



**NOTE No: 2014/125**

The Ministry of Foreign Affairs and Trade presents its compliments to the Malaysian High Commission in Wellington and has the honour to refer to a Police matter concerning Mr MUHAMMAD RIZALMAN BIN ISMAIL, a member of the administrative and technical staff at the High Commission.

The Ministry wishes to advise that the New Zealand Police has informed the Ministry of alleged offences committed by Mr ISMAIL including Burglary and Assault with Intent to Commit Rape. Both charges are punishable by a period of ten (10 ) years imprisonment under the Crimes Act 1961.

The New Zealand Police believes that it is in the public interest to prosecute these offences due to the serious nature of the offending by Muhammad Rizalman bin ISMAIL and has accordingly requested the Ministry to pursue appropriate avenues to enable a prosecution against Mr ISMAIL to proceed.

In order for the New Zealand Police to proceed with the prosecution of Mr ISMAIL, the Ministry therefore wishes to seek from the Malaysian authorities a waiver of the personal immunity granted to Mr ISMAIL under Article 31 of the Vienna Convention on Diplomatic Relations and of the personal inviolability granted under Article 29.

Should the waiver be granted by the Malaysian authorities, the Ministry will facilitate cooperation between the Malaysian High Commission and the New Zealand Police. The Ministry stands ready to provide advice to the High Commission in dealing with this matter.

The Ministry reminds the Malaysian High Commission that under Article 41 of the Vienna Convention on Diplomatic Relations, it is the duty of all persons enjoying privileges, inviolability and immunities to respect the laws and regulations of the receiving State. It is on this basis and on the advice of Police that the Ministry seeks a waiver of immunity to allow a prosecution to proceed.

The Ministry of Foreign Affairs and Trade takes this opportunity to renew to the Malaysian High Commission the assurances of its highest consideration.



Ministry of Foreign Affairs and Trade  
Wellington  
10 May 2014