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**From:** (1) (PRD)  
**Sent:** Saturday, 10 May 2014 9:08 a.m.  
**To:** (OFS);  
(PRD)  
**Subject:** Fw: Seemail; Charging of Malaysian Embassy Staffer

Hi there, just wanted to draw your attention to this - see self explanatory exchange below. (5)

(1)

**From:** (1) (PRD)  
**Sent:** Saturday, May 10, 2014 08:59 AM  
**To:** (1) @police.govt.nz' @police.govt.nz'  
police.govt.nz>; @police.govt.nz'  
@police.govt.nz' @police.govt.nz>; @police.govt.nz'  
@police.govt.nz>; @police.govt.nz' (1)  
@police.govt.nz' < @police.govt.nz>; @mfat.govt.nz'  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

Thanks for that. I am concerned that this person may be entitled to immunity from arrest and detention as a member of the administrative and technical staff of the mission.

The High Commission staff have not asserted this however nor has his lawyer. (2)

(3)

(1) , my deputy is going into the office now to check on his status and will advise. Her number is (1)

**From:** (1) @police.govt.nz]  
**Sent:** Saturday, May 10, 2014 02:47 AM  
**To:** @police.govt.nz>; @police.govt.nz>; @police.govt.nz>;  
@police.govt.nz>; @police.govt.nz>;  
(PRD) @police.govt.nz>;

**Subject:** Seemail; Charging of Malaysian Embassy Staffer

Morning all,

Wellington Police District Crime Squad staff were called to an incident at about 1830hrs on 9 May 2014 that involved an employee of the Malaysian embassy, Muhammad ISMAIL.

The initial response by staff was for a women who was attacked in her home by an unknown male Asian. The female was confronted in her bedroom by the male who was naked from the waist down and wearing only a shirt. She was able to fight the intruder off, lock herself in the bathroom and call Police. Neighbours who heard the women's screams came to her aid and when Police arrived they located a male Asian on a pathway leading to the address.

He was arrested and taken back to Wellington Police Station where his identity was confirmed as Muhammad ISMAIL, an employee of the Malaysian government working at the Malaysian Embassy in Brooklyn, Wellington. ISMAIL spoke to a lawyer and declined to provide a statement.

Due to the man's employment advice was sought from the O/C DPS who in turn liaised with MFAT. The I at MFAT advised the Malaysian embassy. Embassy staff were spoken to in person at the Wellington Police station and appraised of the situation. They sought to speak with the offender which was granted. A conversation between two representatives from the Malaysian embassy, ISMAIL and myself was conducted in English and covered ISMAIL'S perception of events leading up to his arrest and his disposition from that point. ISMAIL charged with Burglary and Assault with Intent to Rape and is to appear in the Wellington District Court on 10 May 2014. Police are not opposing bail but are seeking strict conditions to his Wellington residential address.

The Malaysian Embassy did not oppose or dispute this course of action. There is significant evidence and a successful prosecution is highly likely should it continue to progress this far. There are concerns held by both myself and the Embassy surrounding ISMAIL'S current state of mind. A psychiatric assessment is being recommended through the normal court processes but it is too early to determine how this might affect culpability.

I will be overseeing the ongoing investigation and the file will be held at the District Crime Squad office.

If you require any further information in relation to this please contact me.

Regards



Crime Squad | Wellington CIB

P  
E

Johnsonville Community Policing Centre | PO Box 693  
SX11220 Wellington DX Sort | Wellington

[www.police.govt.nz](http://www.police.govt.nz)

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**From:**



(PRD)

**Sent:**

Saturday, 10 May 2014 9:52 a.m.

**To:**



(SEA); !



(DS AAG)

**Subject:**

Fw: Seemail; Charging of Malaysian Embassy Staffer

I spoke to the High Commissioner last night as soon as I was made aware. It appears the man does have immunity. We will seek a waiver.



---

**From:** P/SEC MFA  
**Sent:** Saturday, 10 May 2014 10:08 a.m.  
**To:** MFA; McCully1  
**Cc:** PRESS SEC MFA; P/SEC MFA  
**Subject:** Arrest of Malaysian High Commission staffer

Minister

Last night an administration staffer from the Malaysian High Commission was arrested while breaking into a woman's home.

He was held overnight and will be charged this morning with attempted rape and burglary.

The Malaysians have not invoked diplomatic immunity (which protects from arrest and detention) but when the story develops more media interest, that remains a risk.

FAT will be seeking a formal waiver of diplomatic immunity in Kuala Lumpur, as is the normal process. Otherwise I understand the Malaysians can remove the person from New Zealand if he is released on bail today.

MFAT will prepare media lines for you.

P/SEC MFA

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**From:** (i) (PRD)  
**Sent:** Saturday, 10 May 2014 10:58 a.m.  
**To:** (i) (DS AAG); (i) (PRD)  
**Cc:** (i) (SEA); (i) (ESD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

(i)

(5)

Then add to the first sentence below: The New Zealand government expects all diplomatic staff entitled to immunity to respect New Zealand law.

Can you please pull something together as a contingency?

Thanks

(i)

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**From:** (i) (DS AAG)  
**Sent:** Saturday, May 10, 2014 10:19 AM  
**To:** (i) (PRD); (i) (PRD)  
**Cc:** (i) (SEA); (i) (ESD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

I think we also need something in the media lines about not commenting on the facts, given ongoing judicial case. And perhaps something about our expectation that diplomats in NZ will respect NZ law.

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**From:** (i) (PRD)  
**Sent:** Saturday, May 10, 2014 10:15 AM  
**To:** (i) (PRD)  
**Cc:** (i) (SEA); (i) (DS AAG); (i) (ESD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

A/SEC MFA

①

There is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work.

In the case of serious allegations such as this, the New Zealand government will seek a waiver of that immunity.

5

Comments please

①

**From:** (i) (PRD)  
**Sent:** Saturday May 10, 2014 10:02 AM  
**To:** (i) @police.govt.nz'; (i) @police.govt.nz'; (i) @police.govt.nz'  
 (i) @police.govt.nz'; (i) @police.govt.nz'; (i) @police.govt.nz'  
 (i) @police.govt.nz'; (i) @Police.Govt.NZ (PRD);  
 (i) (SEA); (i) (DS AAG); (i) (ESD)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

①

Muhammad Rizalman bin ISMAIL does indeed have full diplomatic immunity and inviolability so should not have been arrested or detained although he should have stated this to Police at the time of arrest.

As a member of the administrative and technical staff at the High Commission, he has an 'official' visa which expires on

①

I am now preparing a formal diplomatic Note seeking a waiver of his immunity from the Malaysian government. This will be sent to our High Commissioner in Kuala Lumpur who will submit it to the Malaysian authorities. A response is likely to take a few days but I will contact you as soon as we receive it and discuss the next steps depending on whether the request for a waiver is granted or declined.

① to note in case media pick this up.

Regards

①

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**From:**

① (ESD)

**Sent:**

Saturday, 10 May 2014 11:11 a.m.

**To:**

① (PRD);

①

(DS AAG);

①

(PRD)

**Cc:**

① (SEA)

**Subject:**

RE: Seemail; Charging of Malaysian Embassy Staffer

Thanks ①

⑤

---

**From:** (i) (PRD)  
**Sent:** Saturday, 10 May 2014 11:13 a.m.  
**To:** (i) @kin.gov.my  
**Subject:** Contact High Commissioner

Good morning,

I have been trying to contact the High Commissioner to discuss last night's events but the phone numbers I have don't work at present. If she would like to call me, my number (i)

Thank you,

(i)



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**From:** (1) (PRD)  
**Sent:** Saturday, 10 May 2014 11:22 a.m.  
**To:** (1) (ESD); (1) (DS AAG); (1) (PRD)  
**Cc:** (1) (SEA)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

(5) The immunity is for the Malaysian government to waive not the individual and it is not clear yet whether it will come to the point where we need to seek a waiver given the person's mental state. For the same reason I think we can hold the fourth point in reserve for now.

(1)

V.  
DE

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**From:** (1) (PRD)  
**Sent:** Saturday, 10 May 2014 11:25 a.m.  
**To:** (ESD)  
**Cc:** (1) (PRD); (1) (DS AAG); PISEC MFA  
(1) (SEA)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Sorry for the delay in responding to emails – been on the phone to police.

Thanks for this (1) – looks good to me.

(1) (4)  
Following is a summary of the conversations I have just had with (1), who has just rung me.

(1) and his boss,

(1) this turns out to be a case of mental instability, the best solution will be for the High Commissioner to send the whole family home. The High Commission would need to inform us of this but that would be the end of the case.

