

**4<sup>TH</sup> MEETING OF ASEAN ATTORNEYS GENERAL  
TO OFFICIATE THE SIGNING OF**

***TREATY ON MUTUAL LEGAL ASSISTANCE IN  
CRIMINAL MATTERS***

**OPENING ADDRESS BY**

**THE HONORABLE DATO' SERI MOHD. RADZI SHEIKH AHMAD  
MINISTER IN THE PRIME MINISTER'S DEPARTMENT, MALAYSIA**

Your Excellencies, Ministers of Justice and Attorneys General of the  
ASEAN member countries

Your Excellencies, Ambassadors of the ASEAN member countries  
and representatives from the Australian High Commission and the  
British High Commission

Heads of Delegations and Members of their Group

Ladies and Gentlemen

Let me, on behalf of the Prime Minister and Government of Malaysia, extend a warm welcome to all present here today.

Today, we commemorate a historic event – that is, the signing of the Treaty on Mutual Assistance in Criminal Matters by the full quorum of 10 ASEAN nation states. The Treaty represents a celebration of the relentless commitment and dedication of the Office of the Attorney General in each of the 10 ASEAN member states, who have worked closely together for so long to bring about this successful conclusion.

I am very much impressed, because the Attorneys General collectively have managed to develop a mutually acceptable multilateral legal instrument that can operate in congruence with the domestic laws of the countries in this diverse group. The fact that the Treaty of Mutual Assistance has remained faithful to the sanctity of domestic laws and procedures has made it acceptable to all ASEAN member states and which has led to the final signing of this Treaty.

Your Excellencies, ladies and gentlemen

Today is by no means the first time for the signing of this same treaty that provides for mutual legal assistance among

member states of ASEAN in fighting crime. In fact, this event marks the final achievement of an idea initiated by Malaysia and which gladly, has been brought to a successful conclusion as the result of a sequence of events that I myself was privileged to have witnessed.

In fact, when the idea of mutual legal assistance at the regional level was first broached, only a small number of ASEAN countries agreed to join forces in dealing with crime collectively. Such an arrangement would be of great value in the apprehension of criminals who have sought refuge from the law by fleeing to neighbouring countries. Another important area of collaboration was in following the evidence trail of identified criminals, even if the greater part of the trail lies in another country.

In time, the Treaty began to gain acceptance among the other member states. This was hardly surprising, as its adoption and enforcement would provide the widest possible scope for mutual legal assistance in criminal matters while at the same time respecting the sovereignty of domestic laws. Soon, recognizing its potential, the number of Signatories increased steadily so that by the time the 6<sup>th</sup> ASEAN Law Ministers Meeting took place in Hanoi in September of 2005,

the Treaty was well on its way to being accepted by all Parties concerned.

A penultimate achievement was the signing undertaken on 29 November 2004 in which the majority of the ASEAN member states, numbering 8 out of the 10, signed the treaty. They were: Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, the Republic of the Philippines, the Republic of Singapore, the Socialist Republic of Vietnam and my own country, Malaysia. Today, 17 January 2006, less than two years after the 2004 signing, the last two ASEAN states, i.e. the Union of Myanmar and the Kingdom of Thailand have committed themselves to the Treaty. This is a moment of triumph for ASEAN in our joint struggle to ensure justice for our citizens and fair retribution for criminals.

The next step in the process is to ratify the Treaty by the countries concerned. I am pleased to report that to date, 3 countries have ratified the Treaty and they are Malaysia, the Republic of Singapore, and the Socialist Republic of Vietnam. The Treaty is now operational among them. I would therefore like to urge the other Signatory States, including our new signatories today, to expedite their respective countries' ratification of the Treaty to enable us to have

ratification in full and begin enforcement by the end of this year.

We are keeping good time as the Parties who have not ratified are taking immediate steps to ratify the Treaty. I have been told that once ratification has been concluded the Parties would follow-up by developing procedures for implementation. Administrative procedures are also being standardized, such as the adoption of the Model Request Form and Model Checklist for requests of assistance between countries. This is a major step towards full regional operationalisation and in this matter, I cannot overstate the importance of having a standardized procedural mechanism in use by all. Standard, agreed procedures will result in efficiency, in turn making the legal processes faster and tidier to execute. Without this, there is the likelihood that administrative deficiencies will arise which will be detrimental in meeting the goals of the Treaty.

Your Excellencies, ladies and gentlemen

Naturally, the signing and ratification of the Treaty is only the beginning. Several follow-up actions have in fact been suggested. For example, at both the September 2005 Law Ministers' Meeting in Hanoi and the subsequent ASEAN

Senior Law Officials (ASLOM) meeting the same year, the structured training of relevant personnel was proposed in order to prepare for the smooth implementation of the Treaty through such capacity building.

A second recommendation was initiated by the ASEAN Secretariat which called for the elevation of the Treaty's status. The increase in the breadth and scope of its status as an ASEAN Treaty would pave the way for the realization of the ASEAN Mutual Legal Assistance Agreement envisaged under the ASEAN Security Community component of the Vientiane Action Programme (VAP), itself an elaboration of the Declaration of ASEAN (Bali) Concord II of 7 October 2003.

I understand that Your Excellencies will be giving these matters some consideration later today. I hope that both proposals will receive favourable response, in particular the recommendation for the proposed elevation of the Treaty to the status of an ASEAN Treaty soon.

Furthermore, in order to make the Treaty really effective, it is imperative that the law enforcement agencies in our respective countries study closely and understand the provisions of the Treaty well. Our enforcement agencies

should also make full use of the infrastructure and mechanism provided by the Treaty to pursue the evidence trail right to the end and in so doing, secure the conviction of criminals and criminal groups who might otherwise move across our borders without fear of sanction. No longer should we tolerate the situation in which a prosecution's case failed because pertinent evidence could not be sought just because current regional practice of law does not cover such a situation. Neither should we allow the booty and spoils of crime to be enjoyed by degenerate criminals just because they have been transferred beyond a country's jurisdiction.

The only way to achieve the realization of these noble goals is for Parties concerned to readily mobilize their domestic resources and give their full cooperation whenever there is a request made by a member state. For successful implementation, full use is to be made of the consultative mechanism set in place by the Treaty and periodic discussions must be scheduled to monitor and review progress in operationalising the Treaty. These meetings should also serve as a forum to resolve whatever issues that may arise. Fortunately in this, I am confident that the continuing work and full dedication of Your Excellencies and

Members of Delegations will bear fruit as planned and that we should be seeing outstanding results very soon.

Your Excellencies, distinguished delegates, ladies and gentlemen

I would like to conclude by once again extending my heartiest congratulations to the Union of Myanmar and the Kingdom of Thailand on their signing of the Treaty on Mutual Legal Assistance in Criminal Matters today and to give my thanks also to the Parties who have contributed their efforts towards achieving the Signatories of the 10 ASEAN states in full.

May we continue to work as ASEAN brothers towards greater collaboration in all areas of common concern.

Thank you.