
From: (1) (SEA)
Sent: Tuesday, 1 July 2014 2:12 p.m.
To: (1) (DS AAG); (1) (GM SGG); (1) (KLU)
Subject: Should Mr McCully phone Minister Anifah before his press conference?

The Minister's Office has asked whether Mr McCully should phone Minister Anifah before the latter's press conference at 4.30pm NZT. I've discussed with (1) and we feel a conversation would now be a positive step, given that FM Anifah is now about to position himself publicly on the issue, (2)

(2) + (5)

(2)

Do you have a view?

(1)

From: (SEA)
Sent: Tuesday, 1 July 2014 2:14 p.m.
To: (CEO)
Subject: Thanks RE: Record of. (1) meeting with Malaysian HCer (ends msg)

From: (CEO)
Sent: Tuesday, 1 July 2014 2:13 p.m.
To: (SEA)
Subject: RE: Record of. (1) meeting with Malaysian High Commissioner

(1) I am comfortable with the record. It does deal with the matter (2) which I
thought was not covered. Sorry for the delay in getting back to you.

From: (SEA)
Sent: Monday, 30 June 2014 6:38 p.m.
To: (DS AAG); (ESD); (OFS); P/SEC MFA (CEO);
(PRD); (KLU); (KLU); (KLU);
(CEO Office); (SEA); (SEA); (SEA);
@nzdf.mil.nz
Cc: P/SEC MFA (ESD); DPMC
Subject: Record of. (1) meeting with Malaysian High Commissioner

With correct subject line.

From: (SEA)
Sent: Monday, 30 June 2014 6:37 p.m.
To: (DS AAG); (ESD); (OFS); P/SEC MFA (CEO);
(PRD); (KLU); (KLU); (KLU);
(CEO Office); (SEA); (SEA); (SEA);
@nzdf.mil.nz
Cc: @parliament.govt.nz; PRESS SEC MFA (ESD); DPMC
Subject: RE: Draft points for. (1) to speak to and hand over.

Kia ora tatau,
called in Malaysian High Commissioner (1) this afternoon on instruction from Minister
McCully. The following is a summary of the key points of the meeting:

Withheld in full (2)
- 2 pages

From: (1) (LGL)
Sent: Tuesday, 1 July 2014 2:18 p.m.
To: (1) (OFS)
Subject: RE: Mutual Assistance on Criminal Matters

Aha – OK. That's useful to know.

(6)

From: (1) (OFS)
Sent: Tuesday, 1 July 2014 12:53 p.m.
To: (1) (LGL)
Subject: RE: Mutual Assistance on Criminal Matters

(6)

From: (1) (LGL)
Sent: Tuesday, 1 July 2014 11:18 a.m.
To: (1) (OFS)
Cc: (1) (SEA)
Subject: RE: Mutual Assistance on Criminal Matters

(6)

(6)

To: (3) @Rln.gov.my
Subject: Attention: : Request for Assistance

(3)

I seek your assistance in a delicate matter. As you may be aware one of the MAF staff in the DA's Office based in Wellington had to leave the country under not so favourable circumstances. You may also be aware that, as much as the incident in question has found its way now to the NZ media-although all relevant details regarding identity have been suppressed.

Anyway as it's very likely that this story will be in the news for some time, Wellington has asked if you could provide us with what action to date if any has been taken on the MAF person either through the Military or the civilian disciplinary system? The NZ High Com in KL has raised a similar request for info from MFA in Putrajaya,

(2)

Can I please re state that this an informal request to ensure that our appropriate Ministers and Officials are apprised of the facts from relevant Malaysian authorities such as FLO. As such any info that you can provide on the status of the MAF person in question would be much appreciated.

Happy to talk more if required.