I have asked Police to send a request by email asking the ministry to take appropriate action – meaning a formal request for a waiver. I have drafted a TPN ready to go but given the complexities and possibility that a court case may not proceed, I have told Police that I'll hold off sending it until I hear from either (1) or his boss, (1) and receive their request to proceed – as well as further information on their preferred course of action. That is likely to be tomorrow or Monday.

I have also explained to Police the next steps should we seek a waiver which is then declined by the Malaysian authorities. That is:

- we would call in the High Commissioner and, on the basis of the Police recommendation and keeping in mind Article 41 (expectation to respect NZ law), would urge her to arrange for Mr Ismail and family to be recalled by their Ministry or to go voluntarily (and the could be a psychiatric recommendation).
- Should that request be refused, we would invoke Article 9 (persona-non-grata) and give Mr Ismail a couple of weeks to pack up and leave.
- If there are medical grounds for his being unable to continue the posting, it would be up to the High Commissioner to arrange immediate repatriation and we would also immediately cancel his diplomatic visa.

Both Police officers will keep me informed over the weekend of next steps and any district court decisions. I don't see any need, at this point, to contact the High Commission. The TPN will be sent to the High Commission for action and cc'd to our post.

①

**From:** ① (ESD)

**Sent:** Saturday, 10 May 2014 10:43 a.m.

**To:** ① (PRD)

**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Hi ①, not sure if you are drafting something but here is something I put together drawing on the advice from the others. Once the media gets wind of this they will be wanting constant updates about the status of our request about the waiver of immunity unfortunately.

- We are aware of the alleged incident involving a staff member at the Malaysian High Commission in Wellington and have been in contact with the police and Malaysian authorities. The Malaysian High Commission is cooperating with Police.
- We cannot comment on the facts of the case, as this is a police matter and subject to the judicial process.

If asked re diplomatic immunity:

- There is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work. There is also the expectation that diplomats in New Zealand will respect the New Zealand law. In the case of serious allegations such as this, the New Zealand government will seek a waiver of that immunity. In the case of a refusal to waive immunity, the government would require the staff member to leave New Zealand immediately.

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**From:** (i) (ESD)  
**Sent:** Saturday, 10 May 2014 11:31 a.m.  
**To:** (PRD)  
**Cc:** (i) (PRD); (i) (DS AAG); PISEC MFA  
(i) (SEA); i PRESS SEC MFA  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Thanks (i).

These are the updated lines:

- I am aware of the alleged incident involving a staff member at the Malaysian High Commission in Wellington and have been in contact with the police and Malaysian authorities. The Malaysian High Commission is cooperating with Police.
- I cannot comment on the facts of the case, as this is a police matter and subject to the judicial process.
- There is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work. The New Zealand government expects all diplomatic staff entitled to immunity to respect New Zealand law.

If asked re diplomatic immunity:

- In the case of serious allegations such as this, the New Zealand government will seek a waiver of that immunity. In the case of a refusal to waive immunity, the government would require the staff member to leave New Zealand immediately.

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**From:** (1) (ESD)  
**Sent:** Saturday, 10 May 2014 11:48 a.m.  
**To:** (1) (PRD)  
**Cc:** (1) (PRD); (1) (DS AAG); P/SEC MFA  
(1) (SEA); (1) PRESS SEC MFA  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Just copying in the media inbox and (1) to this exchange.

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**From:** (1) (PRD)  
**Sent:** Saturday, 10 May 2014 11:44 a.m.  
: (1) (ESD)  
: (1) (PRD); (1) (DS AAG); P/SEC MFA ; (1) (SEA)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

And a further update from

- Mr Ismail has been bailed to his house in Newlands. He appeared in front of a JP this morning.
- Still no immunity claimed
- Conditions include a curfew between 1900 and 0600, no association with the victim, restricted movements outside the house
- Must surrender his passport by 5pm on Monday 12<sup>th</sup> (with the immunity/inviolability issue, this will have to be handled with care)
- Ismail is due to appear in the Wellington district court on 30 May.

I'm now waiting for an email from Police asking us to proceed with the waiver request and will actually send that off with the information I now have.

(1) (4) I have given Police your name and email address so you may possibly hear from the Police media officer. There were no reporters around this morning! (5) (4)

(1)

From:

Sent:

To:

Cc:

Subject:

①  
Saturday, 10 May 2014 12:14 p.m.

@police.govt.nz>

① (PRD);

①

① (PRD);

①

(SEA);

①

(DS AAG); ① (ESD)

RE: Seemail; Charging of Malaysian Embassy Staffer

Good Morning

①

The New Zealand Police formally request that the Ministry of Foreign Affairs and Trade seek from the Malaysian Government a waiver for the immunity of Muhammad Rizalman bin ISMAIL to allow Police to prosecute him in relation to offences allegedly committed by him.

Muhammad Rizalman bin ISMAIL is an official of the Malaysian High Commission in Wellington who was arrested on Friday 9<sup>th</sup> May 2014 following an incident at a residential address in Brooklyn, Wellington.

Muhammad Rizalman bin ISMAIL has been charged by Police with 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 believe that it is in the public interest to prosecute these offences due to the serious nature of the offending by Muhammad Rizalman bin ISMAIL.

For your consideration.

①

Lower Hutt Police Station | 19-23 Kings Crescent | PO Box 30 840 | Lower Hutt

SAFETY "A Safer Hutt Valley for all"

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**From:** (i) @police.govt.nz>  
**Sent:** Saturday, 10 May 2014 12:16 p.m.  
**To:** (i) (ESD)  
**Subject:** Arrest of Malaysian diplomat

Hi (i)

I will be the initial point of contact for media queries regarding this should they eventuate. My contact details are below should you wish to discuss a holding statement.

Cheers,

(i)  
Phone:  
Mobile:  
Email:

=====

**WARNING**

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately

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**From:** (i) @police.govt.nz>  
**Sent:** Saturday, 10 May 2014 12:20 p.m.  
**To:** (i) (PRD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer i

Hi (i)

Yes I do, unfortunately they are back in the office. I will be back there in an hour or so.

I will give you a call.

(i)  
{ Wellington District Crime Squad

On 10/05/2014, at 10:54 am, (i) (PRD) (i) wrote:

(i) . I would like to contact the Malaysian High Commission to discuss what is happening. All the numbers I have for the High Commissioner and her staff are not working. Do you have a contact number for her or her staff please?

Thanks,

(i)

{



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**From:** (1) (SEA)  
**Sent:** Saturday, 10 May 2014 12:56 p.m.  
**To:** (1) (PRD); (1) (PRD); (1) (ESD); (1) (SEA)  
**Cc:** (1) (DS AAG); P/SEC MFA  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

Thanks to all for comprehensive approach and looping SEA in.

As I will be in Australia for a week from tomorrow please ensure (1) is cc'ed on developments, to maintain a watching brief for SEA.

(1)

---

**From:** (1) (PRD)  
**Sent:** Saturday, May 10, 2014 12:52 PM  
**To:** (1) (PRD); (1) (ESD)  
**Cc:** (1) (SEA); DS AAG; P/SEC MFA (1); (1)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Yes we do.

I have just tried ringing (3) to warn her that the TPN is coming (about to send it) but, as you found, no answer from home phone, work phone or mobile.

Therefore, to try and protect the family's privacy at least a bit and in the absence of (3) I'm sending the note to (2) who is the (3) at the High Commission and with whom I have worked on other Malaysian consular cases - (2) + (5)

(4) + (5)

(1)

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**From:** (1) (PRD)  
**Sent:** Saturday, 10 May 2014 12:36 p.m.  
**To:** (1) (PRD); (1) (ESD)  
**Cc:** (1) (SEA); DS AAG; P/SEC MFA  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

Thanks (1)

I note that under the convention, waiver of immunity must be express so even though they haven't asserted we do need to seek it, as you are doing.

---

**From:** ① (PRD)  
**Sent:** Saturday, 10 May 2014 1:08 p.m.  
**To:** ① (PRD)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Yep – will be cc'ing note to ①

---

**From:** ① (PRD)  
**Sent:** Saturday, 10 May 2014 12:58 p.m.  
**To:** ① (PRD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

Good idea. He is the person the police have been talking to. I am going to call him and ask for a contact for

③  
I assume you will also let ① : know what is happening. Can you copy in ① as she will be handling this at the SEA end.

Thanks

①

---

**From:** ① (PRD)  
**Sent:** Saturday, May 10, 2014 12:52 PM  
**To:** ① (PRD); ① (ESD)  
① (DS AAG); P/SEC MFA  
① (SEA)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Yes we do.

I have just tried ringing ③ to warn her that the TPN is coming (about to send it) but, as you found, no answer from home phone, work phone or mobile.

