

**4TH MEETING OF ATTORNEYS GENERAL ON A MUTUAL
ASSISTANCE IN CRIMINAL MATTERS TREATY
16 TO 18 JANUARY 2006
KUALA LUMPUR, MALAYSIA**

**WELCOME REMARKS BY Y.BHG. TAN SRI ABDUL GANI PATAIL
ATTORNEY GENERAL OF MALAYSIA**

The Honourable Dato' Seri Mohd. Radzi Sheikh Ahmad, Minister in
the Prime Minister's Department,

Your Excellencies, Ministers of Justice and Attorneys General,

Your Excellencies, Ambassadors of the ASEAN Member Countries
and representatives from the Australian High Commission and the
British High Commission,

Distinguished delegates and honoured guests,

I take this opportunity to welcome and extend my deepest
appreciation to the Honourable Attorneys General and Ministers of
Justice of the ASEAN Member Countries and their delegations who
have traveled from their capitals to be with us this morning to witness
the completion of an important event in the ASEAN region, the
signing of the Treaty on Mutual Legal Assistance in Criminal Matters
by the Union of Myanmar and the Kingdom of Thailand. We are truly
honoured that Your Excellencies are here to share in this occasion.

I would also like to express my deepest appreciation to the Honourable Dato' Seri Mohd. Radzi Sheikh Ahmad, Minister in the Prime Minister's Department, for graciously agreeing to attend and witness this Signing Ceremony.

Your Excellencies, distinguished guests,

It was just over a year ago, on 29 November 2004, that I had the honour and privilege of announcing the conclusion and adoption of our regional Treaty on Mutual Legal Assistance in Criminal Matters. On that momentous occasion, eight ASEAN Member Countries signed the Treaty, that is Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Socialist Republic of Vietnam. I also expressed our collective anticipation of the Union of Myanmar and the Kingdom of Thailand duly completing their respective constitutional processes to enable them to become parties to the Treaty at the earliest opportunity. The Attorney General's Chambers of Malaysia is therefore very pleased to be able to host this auspicious occasion to welcome the two new Signatory States.

In the intervening period, the Republic of Singapore, Malaysia and the Socialist Republic of Vietnam deposited their respective instruments of ratification to the Treaty, thus enabling the Treaty to come into force as between those countries. The Treaty came into force between the Republic of Singapore and Malaysia on 1 June 2005 and as between the Republic of Singapore, Malaysia and the Socialist Republic of Vietnam on 25 October 2005. We now look forward to the completion of the ratification process by the other Signatory States in the coming year to fully operationalise the Treaty among the ASEAN Member Countries.

To that end, the Senior Officials of the ten like-minded ASEAN Member Countries held their inaugural meeting in Kuala Lumpur from 11 to 13 July 2005 where they discussed methods to facilitate the implementation of the Treaty. At that Meeting, the Senior Officials adopted a Model Request Form and a Model Checklist for Requests, among others, to foster standardisation and simplification of the request and execution processes for mutual legal assistance requests among the Parties. These instruments are intended as useful guides only and will be utilised by the Parties with due regard for the respective Parties domestic laws.

The Senior Officials also discussed the possibility of developing the cooperative mechanisms under the Treaty and the organization of co-ordinated training for their officials dealing with mutual assistance in criminal matters. Among the proposals considered are the development of guidelines on the use of video-conferencing for the purposes of the Treaty and the expansion of the areas of assistance available under the Treaty such as the preservation of electronic evidence and the collection of DNA and other biometric evidence in line with developments in other similar regional instruments.

Malaysia, as the designated Secretariat for the Treaty, has also carried out its Treaty obligations by submitting the Treaty to the United Nations Secretary General for registration in accordance with Article 102 of the Charter of the United Nations. The Secretariat has also embraced the realm of information technology to disseminate information among the Parties and Signatory States. It has collated and maintains an on-line database which contains, among others, a Directory of the Central Authorities, a compilation of the Parties relevant laws on mutual legal assistance in criminal matters and other relevant laws and the Model instruments developed by the Senior Officials.

Thus, the Union of Myanmar and the Kingdom of Thailand are today signing on to an operational “living” instrument which the Parties are confident will grow to meet the challenges that the region will undoubtedly face in the future.

Your Excellencies, ladies and gentlemen,

Without meaning to pre-empt or presume the outcome of forthcoming discussions on this matter, it is my privilege to announce that Malaysia, as the Secretariat for the Treaty, has been informed by the ASEAN Secretariat that the 10th ASEAN Senior Law Officials Meeting (ASLOM) held in Hanoi, Vietnam from 16 to 17 September 2005 agreed that once the Treaty on Mutual Legal Assistance in Criminal Matters is signed by all ASEAN Member Countries, a recommendation should be made to the ASEAN Law Ministers to adopt it as an ASEAN Treaty. The proposal to convert and elevate the Treaty to an ASEAN Treaty is welcomed as a testament to the commitment and participation of all the ASEAN Member Countries in the process to negotiate and conclude this Treaty. Nevertheless, any decision on this proposal must be taken collectively by the Parties and Signatory States. I am hopeful that this proposal will be further deliberated upon this afternoon when the 4th Meeting of Attorneys General on a Mutual Assistance in Criminal Matters Treaty is convened. The decision of the Meeting will then be conveyed to the ASEAN Secretariat.

Your Excellencies, distinguished guests,

As we conclude the signing process of the Treaty among the original negotiating States and strive to build our capacity to deal with mutual legal assistance in criminal matters requests among ourselves, we also cast our eyes towards cooperation in this area with countries in other regions. As a first step, the Parties to the Treaty would welcome the accession of other like-minded countries to the Treaty on Mutual Legal Assistance in Criminal Matters.

This vision of inter-regional cooperation has already been envisaged and mooted, not least in the instruments on transnational crime of the United Nations. At the recently concluded ASEM Prosecutors General Conference held in Shenzhen City in the People's Republic of China, the countries of Europe individually and collectively through EUROJUST advocated cooperation between Asia and Europe through the facilities and network of EUROJUST. Malaysia took the opportunity to highlight the existing regional network and cooperation of the ASEAN Attorneys General and Ministers of Justice on mutual legal assistance in criminal matters. In my humble view, this is an opportunity for cooperation that should be fully utilised by both regions.

Your Excellencies, distinguished delegates, ladies and gentlemen,

Allow me to conclude by congratulating the Union of Myanmar and the Kingdom of Thailand on their signing of the Treaty. I would also like to reiterate my heartfelt appreciation to all the ASEAN Attorneys General and Minister of Justice for their continued commitment to the Treaty on Mutual Legal Assistance in Criminal Matters and for the generous support of their respective Governments.

Thank you.