(3)

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Adham Crichton

From: (1) (ESD)
Sent: Tuesday, 1 July 2014 3:14 p.m.
To: P/BEC MFA + PRESS SEC MFA
Subject: FW: Malaysian media coverage of diplomat case: FM Anifah's comments

From: (1) (ESD)
Sent: Tuesday, 1 July 2014 3:14 p.m.
To: (1) (KLU); (1) (KLU); (1) (SEA); (1) (KLU); (1) (PRD);
Cc: (1) (DS AAG); (1) (GM SGG); (1) (CEO Office);
Subject: RE: Malaysian media coverage of diplomat case: FM Anifah's comments

The media are reporting name suppression has been lifted.

Fairfax lodged an appeal in the High Court. Neither Crown nor Police opposed.

Media tweeting the name of the individual and his country.

(5)

From: (1) (KLU)
Sent: Tuesday 1 July 2014 1:56 p.m.
To: (1) (KLU); (1) (SEA); (1) (KLU); (1) (PRD);
Cc: (1) (DS AAG); (1) (ESD); (1) (GM SGG); (1) (CEO Office);
OPMC (1)
Subject: RE: Malaysian media coverage of diplomat case: FM Anifah's comments

I have just spoken with FM Anifah's Press Secretary, (3) She would only confirm that Minister Anifah will be holding a press conference at 12 noon on 'an important issue' (and later claimed it would be on 'numerous issues').

I noted that we had been informed of the PC by the Malaysian HC in NZ, and told by (3) that we would be invited [having not yet received (1) email below]. I understood that this was an important issue involving New Zealand. (3) said it had not been stated what the PC would be on, and assumptions were based on the claim in The Star that it would be on this issue.

I noted that our PM continued to face questions on this matter, and that NZ media were seeking urgent lifting of the suppression order.

(2) I said that it was a part of the name suppression order, so could not continue to be relied upon.

I asked that we be informed the time and venue of this 'public' press conference, so that we could try to report developments to our capital as quickly as possible. (3) said she would get back to me.

(1)

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 3:18 p.m.
To: (i) (ESD); PRESS SEC MFA
Subject: RE: Malaysian media coverage of diplomat case: FM Anifah's comments

(i) to note journos are reporting that the named individual still appears on the MFAT website on the Malaysian HC staff list. (i)

(i) | Office of Hon Murray McCully

From: (i) (ESD)
Sent: Tuesday, 1 July 2014 3:14 p.m.
To: PRESS SEC MFA
Subject: FW: Malaysian media coverage of diplomat case: FM Anifah's comments

From: (i) (ESD)
Sent: Tuesday, 1 July 2014 3:14 p.m.
To: (i) (KLU); (i) (KLU); (i) (SEA); (i) (KLU);
(PRD)
Cc: (i) (DS AAG); (i) (GM SGG); (i) (CEO Office);
DPMC (i)
Subject: RE: Malaysian media coverage of diplomat case: FM Anifah's comments

The media are reporting name suppression has been lifted.

Fairfax lodged an appeal in the High Court. Neither Crown nor Police opposed.

Media tweeting the name of the individual and his country.

(S)

From: (i) (SEA)
Sent: Tuesday, 1 July 2014 3:25 p.m.
To: (i) (KLU)
Subject: RE: Please request a phone call of FM Anifah with Mr McCully

Name suppression has just been lifted.

From: (i) (KLU)
Sent: Tuesday, 1 July 2014 3:24 p.m.
To: (i) (SEA); (i) (KLU); (i) (KLU)
Subject: RE: Please request a phone call of FM Anifah with Mr McCully

Thanks. Will do. Still waiting for the call.

From: (i) (SEA)
Sent: Tuesday, 1 July 2014 11:18 a.m.
To: (i) (KLU); (i) (KLU); (i) (KLU)
Subject: Please request a phone call of FM Anifah with Mr McCully
Importance: High

The Minister is keen that you actually ask for such a telephone call.
Thanks

From: (SEA)
Sent: Tuesday, 1 July 2014 3:29 p.m.
To: (DS AAG); P/SEC MFA (1)
PIKER MFA
(PRD); (SEA); (GM SGG); DPMC (SEA); (SEA);
(KLU); (KLU); (KLU); (CEO Office) (1) (KLU); (1) (SEA);
Subject: Name suppression lifted

For those this is new to. I have left a message with the Malaysian DHOM to inform him – couldn't get hold of either the HCer or him.