Therefore, to try and protect the family's privacy at least a bit and in the absence of ③, I'm sending the Note to ③ who is the ③ at the High Commission and with whom I have worked on other Malaysian consular cases ② + ⑤

④ + ⑤

①

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**From:** ① (PRD)  
**Sent:** Saturday, 10 May 2014 1:23 p.m.  
**To:** ...@kln.gov.my'  
**Subject:** TPN seeking waiver of immunity  
**Attachments:** Scan Data from WLNRP171

**Categories:** Transferred to SharePoint

Dear

③

I'm afraid this message is not at all pleasant for me to send. I have been trying to contact the High Commissioner by phone (as has the ①) about the Police matter concerning Mr Ismail but there is no response. However I understand you have been in communication with Police over the case.

I am attaching a Third Person Note seeking a waiver of Mr Ismail's immunity from your government. Police tell me he is now on bail and is due to appear in court on 30 May as he did not state that he has full inviolability from detention and arrest and immunity from prosecution. Despite not mentioning his status to police, it is still necessary for us to seek a waiver which must be express. If he were to complete his posting prior to 30 May and return to Malaysia with his family, that would be the end of the matter.

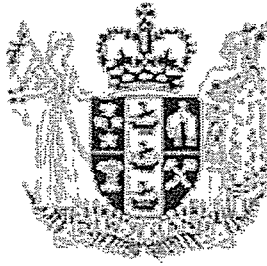
There will be two original copies ready for collection on Monday morning.

Please feel free to ring me if you or the High Commissioner would like to discuss any aspect of this case.

Best regards

①

Protocol Division  
Ministry of Foreign Affairs and Trade



**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

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**From:** (i) (PRD)  
**Sent:** Saturday, 10 May 2014 1:39 p.m.  
**To:** (3) (KLU)  
**Cc:** (i) (DS AAG); (i) @parliament.govt.nz; (i) (SEA); (i) (PRD); (i) (ESD); (i) (SEA); (i) (KLU)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer  
**Attachments:** Scan Data from WLNRP171; RE: Seemail; Charging of Malaysian Embassy Staffer

Greetings (i)

FYI: attached is a TPN requesting a waiver of the immunity of a member of the seconded staff at the Malaysian High Commission. The email trail below explains all. I have also attached the formal request from Police to seek the waiver.

(4)  
If the Malaysian authorities grant a waiver and the court appearance does go ahead on 30 May, the judge may order a psychiatric assessment but Mr Ismail would need his inviolability waived for that to take place.

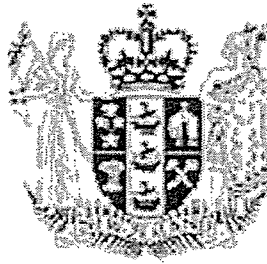
The best outcome (and police agree) would be for Mr Ismail and his family (wife and three young children) to quietly return to Malaysia at the earliest opportunity. That would be the end of the matter.

I have sent the TPN to the High Commission (3) and Police are very happy with the cooperation they are received from the High Commission through (3) (i) has also spoken to the High Commissioner.

We will keep you updated on developments.

Best regards

(i)



**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.

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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



From: P/SEC MFA

Sent: Saturday, May 10, 2014 1:59 PM

To: P/SEC MFA

Cc: PRESS SEC MFA

Subject: FW: Seemail; Charging of Malaysian Embassy Staffer

I don't think we need to do anything beyond my heads up to ① this morning, but FYI.

-----Original Message-----

From: ① (PRD)

Sent: Saturday, May 10, 2014 01:39 PM New Zealand Standard Time

To: ① (KLU)

Cc: ① (DS AAG); P/SEC MFA ① (SEA); ① (PRD);  
(ESD); ① (SEA); ① (KLU)

Subject: RE: Seemail; Charging of Malaysian Embassy Staffer

Greetings ①

FYI: attached is a TPN requesting a waiver of the immunity of a member of the seconded staff at the Malaysian High Commission. The email trail below explains all. I have also attached the formal request from Police to seek the waiver.

④

If the Malaysian authorities grant a waiver and the court appearance does go ahead on 30 May, the judge may order a psychiatric assessment but Mr Ismail would need his inviolability waived for that to take place.

The best outcome (and police agree) would be for Mr Ismail and his family (wife and three young children) to quietly return to Malaysia at the earliest opportunity. That would be the end of the matter.

I have sent the TPN to the High Commission ③ and Police are very happy with the cooperation they are received from the High Commission through ①. ① has also spoken to the High Commissioner.

We will keep you updated on developments.

Best regards

①

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From: ① (SEA)  
Sent: Saturday, 10 May 2014 12:56 p.m.  
To: ① (PRD); ① (PRD); ① (ESD); ① (SEA)  
Cc: ① (DS AAG); P/SEC MFA parliament.govt.nz  
Subject: Re: Seemail; Charging of Malaysian Embassy Staffer

Thanks to all for comprehensive approach and looping SEA in.  
As I will be in Australia for a week from tomorrow please ensure watching brief for SEA.

is cc'ed on developments, to maintain a

---

From: ① (PRD)  
Sent: Saturday, May 10, 2014 12:52 PM  
To: ① (PRD); ① (ESD)  
Cc: ① (SEA); ① (DS AAG); P/SEC MFA parliament.govt.nz' P/SEC MFA @parliament.govt.nz>;  
Subject: RE: Seemail; Charging of Malaysian Embassy Staffer

Yes we do.

I have just tried ringing ① to warn her that the TPN is coming (about to send it) but, as you found, no answer from home phone, work phone or mobile.

Therefore, to try and protect the family's privacy at least a bit and in the absence of ① I'm sending the Note to ③ who is the ③ and with whom I have worked on other Malaysian consular cases – ⑤

---

**From:** ① (PRD)  
**Sent:** Saturday, 10 May 2014 1:59 p.m.  
**To:** ① (PRD)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

Thanks ① – shaping up to be a rather sad case I think.

I said to ③ my email that should a decision be made to repatriate Mr Ismail and family before 30 May that would bring the matter to a close. I'm hoping that will happen. I also said you were trying to contact ③

⑦

**From:** ① (PRD)  
**Sent:** Saturday, 10 May 2014 12:27 p.m.  
**To:** ① (PRD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

①

I plan to give ③ a call to touch base, get a sense of how she is feeling about all of this. Anything you would like me to say about the TPN?

This has been a great team effort I must say!  
Thanks for your very professional handling of this.

①

---

**From:** ① (PRD)  
**Sent:** Saturday, May 10, 2014 11:44 AM  
**To:** ① (ESD)  
**Cc:** ① (PRD); ① (DS AAG); ① @parliament.govt.nz  
① @parliament.govt.nz>; ① (SEA)  
**Subject:** RE: Seemail; Charging of Malaysian Embassy Staffer

And a further update from ①

- Mr Ismail has been bailed to his house in Newlands. He appeared in front of a JP this morning.
- Still no immunity claimed
- Conditions include a curfew between 1900 and 0600, no association with the victim, restricted movements outside the house

---

**From:** (i) (PRD)  
**Sent:** Saturday, 10 May 2014 3:26 p.m.  
**To:** (i) (PRD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer [

And he has just rung me.

(7)

**From:** (1) (PRD)  
**Sent:** Saturday, May 10, 2014 03:01 PM  
**To:** (i) (PRD)  
**Subject:** Re: Seemail; Charging of Malaysian Embassy Staffer

(2) + (3)

I told him that we would seek a waiver by TPN and that he would need to refer that to capital. He was grateful that you had sent it to his personal mailbox.

I said to him that it was sensible that the high commission agreed to leave him in police custody overnight because he would have been a danger to himself and others in his unstable state.

I also said that I would be happy to speak with

(3)

(1)

From: ① (GM SGG)  
Sent: Sunday, 11 May 2014 6:59 p.m.  
To: ① (PRD)  
Subject: Re: Seemail; Charging of Malaysian Embassy Staffer

Thanks ① . Read this this morning and looking well ⑤

①  
From: ① (PRD)  
Sent: Saturday, May 10, 2014 11:41 AM  
To: ① (GM SGG)  
Subject: Fw: Seemail; Charging of Malaysian Embassy Staffer

For your information ① . All under control for now-see unfolding story below.

I called the Malaysian High Commissioner as soon as police alerted me to the case last night and they have been very cooperative. ① is now liaising with Police and Minister's office have TPs if they need them.

①  
①  
From: ① (ESD)  
Sent: Saturday, May 10, 2014 11:30 AM  
To: ① (PRD)  
Cc: ① (PRD); ① (DS AAG); P/SEC MFA  
① (SEA); PRESS SEC MFA  
Subject: RE: Seemail; Charging of Malaysian Embassy Staffer

①  
Thanks ①

These are the updated lines:

- I am aware of the alleged incident involving a staff member at the Malaysian High Commission in Wellington and have been in contact with the police and Malaysian authorities. The Malaysian High Commission is cooperating with Police.
- I cannot comment on the facts of the case, as this is a police matter and subject to the judicial process.
- There is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work. The New Zealand government expects all diplomatic staff entitled to immunity to respect New Zealand law.

