



HA 34/2022

The Permanent Mission of Malaysia to the United Nations presents its compliments to the Office of Legal Affairs and has the honour to refer to the note LA/COD/4 of 11 January 2022.

The Permanent Mission of Malaysia to the United Nations has further the honour to present its response to the request for information and observations on the consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives, as enclosed.

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

New York 13 May 2022

**United Nations Office of Legal Affairs
NEW YORK**

**INPUT FOR THE UN SECRETARY-GENERAL'S REPORT ON
"CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE
PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR
MISSIONS AND REPRESENTATIVES"
PURSUANT TO GENERAL ASSEMBLY RESOLUTION 75/139
OF 15 DECEMBER 2020**

Operative Paragraph 13: Views with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations

Malaysia is committed to fulfilling its obligations as contained in the 1961 Vienna Convention on Diplomatic Relations (VCDR) and 1963 Vienna Convention on Consular Relations (VCCR), which entered into force in Malaysia on 9 December 1965 and 1 November 1991 respectively.

In Malaysia, diplomatic privileges and immunities are governed by the following laws:

- Diplomatic Privileges (Vienna Convention) Act 1966 [Act 636];
- Foreign Representatives (Privileges and Immunities) Act 1967 [Act 541];
- Consular Relations (Vienna Convention) Act 1999 [Act 595];
- the International Organizations (Privileges and Immunities) Act 1992 [Act 485];
- the United Nations (Privileges and Immunities) Regulations 2012 [P.U. (A) 279/2012]; and
- the Specialized Agencies (Privileges and Immunities) Regulations 2012 [P.U. (A) 280/2012].

The Ministry of Foreign Affairs of Malaysia acts as the focal point in overseeing the security measures for the foreign diplomatic and consular missions in Malaysia, in consultation and coordination with the relevant authorities. Incidents relating to the protection, security and safety of diplomatic officials and missions are assessed on a case-by-case basis, based on the merits and needs of each situation faced by the particular diplomatic official and mission.

The Royal Malaysia Police is responsible for the protection, security and safety of foreign embassies and missions in Malaysia and works closely with the respective embassies and missions to ensure that adequate levels of protection and security are provided such as:

- setting up police beat bases nearby;
- scheduled patrol car and crime prevention rounds within the vicinity of missions daily. Unscheduled visits to the vicinity are also conducted to ensure better protection all around; and
- regular monitoring on the safety of missions by the Special Branch.

To date, Malaysia has provided the necessary protection, security and safety to foreign missions and their representatives as well as the duly accredited representatives of recognized international intergovernmental organizations as required by the VCDR, the VCCR, the Diplomatic Agents Conventions and the related Protocols to which Malaysia is a party.

Further, Malaysia's criminal laws such as the Mutual Assistance in Criminal Matters Act 2002 [Act 621] and the Extradition Act 1992 [Act 479] enable domestic prosecution and international co-operation to investigate and prosecute the crimes prescribed under the Diplomatic Agents Convention. Apart from Act 621 and Act 479, there are also applicable laws which generally protect the individuals from any untoward incidents for such as the Penal Code. Malaysia will exercise these powers to ensure that the law is upheld.