From: (SEA)
Sent: Tuesday, 1 July 2014 3:20 p.m.
To: (SEA)
Subject: RE: NZ High Commissioner to speak with Malaysian Foreign Minister

A judge has lifted the suppression order shielding a Malaysian diplomat accused of a sex offence in Wellington.

The diplomat is Muhammad Ismail from Malaysia.

Justice David Collins said he would given his reasons later in writing.

More to follow...

<http://www.stuff.co.nz/national/politics/10219574/Diplomats-suppression-challenge-under-way>

South/South East Asia Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

From: [DPMC] ①
Sent: Tuesday, 1 July 2014 3:33 p.m.
To: (SEA) ① (DS AAG); P/SEC MFA ①
Cc: (PRD); (GM SGG); (SEA); ①
(SEA); ① (SEA)
Subject: RE: ① to speak with Malaysian Foreign Minister

Thanks ①

Very keen for an immediate read-out of the ② call.

Many thanks,

DPMC

From: (SEA) ①
Sent: Tuesday, 1 July 2014 3:17 p.m.
To: (DS AAG); P/SEC MFA ① ^Parliament: P/SEC MFA
Cc: [DPMC]; (PRD); (GM SGG); (SEA); ①
(SEA); ① (SEA)
Subject: ① to speak with Malaysian Foreign Minister

I have just come off the phone with ① again, who said he had been contacted by ③ saying Minister Anifah wished to talk with him by phone in the next few minutes. The caller wasn't clear on the exact nature of the information her Minister wished to convey or seek, though ① thought it related to the press conference. I suggested to ① this would also be a good opportunity to test Minister Anifah's interest in having a phone conversation with Minister McCully. I will report once I hear more.

① te also that I have been trying to contact the ③, to seek more information about (or better still a copy of) the ② email that FM Anifah is quoted as saying created misunderstanding around the immunity waiver request. A ⑤ search of all PRD's emails has failed to bring any such email to light.

①
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From: (1) (SEA)
Sent: Tuesday, 1 July 2014 4:06 p.m.
To: (1) [DPMC]
Subject: RE: NZ High Commissioner to speak with Malaysian Foreign Minister

Yes call him now Cheers

(1)

South/South East Asia Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

(1)

From: (1) [DPMC]
Sent: Tuesday, 1 July 2014 4:04 p.m.
To: (1) (SEA)
Subject: RE: NZ High Commissioner to speak with Malaysian Foreign Minister

Hi (1)

Is (1) off the phone yet?

Thanks,

DPMC

From: (1) (SEA)
Sent: Tuesday, 1 July 2014 3:50 p.m.
To: [DPMC]
Subject: RE: NZ High Commissioner to speak with Malaysian Foreign Minister

(1) is talking to (1) right now and should email you in a sec (sorry for flooding your inbox, am the Malaysia desk officer. He will email or call you in a minute).

Policy Officer

South/South East Asia Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

From: [DPMC] (1)
Sent: Tuesday, 1 July 2014 4:16 p.m.
To: (SEA); (1) (DS AAG); (1) P/SEC MFA
Cc: (PRD); (GM SGG); (SEA); (1) (SEA); (1) (SEA); ^MFAT (KLU); (1) (SEA); (KLU)
Subject: RE: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

Many thanks (1)

Much appreciated. I guess we are going to have to start thinking about refreshing our points for the PM/Ministers post the MFA call tonight (if it goes ahead).