If asked re diplomatic immunity:

Note for File: Rizalman  
Meetings with Malaysian High Commission on 12 and 19 May  
Revised 25 July

Withheld in full under (4), (2), (3)  
3 pages

---

**From:** (i) (ESD)  
**Sent:** Monday, 12 May 2014 10:53 a.m.  
**To:** (i) (PRD)  
**Cc:** (i) (PRD)  
**Subject:** RE: PM Post Cab briefing

Yes, I agree.

Thanks very much.

**From:** (i) (PRD)  
**Sent:** Monday, 12 May 2014 10:53 a.m.  
**To:** (i) (ESD)  
**Cc:** (i) (PRD)  
**Subject:** RE: PM Post Cab briefing

Yes hopefully very unlikely

If the nationality is not known, we should stick with that:

- I am aware of an alleged incident involving a staff member at a foreign mission in Wellington and understand that MFAT has been in contact with the police and the foreign authorities. The foreign mission is cooperating with Police.

**From:** (i) (ESD)  
**Sent:** Monday, 12 May 2014 10:49 a.m.  
**To:** (i) (PRD)  
**Cc:** (i) (PRD)  
**Subject:** PM Post Cab briefing

Hi (i)

We think it might be worthwhile to give (i) some talking points for the PM's post cab briefing on the very unlikely off-chance he is asked something about the incident over the weekend with the Malaysian diplomat.

Could you let me know if you are comfortable with the below?

We propose something very broad brush on not detailed such as:

- I am aware of an alleged incident involving a staff member at the Malaysian High Commission in Wellington and understand that MFAT has been in contact with the police and Malaysian authorities. The Malaysian High Commission is cooperating with Police.
- I cannot comment on the facts of the case, as this is a police matter and subject to the judicial process.



(ONLY if asked re diplomatic immunity):

- There is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work. The New Zealand government expects all diplomatic staff entitled to immunity to respect New Zealand law.
- In the case of serious allegations such as this, the New Zealand government will seek a waiver of that immunity. In the case of a refusal to waive immunity, the government would require the staff member to leave New Zealand immediately.

## Background

A seconded staff member of the Malaysian High Commission in Wellington was arrested on Friday night. MFAT has been in contact with the Malaysian High Commission and Police in relation to the incident.

Thanks

Executive Services Division  
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

---

**From:** (1) (PRD)  
**Sent:** Monday, 12 May 2014 3:42 p.m.  
**To:** (1) NZ POLICE  
**Subject:** RE: Investigation

Hi

Many thanks for this confirmation which I will pass on to the High Commission.

Looking forward to seeing you again on Wednesday and hopefully reaching an agreement with the High Commission.

Regards

(1)  
Ministry of Foreign Affairs and Trade

(1)

**From:** : @police.govt.nz]  
**Sent:** Monday, 12 May 2014 3:07 p.m.  
**To:** (1) (PRD)  
**Subject:** Investigation

Hi (1)

I (1) (4)

I will confirm this with you once completed.

If you have any queries do not hesitate to contact me thanks.

(1)

O/C Wellington Crime Squad |  
Wellington District CIB |

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The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this

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**From:** ①, (PRD)  
**Sent:** Monday, 12 May 2014 3:44 p.m.  
**To:** ③ @kln.gov.my'  
**Subject:** FW: Investigation

**Categories:** Transferred to SharePoint

Dear ③  
Please refer to the message below.

Would you please pass this information on to the High Commissioner and please let me know if you have any questions before we meet again on Wednesday morning.

Best regards

①

Protocol Division  
Ministry of Foreign Affairs and Trade

①

**From:** (1) (PRD) (1)  
**Sent:** Wednesday, 14 May 2014 09:33  
**To:** (1) NZ POLICE  
**Cc:** (1) NZ POLICE  
**Subject:** RE: Investigation

Good morning (1)

I will get back to you with responses to some of the questions below but we will go ahead and cancel this morning's meeting.

Friday is not possible for me as I'm in Auckland on business and I think the High Commissioner would want me present. The (1) is overseas so it's not possible for her to step in either. I will check with the High Commission and see if Monday would work – is that possible for you and (1)

Regards

(1)  
Ministry of Foreign Affairs and Trade  
(1)

**From:** (1)  
**Sent:** Wednesday, 14 May 2014 8:33 a.m.  
**To:** (1) (PRD)  
**Cc:** (1) (1) NZ POLICE  
**Subject:** Investigation

@police.govt.nz]

Hi (1)

There has been a few developments in regards to this investigation. At this point (1) has directed that the charges temporarily remain with the courts in the interim.

A stay of proceedings will be sought [withdrawal] in the near future. Police will not act on the bail conditions imposed.

He has also requested that MFAT prepare a formal letter advising the courts that Ismail does have the appropriate Diplomatic Immunity and we will place this letter on the prosecution file.

Can you also confirm please if Ismail left the country whether MFAT would flag him and not grant a Visa to him should he try and re-enter NZ.

The investigation is continuing and the Victim is being formally interviewed this morning. At this point I cannot provide further disclosure for the Malaysian High Commission. I will endeavour to complete this and forward accordingly.

Therefore it is requested that the meeting planned with the Malaysian High Commission be put back until Friday [1100 hrs if suits] where disclosure can be prepared and presented to Commission staff.

If you have any queries do not hesitate to contact me accordingly thanks.

①

O/C Wellington Crime Squad |  
Wellington District CIB |  
✉ Wellington CIB | Victoria Street | PO Box 693 | Wellington | New Zealand

=====

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Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately

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**From:** (1) (PRD)  
**Sent:** Wednesday, 14 May 2014 9:39 a.m.  
**To:** (3) @kln.gov.my'  
**Subject:** Meeting this morning

Good morning (3)

I have just received an email from NZ Police asking if they could please defer this morning's meeting as they have not been able to gather all the information sought by the High Commissioner. The Police have suggested this Friday morning but I am in Auckland for the day on business and (1), is overseas with the Governor-General.

Therefore, would Monday at 11am work for the High Commissioner? If not, please would you suggest another day and time that suits and I will check with Police.

(1) ny thanks and apologies for the delay. Presumably the Third Person Note has now been submitted to your headquarters.

Best regards

(1)

Protocol Division  
Ministry of Foreign Affairs and Trade

---

**From:** ① (PRD)  
**Sent:** Wednesday, 14 May 2014 10:48 a.m.  
**To:** ③ @kln.gov.my  
**Subject:** RE: Meeting this morning

Many thanks ③

I will confirm this with police and get back to you.

Regards

①

①

Protocol Division  
Ministry of Foreign Affairs and Trade

①

**From:** ③ @kln.gov.my]  
**Sent:** Wednesday, 14 May 2014 10:42 a.m.  
**To:** ① (PRD)  
**Subject:** RE: Meeting this morning

Good Morning ①

The High Commissioner is agreed meeting on Monday, 19 May 2014 at 11.00am.

Thank you.

Regards,

③

---

**From:** (1) (PRD)  
**Sent:** Wednesday, 14 May 2014 11:13 a.m.  
**To:** (1) NZ POLICE  
**Subject:** RE: Investigation

**Categories:**

Hi (1) - that's now confirmed with the High Commission so Monday, 11am at MFAT.

Referring to your other questions below.

- 1 a draft letter will be sent to you today for referral to the Court
- 2 we note that charges will temporarily remain in place but Police will not act on the bail conditions imposed (5)
- 3 MFAT approves and issues diplomatic, consular and official visas and details are fed to border authorities through Immigration NZ. MFAT would cancel Mr Ismail's official visa and those of his family members, and put arrangements in place not to re-issue visas, only in discussion with Police and INZ and after a decision had been made on the outcome of the case – that is, early repatriation or waiver of immunity in order for him to appear in court.

I hope that answers your questions. Please feel free to ring me if any questions.

Regards

(1)

Protocol Division  
Ministry of Foreign Affairs and Trade  
DD:  
M: (1)

---

**From:** (1) NZ POLICE  
**Sent:** Wednesday, 14 May 2014 10:15 a.m.  
**To:** (1) (PRD)  
**Subject:** RE: Investigation

Thanks (1)

Monday will be fine thanks

(1)

O/C Wellington Crime Squad |  
Wellington District CIB |  
☑ Wellington CIB | Victoria Street | PO Box 693 | Wellington | New Zealand



---

**From:** (1) (PRD)  
**Sent:** Thursday, 15 May 2014 11:34 a.m.  
**To:** (1) '@police.govt.nz'  
**Cc:** (1) '@police.govt.nz'  
(1) '@Police.Govt.NZ')  
**Subject:** RE: Investigation

(1) FYI.

