



No Immunity for Rape

The Malaysian government's decision to extradite to New Zealand, Muhammad Rizalman Ismail, a Malaysian diplomatic attaché who was charged on May 10 in a Wellington District Court in New Zealand with burglary and assault with intent to commit rape on a 21 year old woman, is welcomed.

It was of great concern to many that instead of being made to stand trial, Muhammad Rizalman was flown back to Malaysia on May 22 under the protection of diplomatic immunity despite the seriousness of the alleged crime. The actions taken by our government i.e. requesting the sealing of all documentation pertaining to the case and withdrawal of all charges against Muhammad Rizalman as well as the decision not to waive diplomatic immunity did not bode well for the government's standing not only in the eyes of its citizens but also in the international arena.

The use of diplomatic immunity at that point effectively enabled the accused to evade a criminal justice process where he would have been made to account for his alleged actions. By allowing this, the Malaysian government was in breach of General Recommendation 28 of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), to which Malaysia is a signatory. CEDAW states that our government has a duty, among other things, to bring perpetrators of violence against women to trial and to impose punishment.

The Defence Minister and the Foreign Minister had assured Malaysians that justice would prevail and that Muhammad Rizalman would face a Board of Inquiry set up by the Defence Ministry and if accusations were found to be true, he would be court-martialed in Malaysia.

But many Malaysians were left wondering how a Board of Inquiry could be used to investigate a serious criminal offence i.e. attempted rape. It raised a fundamental question of the government's approach towards investigating sexual crime. Furthermore it was unclear how an investigation into the alleged crime could properly take place given that the victim and investigating officers were in New Zealand. Up until yesterday, more than a month after Muhammad Rizalman's return, the status of investigation in Malaysia was as yet unknown.

The Malaysian government must act to fulfill both local and international commitments towards ending violence against women. There is an urgent need to stand resolute in rejecting sexual violence, irrespective of whether such violence occurs on Malaysian soil or is committed by a Malaysian abroad. As such the decision taken to send Muhammad Rizalman back to New Zealand to stand trial is the appropriate step to take.

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