Cheers

DPMC

From: (SEA) (1)
Sent: Tuesday, 1 July 2014 4:13 p.m.
To: (1) [DPMC]; (1) (DS AAG); (1) ; ^Parliament:
Cc: (PRD); (1) (GM SGG); (1) (SEA); (1) (SEA); (1) (SEA); (1) (KLU); (1) (KLU)
Subject: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

(2)

I will report updates after I have heard back from (1)
(1)

From: [DPMC] (1)
Sent: Tuesday, 1 July 2014 3:33 p.m.
To: (SEA); (1) (DS AAG); P/SEC MFA (1) ; ^Parliament: (1) P/SEC MFA
Cc: (SEA); (PRD); (1) (GM SGG); (1) (SEA); (1) (SEA); (1)
Subject: RE: NZ High Commissioner to speak with Malaysian Foreign Minister

Thanks (1)

Very keen for an immediate read-out of the (3)

From: (SEA)
Sent: Tuesday, 1 July 2014 4:20 p.m.
To: [DPMC]
Subject: RE: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

Yes, have been drafting a formal message to KLU since early afternoon to set out expectations for them and us – but the situation keeps evolving and I can't finish it! I'll be in touch.

From: [DPMC]
Sent: Tuesday, 1 July 2014 4:16 p.m.
To: (SEA); (DS AAG); P/SEC MFA Parliament: P/SEC MFA
Cc: (PRD); (KLU); (GM SGG); (SEA); (SEA); (LU)
Subject: RE: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

Many thanks

Much appreciated. I guess we are going to have to start thinking about refreshing our points for the PM/Ministers post the MFA call tonight (if it goes ahead).

Cheers

DPMC

From: (SEA)
Sent: Tuesday, 1 July 2014 4:13 p.m.
To: [DPMC]; (DS AAG); Parliament:
Cc: (PRD); (GM SGG); (SEA); (SEA); (SEA); ^MFAT; (KLU); (KLU)
Subject: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

I will report updates after I have heard back from

From: [DPMC]
Sent: Tuesday, 1 July 2014 3:33 p.m.
To: (SEA); (DS AAG); P/SEC MFA Parliament: P/SEC MFA
Cc: (PRD); (GM SGG); (SEA); (SEA); (SEA)
Subject: RE: NZ High Commissioner to speak with Malaysian Foreign Minister

From: SEA on behalf of SEA
Sent: Tuesday, 1 July 2014 4:36 p.m.
To: ① (DS AAG)
Subject: DRAFT FM: Malaysia diplomatic immunity case: Monitoring of developments

① a draft FM, which may need to be kept to follow the Anifah press conference – and should possibly await a Min-Min phone call as well? It keeps changing, of course, as new developments occur, but the basic message is about the process from here. Is it roughly what you had in mind re establishing the parameters of advice to ministers over the next two days?

I'm now working on revised TPs in preparation for Mr McCully's call with Minister Anifah.

①

Summary

With the lifting of a court suppression order today, details are now in the public domain identifying the former Malaysian High Commission Defence Attache who was repatriated last month after claiming diplomatic immunity on serious home invasion charges. We outline likely requirements for post reporting to the close of Thursday on the above issue. With Malaysia's Foreign Minister now speaking publicly on the issue and New Zealand political and media interest here and in Malaysia unlikely to abate in the near term, we detail below the proposed process for monitoring the issue and providing regular updates to stakeholders. These cover:

- Key timelines for updates;
- Distribution requirements for updates;
- Provision of material to Malaysian authorities here and in Kuala Lumpur;
- Reporting lines.

As with post's attendance at Minister Anifah's press conference today, we would be grateful for your continued reporting on developments in Malaysia as soon as possible after they occur, including initially by telephone as deemed necessary.

Action

Please attend the press conference proposed by Foreign Minister Anifah and report by reply formal message. Please also ensure *wisma Putra* receives a full record of New Zealand Government statements on the issue. Note the indicative deadlines for feeding into Wellington updates to the Prime Minister and Minister of Foreign Affairs.