The High Commissioner rang again this morning saying there had been another police check at about 1am this morning (according to the wife).

I have apologised and explained that I had been in contact with you and received your assurance that it would not happen again given the immunity factor and systems were in place to ensure the checks would stop. I added that the police were following normal process under bail conditions for someone without immunity.

(3)

The two main messages emerging for me were i) (2)  
and ii) (2)

Regards

(1)

Protocol Division  
Ministry of Foreign Affairs and Trade

---

**From:** ① (PRD)  
**Sent:** Wednesday, 14 May 2014 11:59 a.m.  
**To:** ① (OFS)  
**Subject:** RE: Police case: draft letter to court

⑥

---

**From:** ① (OFS)  
**Sent:** Wednesday, 14 May 2014 11:53 a.m.  
**To:** ① (PRD)  
**Subject:** RE: Police case: draft letter to court

⑥

Cheers

E

Strategy and Governance Group

---

**From:** ① (PRD)  
**Sent:** Wednesday, 14 May 2014 10:47 a.m.  
**To:** ① (OFS)  
**Subject:** Police case: draft letter to court

Thanks for earlier advice (1)

Would you please have a look at the draft below.

- 1 I'm not sure how much detail should be included
- 2 Also not sure if we need to mention the TPN

Many thanks

(1)

Police case letter to court.docx

(1)

Protocol Division  
Ministry of Foreign Affairs and Trade

---

**From:** (i) (PRD)  
**Sent:** Wednesday, 14 May 2014 2:42 p.m.  
**To:** (i) @police.govt.nz'  
**Cc:** (i) @police.govt.nz'  
(i) @Police.Govt.NZ)  
**Subject:** RE: Investigation  
**Attachments:** Scan Data from WLNRP171

Hello again (i)

Attached is a signed letter. I hope this will do the trick but let me know if the Court needs more detail. Assuming you will need an original copy, I could either arrange for that to be left in our mailroom for collection, or hand it to you on Monday.

On a related matter, I have just received a phone call from the High Commissioner saying she has been told by (i) that two Police officers knocked on the door of their house late last night asking to speak to Mr Ismail (the High Commissioner reported that it was about midnight). Mr Ismail came to the front door and spoke to the officers. That's all the detail she gave me.

The High Commissioner has asked if Police should be checking on him at night given the decision that the bail conditions originally imposed would not be acted upon given the immunity and inviolability issues.

Would you please let me know if this report is correct. I will need to provide some explanation and would rather this did not become an agenda item at our Monday meeting.

Regards

(i)

Protocol Division  
Ministry of Foreign Affairs and Trade

(i)

14 May 2014

**TO WHOM IT MAY CONCERN**

**MUHAMMAD RIZALMAN BIN ISMAIL**

Mr Ismail is a seconded member of the Administrative and Technical staff of the Malaysian High Commission in Wellington. He has Official Status approved by the Ministry of Foreign Affairs and Trade (Protocol Division). A multi-entry 'Official' visa was issued by the Protocol Division on 11 September 2013. It will expire on 30 September 2017.

The Ministry confirms that Mr Ismail has personal inviolability as well as immunity from the criminal jurisdiction of New Zealand under Articles 29 and 31 of the Vienna Convention on Diplomatic Relations, which Articles have the force of law in New Zealand under the New Zealand Diplomatic Privileges and Immunities Act 1968.

Under Article 29, Mr Ismail is not liable to any form of arrest or detention and must be treated with due respect. Appropriate steps should be taken to prevent any attack on his person, freedom or dignity.

Under Article 31:

- he is not obliged to give evidence as a witness;
- no measure of execution may be taken against him;
- his immunity does not exempt him from the jurisdiction of the sending State;
- the immunity from jurisdiction may be waived by the sending State;
- any waiver must be express;
- a separate waiver would be necessary in respect of the execution of a judgement.

①

For Secretary of Foreign Affairs and Trade

---

From: (1) (PRD)  
Sent: Thursday, 15 May 2014 11:43 a.m.  
To: (1) (PRD)  
Subject: FW: Investigation  
Attachments: Police case letter to court.docx

FYI  
I'm about to send a quick update (without the detail below) to (1), SEA and KL.

This case is continuing and not without its bumps along the way! I have attached the letter which I sent yesterday at Police request, which I checked with (1) and have been checking approaches with him as well -

(5)

(2)

(5)

(7)

All in all a stormy week with more back-to-front, urgent HOM appointments to deal with never mind a host of other issues.

Hope the travels are going well.

(1)

From: (1) (PRD)  
Sent: Thursday, 15 May 2014 11:34 a.m.  
To: (1) '@police.govt.nz'  
(1) '@police.govt.nz'  
(1) '@Police.Govt.NZ')  
Subject: RE: Investigation

. FYI.

The High Commissioner rang again this morning saying there had been another police check at about 1am this morning (according to the wife).

I have apologised and explained that I had been in contact with you and received your assurance that it would not happen again given the immunity factor and systems were in place to ensure the checks would stop. I added that the police were following normal process under bail conditions for someone without immunity.

(3)

The two main messages emerging for me were i) and ii)

②

②

Regards

①

1

Protocol Division  
Ministry of Foreign Affairs and Trade

①

From: ① (PRD)  
Sent: Thursday, 15 May 2014 8:59 a.m.  
To: ① @police.govt.nz  
Subject: Re: Investigation

Thanks ①

I'll pass that on to the High Commissioner and hope she leaves it off Monday's agenda.

Regards

①

From: ① @police.govt.nz]  
Sent: Thursday, May 15, 2014 08:09 AM  
To: ① (PRD)  
Cc: ① @police.govt.nz>  
Subject: Investigation

Hi ①

Thanks for the letter.

I have checked up on the bail matter. Unfortunately it seems that the bail check was completed. I apologise for this.

To ensure this does not happen again I have entered records not to complete bail checks on Ismail with our Comms centre and District Comman Centre. Our Intell staff have also been advised and a record has been entered on our NIA database for Police not to complete Bail checks on Ismail.

Any queries do not hesitate to contact me thanks

---

**From:** (i) (PRD)  
**Sent:** Tuesday, 20 May 2014 5:43 p.m.  
**To:** (i)  
**Cc:** @police.govt.nz'  
**Subject:** RE: Investigation  
**Attachments:** Scan Data from WLNRP171

Hi (i)  
A quick update.

We have been told to expect the formal diplomatic Note tomorrow so I will send it on once received. In the meantime, attached is the High Commission's request (and our approval) for airport facilitation at Auckland airport, confirming departure on Thursday afternoon. We understand the Military Adviser will be accompanying the family from Wellington to Auckland and seeing them onto their international flight, (5)

(i) regards

(i)  
Protocol Division  
Ministry of Foreign Affairs and Trade

(i)



---

**From:** ① (PRD)  
**Sent:** Wednesday, 21 May 2014 4:50 p.m.  
**To:** ③ @kln.gov.my'  
**Subject:** RE: TPN seeking waiver of immunity

Dear ③

I haven't received an email from you yet but will keep an eye open for it.

Best regards

①

Protocol Division  
Ministry of Foreign Affairs and Trade

①

---

**From:** ① (PRD)  
**Sent:** Thursday, 22 May 2014 9:10 a.m.  
**To:** ③ @kln.gov.my  
**Subject:** RE: URGENT : TPN NO. BP 04/2014

Many thanks ③

I hope the departure goes quietly and smoothly.

Best regards

Protocol Division

Ministry of Foreign Affairs and Trade

-----Original Message-----

**From:** ③ : @kln.gov.my]

**Sent:** Wednesday, 21 May 2014 8:14 p.m.

**To:** ① (PRD)

**Subject:** FW: URGENT : TPN NO. BP 04/2014

---

**From:** ③

**Sent:** Wednesday, 21 May, 2014 12:25:32 PM

To: ① (PRO)

Cc: ③

Subject: URGENT : TPN NO. BP 04/2014

To :

①

Ministry of Foreign Affairs and Trade New Zealand

Dear

①

Attached herewith is a TPN No. BP 04/2014 concerning a member of the Administrative and Technical staff of the Malaysia High Commission.

Thank you.

Best regards,

③

High Commission of Malaysia

10 Washington Avenue, Brooklyn

Wellington

---

**From:** ③ .@kln.gov.my>  
**Sent:** Wednesday, 21 May 2014 8:14 p.m.  
**To:** ① (PRD)  
**Subject:** FW: URGENT : TPN NO. BP 04/2014  
**Attachments:** TPN BP 04\_2014.pdf

---

**From:** ③  
**Sent:** Wednesday, 21 May, 2014 12:25:32 PM  
**To:** ① [@mfat.govt.nz](mailto:@mfat.govt.nz)  
**Cc:** ③  
**Subject:** URGENT : TPN NO. BP 04/2014

To :

①

Ministry of Foreign Affairs and Trade New Zealand

Dear ①

Attached herewith is a TPN No. BP 04/2014 concerning a member of the Administrative and Technical staff of the Malaysia High Commission.

