang Kerian), Noh said the Anti-Corruption Agency (ACA) had begun investigations since 1996.

He said ACA had requested cooperation from countries such as Switzerland, Hong Kong and Japan.

Noh said the statement by Prime Minister Datuk Seri Dr Mahathir Mohamad on the Perwaja case during his trip to London in February reflected the government's commitment in bringing those involved to face justice.

Noh said the government had expedited the tabling of the Bill, over the other bills to immediately resolve criminal cases involving other countries.

Earlier in tabling the proposed Bill he said it is for Malaysia to provide and obtain international assistance in criminal matters, including providing and obtaining of evidence and things; the making of arrangements

for persons to give evidence, or to assist in criminal investigations.

The Bill is also for the recovery, forfeiture or confiscation of property in respect of a serious offence; restraining of dealings in property, or the freezing of property; the execution of requests for search and seizure, the location and identification of witnesses and suspects; the identification of tracing of proceeds of crime and property and instrumentalities derived from or used in the commission of a serious offence; the examination of things and premises.

The Bill also seeks to empower the Attorney General to request the appropriate authority of a foreign state to arrange for evidence to be taken in the foreign state and to him for the purposes of a criminal matter in Malaysia and to request the appropriate authority of a foreign state to arrange for the attendance in Malaysia of a person in the foreign state to give evidence or assistance relevant to a criminal matter in Malaysia.

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