Thank you.

Best regards,

③

High Commission of Malaysia

10 Washington Avenue, Brooklyn

Wellington

①

①



BP 04/2014

The High Commission of Malaysia presents its compliments to the Ministry of Foreign Affairs and Trade of New Zealand and has the honour to refer to the latter's Note No 2014/125 concerning a police matter involving a member of the administrative and technical staff at the Malaysian High Commission.

The High Commission of Malaysia has the honour to inform that the Government of Malaysia will not waive the personal immunity granted to Mr Muhammad Rizalman Bin Ismail and has decided that he should be repatriated to Malaysia as soon as possible. Should the Ministry of Foreign Affairs and Trade of New Zealand accept this arrangement, the High Commission proposes to send him and his family back home on Thursday, 22<sup>nd</sup> May 2014 at 1.15 pm by MH 130.

The High Commission of Malaysia would like to also seek the cooperation of the Ministry of Foreign Affairs and Trade of New Zealand and the New Zealand Police to kindly consider sealing all documentations pertaining to the above mentioned matter and withdrawing all charges against Mr Muhammad Rizalman Bin Ismail.

In choosing this course of action, the High Commission of Malaysia would like to assure the Ministry of Foreign Affairs and Trade of New Zealand that the Government of Malaysia will ensure that Mr Muhammad Rizalman Bin Ismail does not return to New Zealand in the future.

The High Commission of Malaysia avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Trade of New Zealand the assurance of its highest consideration.

High Commission of Malaysia  
Wellington

21<sup>st</sup> May 2014



---

**From:** (1) (PRD)  
**Sent:** Thursday, 22 May 2014 10:58 a.m.  
**To:** (1) @police.govt.nz' (1)  
(1) @police.govt.nz' (1)  
**Cc:** (1) Police.Govt.NZ); (1) (PRD)  
**Subject:** Malaysian Military Attaché investigation  
**Attachments:** Scan Data from WLNRP171

Good morning (1)

Attached is the Third Person Note received from the Malaysian High Commission confirming the departure, today, of Mr MUHAMMAD RIZALMAN BIN ISMAIL and his family. The Military Adviser at the High Commission will accompany Mr Ismail and family to Wellington airport and on to Auckland. We have arranged for airport facilitation for the Adviser to accompany the family through to the primary point at Auckland airport to see them on to their international flight to Kuala Lumpur.

The attached diplomatic Note confirms the decision by the Malaysian authorities to decline our request to waive Mr Ismail's personal immunity in order that he might face charges in New Zealand. The Note also confirms the Malaysian Government's decision to immediately repatriate Mr Ismail and his family.

These decisions, whilst allowing him to leave New Zealand without being prosecuted under New Zealand law, will at the same time ensure Mr Ismail will not offend again in New Zealand and will not be allowed to return to New Zealand. We will cancel his 'official' visa.

We note the request of the Malaysian High Commission for consideration to be given to the sealing of all documentation pertaining to the case. This consideration is a matter for New Zealand Police.

We are also cognisant of the emotional effect the incident had on the victim and her expectations that Mr Ismail would face justice in New Zealand. We hope she will accept that whilst Mr Ismail cannot be made accountable for his actions in New Zealand because of the issue of diplomatic immunity, he is accountable to the Malaysian authorities on return to Kuala Lumpur.

We note, finally, that no prosecution will proceed in New Zealand.

Many thanks indeed for your assistance and cooperation in what has been a complicated and sensitive case. Please let me know if there are any further questions arising from the attached Diplomatic Note.

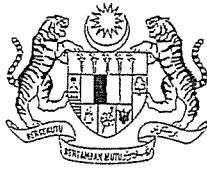
Regards

(1)

Protocol Division  
Ministry of Foreign Affairs and Trade

(1)





BP 04/2014

The High Commission of Malaysia presents its compliments to the Ministry of Foreign Affairs and Trade of New Zealand and has the honour to refer to the latter's Note No 2014/125 concerning a police matter involving a member of the administrative and technical staff at the Malaysian High Commission.

The High Commission of Malaysia has the honour to inform that the Government of Malaysia will not waive the personal immunity granted to Mr Muhammad Rizalman Bin Ismail and has decided that he should be repatriated to Malaysia as soon as possible. Should the Ministry of Foreign Affairs and Trade of New Zealand accept this arrangement, the High Commission proposes to send him and his family back home on Thursday, 22<sup>nd</sup> May 2014 at 1.15 pm by MH 130.

The High Commission of Malaysia would like to also seek the cooperation of the Ministry of Foreign Affairs and Trade of New Zealand and the New Zealand Police to kindly consider sealing all documentations pertaining to the above mentioned matter and withdrawing all charges against Mr Muhammad Rizalman Bin Ismail.

In choosing this course of action, the High Commission of Malaysia would like to assure the Ministry of Foreign Affairs and Trade of New Zealand that the Government of Malaysia will ensure that Mr Muhammad Rizalman Bin Ismail does not return to New Zealand in the future.

The High Commission of Malaysia avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Trade of New Zealand the assurance of its highest consideration.

High Commission of Malaysia  
Wellington

21<sup>st</sup> May 2014



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**From:** (1) :@police.govt.nz>  
**Sent:** Thursday, 22 May 2014 11:23 a.m.  
**To:** (1) (PRD)  
**Subject:** RE: Malaysian Military Attaché investigation

Hi (1)

Received thanks

(1)  
(1)  
O/C Wellington Crime Squad |  
Wellington District CIB |  
☑ Wellington CIB | Victoria Street | PO Box 693 | Wellington | New Zealand  
(1)

---

**From:** (1) (PRD)  
**Sent:** Thursday, 22 May 2014 11:07  
**To:** (1) NZ POLICE  
**Subject:** RE: Malaysian Military Attaché investigation

(1)  
And again.

---

**From:** (1) (PRD)  
**Sent:** Thursday, 22 May 2014 11:06 a.m.  
**To:** (1) :@police.govt.nz)  
**Subject:** RE: Malaysian Military Attaché investigation

(1), please confirm that you received this message as I've received an odd message from police 'postmaster' saying it's underliverable!

Thanks

(1)

---

**From:** ① (PRD)  
**Sent:** Thursday, 22 May 2014 1:44 p.m.  
**To:** ① NZ POLICE  
**Subject:** RE: Malaysian Military Attaché investigation

①, one more question. Would Police normally contact INZ border to put an alert on an individual in this type of case?

⑤

Regards

①

Protocol Division  
Ministry of Foreign Affairs and Trade

①

①

From:

(i) (PRD)

Sent:

Thursday, 22 May 2014 4:29 p.m.

To:

(i) (KLU); (i) (KLU)

Cc:

(i) (SEA); (i) (PRD); P/SEC MEA  
(i) (ESD); (i) (SEA); (i) (DS AAG);  
(i) (OFS); (i) (ESD); (i) (GM SGG);  
(i) (KLU)

Subject:

Malaysian Military Attaché: Police investigation

Attachments:

Scan Data from WLNRP171

Categories:

(i)

Police charge against Muhammad Rizalman Bin Ismail : Burglary and Assault with Intent to Commit Rape

We have managed to resolve this case with the enforced departure, today, of Mr Ismail and his family, destination Kuala Lumpur. Attached is the TPN received earlier today from the Malaysian High Commission, in response to our TPN seeking a waiver of Mr Ismail's personal immunity.

Summary of today's actions:

- I have sent the Malaysian TPN to the head of the Crime Squad at Police headquarters who has been closely involved with the case since Saturday 10 May.
- The message to Police noted:
  - the decision by the Malaysian authorities to i) to decline our request for a waiver of immunity; and ii) to repatriate Mr Ismail and family at the earliest opportunity;
  - the request by the High Commission for the documents relating to the case to be sealed and confirming that this is a matter for Police to consider;
  - that we understand no prosecution will proceed in New Zealand (this was requested by the head of the Crime Squad)
  - acknowledged the emotional impact on the victim and her rightful expectation that Mr Ismail should be accountable under NZ Law – and the complication of his immunity from criminal prosecution in New Zealand and the fact that the Malaysian have declined to waive that immunity. I have added that although he is leaving NZ without facing the charges brought against him, he is accountable to the Malaysian authorities (his military bosses as well as the Malaysian foreign minister who has taken a considerable interest in this case). See comment below in this regard.
- We arranged airport facilitation for the Military Adviser to enable him to accompany the Ismail family from Wellington to Auckland and through to the primary point to ensure they boarded the international flight for KL.
- Confirmed with the High Commission that the TPN had been sent to Police and facilitation arranged. (In fact the Malaysians rang in a panic saying Immigration NZ had stopped the party at Auckland airport. It transpired that the Police alert had been picked up by border systems and INZ had taken them aside for questioning. It was sorted out in time for the family to catch their flight).

Report

Withheld in full (2)  
- 2 pages

---

**From:** (DS AAG)  
**Sent:** Thursday, 22 May 2014 9:14 p.m.  
**To:** (PRD); (KLU); (KLU)  
**Cc:** (SEA); (PRD); @parliament.govt.nz;  
(SEA); (ESD); PRESS SEC MFA (ESD);  
(GM SGG); (OFS)  
**Subject:** Re: Malaysian Military Attaché: Police investigation

Thanks (1) - a complicated situation well-handled.

(1)

---

**From:** (PRD)  
**Sent:** Thursday, May 22, 2014 04:28 PM  
**To:** (KLU); (KLU)  
**Cc:** (SEA); (PRD); P/SEC MFA @parliament.govt.nz;  
(SEA); (DS AAG); (ESD);  
PRESS SEC MFA (ESD); (GM SGG); (OFS); (KLU)  
**Subject:** Malaysian Military Attaché: Police investigation

(1)

**Police charge against Muhammad Rizalman Bin Ismail : Burglary and Assault with Intent to Commit Rape**

We have managed to resolve this case with the enforced departure, today, of Mr Ismail and his family, destination Kuala Lumpur. Attached is the TPN received earlier today from the Malaysian High Commission, in response to our TPN seeking a waiver of Mr Ismail's personal immunity.

Summary of today's actions:

- I have sent the Malaysian TPN to the head of the Crime Squad at Police headquarters who has been closely involved with the case since Saturday 10 May.
- The message to Police noted:
  - the decision by the Malaysian authorities to i) to decline our request for a waiver of immunity; and ii) to repatriate Mr Ismail and family at the earliest opportunity;
  - the request by the High Commission for the documents relating to the case to be sealed and confirming that this is a matter for Police to consider;
  - that we understand no prosecution will proceed in New Zealand (this was requested by the head of the Crime Squad)
  - acknowledged the emotional impact on the victim and her rightful expectation that Mr Ismail should be accountable under NZ Law – and the complication of his immunity from criminal prosecution in New Zealand and the fact that the Malaysian have declined to waive that immunity. I have added that although he is leaving NZ without facing the charges brought against him, he is accountable to the Malaysian authorities (his military bosses as well as the Malaysian foreign minister who has taken a considerable interest in this case). See comment below in this regard.

---

**From:** (1) @police.govt.nz>  
**Sent:** Friday, 23 May 2014 10:04 a.m.  
**To:** (1) (PRD)  
**Cc:** (1) NZ POLICE  
**Subject:** Malaysian Military Attaché investigation

Hi (1)

The alert will remain however it's a notification only [no action] and Police will simply be notified [probably me].

Are you able to forward through the diplomatic note please and I'll start the process with prosecutions to get the charges withdrawn and the property returned thanks.

(1) Appreciate your help with this thanks

(1)

O/C Wellington Crime Squad |  
Wellington District CIB |  
☑ Wellington CIB | Victoria Street | PO Box 693 | Wellington | New Zealand

(1)

---

**From:** (1) (PRD)  
**Sent:** Thursday, 22 May 2014 15:31  
**To:** (1) NZ POLICE  
**Subject:** RE: Malaysian Military Attaché investigation

Hi (1)

In fact there was a hiccup at Auckland airport shortly before 1pm and the Malaysians rang me in a panic but it was sorted in time for the Ismails to catch the plane!

However, I was really referring to future. Will your alert be held on the INZ and customs systems?

(5)

(1)

Protocol Division  
Ministry of Foreign Affairs and Trade

(1)

**From:** ① NZ POLICE  
**Sent:** Thursday, 22 May 2014 3:00 p.m.  
**To:** ① (PRD)  
**Subject:** RE: Malaysian Military Attaché investigation

Hi

We have an alert on him however it's a notification only so hopefully he will not be stopped! As it is 1455 hrs now and I haven't heard a thing I am hoping that it's all ok!

①

O/C Wellington Crime Squad |

Wellington District CIB |

☒ Wellington CIB | Victoria Street | PO Box 693 | Wellington | New Zealand

①



**From:** (1) (PRD)  
**Sent:** Friday, 23 May 2014 11:36 a.m.  
**To:** (1) (1) NZ POLICE  
**Cc:** (1) NZ POLICE  
**Subject:** RE: Malaysian Military Attaché investigation  
**Attachments:** FW: URGENT : TPN NO. BP 04/2014

Hi (1)

As attached. I hadn't realised it had disappeared from the email that finally reached you after several attempts.

Thanks for the clarification of the Police alert and apologies for yet more questions. Presumably the alert means he could enter NZ at some time in the future and would not be stopped at the border (but Police would be alerted to his presence). Is this correct?

When we cancel the official visa – which we're about to do – we would normally alert INZ to the cancellation without providing any further details.  
given privacy issues and sensitivities. (5)

(5)  
Do you have any advice for us on i) whether you think this is warranted; and ii) if so, who needs to do what to ensure he is black-listed?

Many thanks

Regards

(1)

(1)

Protocol Division  
Ministry of Foreign Affairs and Trade

(1)

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**From:** MEDIA  
**Sent:** Friday, 23 May 2014 2:14 p.m.  
**To:** ① (ESD); ① (ESD)  
**Subject:** FW: Malaysian Military Attaché: Police investigation  
**Attachments:** Scan Data from WLNRP171

Would be good to have a chat about this at some point if either of you have time.

⑤

The most recent points we drafted for the Minister's office are:

- I am aware of the alleged incident involving a staff member at the Malaysian High Commission in Wellington. MFAT has been in contact with the police and Malaysian authorities. The Malaysian High Commission is cooperating with Police.
- I cannot comment on the facts of the case, as this is a police matter and subject to the judicial process.
- There is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work. The New Zealand government expects all diplomatic staff entitled to immunity to respect New Zealand law.

If asked re diplomatic immunity:

They clearly need updating. I have had a bash below

⑤

- I am aware of the alleged incident involving a staff member at the Malaysian High Commission in Wellington. MFAT has been in contact with the police and Malaysian authorities. The Malaysian High Commission has cooperated with Police since the incident took place.
- I cannot comment on the facts of the case due to privacy reasons.
- There is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work. However, the New Zealand government expects all diplomatic staff entitled to immunity to respect New Zealand law.
- Given the serious nature of the allegations, the government required the staff member to leave New Zealand immediately. We understand this has now happened. The staff member concerned will not be able to travel to or work in New Zealand again.

If asked

In the case of serious allegations such as this, the New Zealand government will seek a waiver of that immunity. In this case the request of a waiver was not agreed to by the Malaysian authorities.

---

**From:**

① (DS AAG)

**Sent:**

Tuesday, 27 May 2014 7:27 p.m.

**To:**

① (PRD); ① (KLU)

**Cc:**

① (PRD); ① (SEA); ① (OFS);  
① (LGL)

**Subject:**

Re: Malaysian Military Attache: Police Investigation

So are you briefing

① ?



---

**From:** (i) @defence.govt.nz>  
**Sent:** Wednesday, 28 May 2014 1:26 p.m.  
**To:** (i) (PRD)  
**Subject:** [SEEMAIL] RE: Malaysian Military Attache: Police Investigation

(i)

Thanks very much for alerting me to this.

As discussed I will mention the case to MinDef and (i) I will also need to advise (i) as she will be seeing her Malaysian counterpart this weekend. I won't provide the full details but just want to make sure they are aware of the development in case, and this is unlikely, it is mentioned in bilateral meetings this weekend. I will also ask them not to pass this information on further. I will let them know that it is being handled by MFAT, Police and the Malaysian High Commission.

(i)

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**From:** (i) (PRD)  
**Sent:** Wednesday, 28 May 2014 11:41 a.m.  
**To:** (i) NZ POLICE  
**Subject:** FW: Malaysian Military Attache: Police Investigation

Second time lucky. Let me know if you want to discuss this case.

(i)

---

**From:** (i) (PRD)  
**Sent:** Tuesday, 27 May 2014 5:01 p.m.  
**To:** (i) @defence.govt.nz'  
**Subject:** FW: Malaysian Military Attache: Police Investigation

(i) I hope this email address is correct.

See below. I have attached the report I sent which covers most of the detail.

There is belief shared by the High Commissioner and senior staff, senior Police and me that there could well be mental health issues involved and one of the first things that could be taking place in KL is a psychiatric assessment to establish Ismail's mental state.

We are also concerned about the victim and I have been talking to Police about ensuring that should he try to return to NZ under the visa waiver and as a visitor, he would either be turned around at the border or picked up by Police once in NZ.

Let me know if you have any questions or need further clarification. We have tried very hard indeed to keep this quiet so would be grateful if access to the detail attached is limited to essential people only.

(i)

Protocol Division

Ministry of Foreign Affairs and Trade

①

From: ① (PRD)

Sent: Tuesday, 27 May 2014 4:48 p.m.

To: ① (KLU)

Cc: ① (DS AAG);

①

(PRD);

①

(SEA);

①

(OFS);

①

(LGL)

Subject: RE: Malaysian Military Attache: Police Investigation

Thanks

①

②

① We the Defence chief, yes I would agree.

③

②

We will brief

①

①

From: ① (KLU)

Sent: Tuesday, 27 May 2014 3:11 p.m.

To: ① (PRD)

Cc: ① (DS AAG);

① (PRD);

①

(SEA)

Subject: Malaysian Military Attache: Police Investigation

Importance: High

①, thanks again for the very thorough job you have done on this delicate matter.

I noticed in your previous report that the Malaysian Minister of Foreign Affairs has taken a close interest in this case. (Neither he, nor *Wisma Putra* has raised it with me). What's less clear is whether Defence Minister Hishamuddin is aware

⑤

① will be meeting ① over the weekend at the Shangri-La Dialogue and FPDA Ministerial. I think it's important that someone in his delegation is briefed before they leave at the end of the week. Probably the right person would be ①

①

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Note:

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**From:** (i) @Police.Govt.NZ:  
**Sent:** Wednesday, 25 June 2014 11:07 a.m.  
**To:** MEDIA  
**Subject:** FW: Malaysian Diplomat - Herald on Sunday

As discussed with (i) just now.



(i)  
Public Affairs | Police National Headquarters | 180 Molesworth Street | Wellington  
(i)

---

**From:** (i) @heraldonsunday.co.nz]  
**Sent:** Wednesday, 25 June 2014 10:23  
**To:** (i) NZ POLICE  
**Subject:** RE: Media query

Hi (i)

Great thanks for that. Might as well send you a quick note to help things along.

I understand Wellington police were dealing with a complaint of a sexual assault against an employee/diplomat at the Malaysian Embassy after a Wellington woman was attacked in her home earlier this year. The person was arrested and I understand police had enough evidence to charge him with assault with intent to rape. However, the accused was able to leave the country under diplomatic immunity. I understand a warrant was issued to police in the Wellington District Court on 30/05/14 should this person ever return to New Zealand in a private capacity.

I would like to request an interview with the officer who was dealing with this case please? And can I please request that none of this is shared with other media.

Cheers

(i)

---

**From:** (i) @police.govt.nz]  
**Sent:** Tuesday, 24 June 2014 4:42 p.m.  
**To:** (i) heraldonsunday.co.nz  
**Subject:** Re: Media query

Hi (i)

Away today but back tomorrow. I'll give you a call.

Cheers,

(i)

①

On 24/06/2014, at 15:11,

①

[heraldonsunday.co.nz](mailto:heraldonsunday.co.nz)> wrote:

Hi

Are you on deck this week? Just have something I wanted to run by you.

Cheers

Herald on Sunday

①

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**From:** MEDIA  
**Sent:** Wednesday, 25 June 2014 11:46 a.m.  
**To:** (i) (ESD)  
**Subject:** FW: Malaysian Diplomat - Herald on Sunday

Hi (i) ,

I know you may have some background on this. I've received a phone call, and a subsequent email from the NZ Police, concerning the Malaysian diplomat/employee sent home following a home invasion (please see below).

In all likelihood this media inquiry will result in a Herald On Sunday lead story this approaching weekend. We are likely to be approached for comment also on the diplomatic immunity question.

In terms of a response I would say it's reasonably important we note that a waiver for diplomatic immunity was asked for but declined.

Perhaps we should start drafting a media response.

Regards,

(i)



---

**From:** (i) (ESD)  
**Sent:** Wednesday, 25 June 2014 11:53 a.m.  
**To:** MEDIA  
**Subject:** FW: Malaysian Diplomat - Herald on Sunday  
**Attachments:** FW: Malaysian Military Attaché: Police investigation

Hi (i)

We have received a phone call, and a subsequent email from the NZ Police, concerning the Malaysian diplomat/employee sent home following a home invasion (please see below request and attached background).

(i) On all likelihood this media inquiry will result in a Herald On Sunday lead story this approaching weekend. We are likely to be approached for comment also on the diplomatic immunity question.

In terms of a response we think it's reasonably important we note that a waiver for diplomatic immunity was asked for but declined.

If you agree, we will start drafting a media response. We think it is likely the Minister's Office will also be approached for comment.

Thanks

(i)

(i)

---

**From:** (1) (ESD)  
**Sent:** Wednesday, 25 June 2014 12:44 p.m.  
**To:** MEDIA  
**Subject:** FW: Malaysian Diplomat - Herald on Sunday

---

**From:** (1) (PRD)  
**Sent:** Wednesday, 25 June 2014 12:39 p.m.  
**To:** (1) (ESD)  
**Subject:** FW: Malaysian Diplomat - Herald on Sunday

FYI from head of DPS. We're on the phone to HC.

(1)

---

**From:** (1) @Police.Govt.NZ]  
**Sent:** Wednesday, 25 June 2014 12:34 p.m.  
**To:** (1) (PRD)  
**Subject:** Malaysian Diplomat - Herald on Sunday

(1)

FYI - it appears the media have got on to the Malaysian case (5)

(1)

---

**From:** (1) NZ POLICE  
**Sent:** Wednesday, 25 June 2014 12:30  
**To:** (1) NZ POLICE  
**Subject:** FW: Malaysian Diplomat - Herald on Sunday

(1)

Heads up about media awareness of this issue received today. The media response will come from district.

I have informed the MFAT comms team and will advise them of the proposed response from district. MFAT say they will alert the Malaysia High Commission.

This is likely to prompt further media questions about diplomatic immunity issues and the numbers of such cases dealt with by police.

---

**From:** (1) NZ POLICE  
**Sent:** Wednesday, 25 June 2014 10:38  
**To:** (1) NZ POLICE  
**Cc:**  
**Subject:** FW: Malaysian Diplomat - Herald on Sunday

This has taken a while to break. Where did we get to in the end, was he given medical leave to return home post psychological assessment?

I'll give the MFAT media team contact who was working on this a heads up.

Cheers,

①

---

**From:** (i) (DS AAG)  
**Sent:** Wednesday, 25 June 2014 1:32 p.m.  
**To:** (i) (ESD); (i) (PRD)  
**Cc:** (i) (GM SGG); (i) (SEA); (i) (SEA);  
(KLU); (i) (KLU); (i) (ESD); (i) (ESD);  
(i) (ESD); MEDIA  
**Subject:** Re: Malaysian Diplomat - Herald on Sunday

The points look good to me, (i)

Should we as a courtesy let the Malaysian HC know we are expecting media coverage of the issue?

---

**From:** (i) (ESD)  
**Sent:** Wednesday, June 25, 2014 12:59 PM  
**To:** (i) (PRD)  
**Cc:** (i) (DS AAG); (i) (GM SGG); (i) (SEA); (i) (SEA);  
(KLU); (KLU); (ESD); (ESD); MEDIA  
**Subject:** RE: Malaysian Diplomat - Herald on Sunday

Resend with correct convention.

---

**From:** (i) (ESD)  
**Sent:** Wednesday, 25 June 2014 12:58 p.m.  
**To:** (i) (PRD)  
**Cc:** (i) (DS AAG); (i) (GM SGG); (i) (SEA); (i) (SEA);  
(KLU); (KLU); (ESD); (ESD); MEDIA  
**Subject:** RE: Malaysian Diplomat - Herald on Sunday

Hi all,

Please see our proposed lines below which may need to be adapted depending on the query that comes through to MFAT.

is there anything we can say about him facing accountability in Malaysia? The Media will focus on the accountability for victim angle.

- Under the Vienna Convention there is global recognition that diplomats are entitled to immunity from arrest and detention in order to carry out their work. However the New Zealand Government expects diplomats to respect New Zealand laws.
- In the case of a serious allegation such as this, the New Zealand Government sought waiver of diplomatic immunity from the Malaysian authorities.
- This waiver was declined by the Malaysian Government.
- The staff member was required to leave New Zealand immediately and the matter now rests with Malaysian authorities.

We understand that police are planning to go back to the journalist with basic details about the arrest and noting that they were unable to proceed with a prosecution due to diplomatic immunity. An arrest warrant has been issued should he return to New Zealand.

Feedback welcome.

Thanks

①

②

③