Report

Many thanks for the telephone and emails (SEA-KLU not to all) refer. As you know, three days after news media broke the story about the Wellington-based diplomat who left New Zealand under diplomatic immunity in May to avoid being charged here with burglary and assault with intent to rape, a court suppression order preventing publication of details that could have revealed his identity was lifted today, 1 July. The decision by Malaysia's Foreign Minister, Anifah, to comment publicly on the issue – including at today's press conference – has, however, shifted the basis of the story. With media attention remaining high, We expect there will be increased focus on the 'next steps' – namely, how Malaysian authorities are managing this case and what role the New Zealand Government, agencies and our High Commission in Kuala Lumpur will play in pressing for the accused to be held to account.

With this in mind, we propose the following approach to keeping all relevant parties abreast of developments and briefed to respond to media inquiries.

We expect two news 'peaks' each day until the end of Thursday 3 July, for which updated briefing and talking points will be required:

The morning news cycle, for which material will be needed by 8pm NZT, for providing to the Offices of the Prime Minister and Minister of Foreign Affairs.

Parliamentary question time, for which material will be needed by 12.15pm NZT on Wednesday and Thursday (Parliament does not sit on Fridays, unless under urgency).

We will also appreciate continuing to receive updates of media coverage and news of other important developments as their importance dictates. As this issue is evolving rapidly in the public domain we need to be equipped to provide updates to the Prime Minister and Minister McCully at short notice.

Please also continue to provide ~~Wisma Putra~~ with copies of NZ Government press statements and other public comments on this matter. As we will do the same to the Malaysian High Commission in Wellington, this will help to ensure full Malaysian understanding of NZ Government positions.

As this issue has become primarily an issue about an important bilateral partner of New Zealand (albeit relating to the alleged actions of an individual) MFAT handling will be coordinated by SEA, with the support of PRD and MEDIA.

Points of contact, in order, are:

SEA:

- ①
- ①

PRD:

- ①

Media:

- ①
- ①

DS AAG . ① , also available on xxxx and GM SSG ① on xxxxx

We will be in touch separately with suggested internal and external email distribution lists.

From: (i) (KLU)
Sent: Tuesday, 1 July 2014 4:44 p.m.
To: (i) (SEA) (i) (KLU)
Subject: RE: Read-out from press conference?

(i) is about to dictate it to me, or would you rather she call you direct?

From: (i) (SEA)
Sent: Tuesday, 1 July 2014 12:39 p.m.
To: (i) (KLU); (i) (KLU)
Subject: Read-out from press conference?
Importance: High

(i) TVNZ have contacted Mr McCully's Office saying the Anifah press conference is over and seeking our Minister's comment. I realise (i) was to see Anifah straight afterwards, but is either of you there with him and able to report quickly by phone?

(i)
Thanks

From: (1) (OFS)
Sent: Tuesday, 1 July 2014 5:02 p.m.
To: (1) (ESD)
Subject: FW: Mutual Assistance on Criminal Matters
Attachments: Mutual Assistance in Criminal Matters Act 1992.pdf; 2. CLO document on Mutual Assistance.docx

See below. Should forward the request to (1) though so she can advise whether we should comment – below was for MFA

From: (1) (LGL)
Sent: Tuesday, 1 July 2014 11:18 a.m.
To: (1) (OFS)
Cc: (1) (SEA)
Subject: RE: Mutual Assistance on Criminal Matters

(6)

(6)

①



NEW ZEALAND
UNITED NATIONS
SECURITY COUNCIL
2015-16



From: ① (OFS)
Sent: Tuesday, 1 July 2014 10:56 a.m.
To: : (LGL)
Cc: ① (LGL); ① (SEA)
Subject: Mutual Assistance on Criminal Matters

Hi

①

②

Grateful if you could provide ① and I with a sentence or two on how that would occur (i.e. under the Act ...).

Thanks – gimme a bell if you want to discuss.

①

①

Strategy and Governance Group
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

①

195 Lambton Quay, Private Bag 18901
Wellington 5045
New Zealand

www.mfat.govt.nz | www.nzembassy.com | www.aid.govt.nz | www.safetravel.govt.nz



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



From: (i) (KLU)
Sent: Tuesday, 1 July 2014 5:06 p.m.
To: (i) (SEA) (i) (KLU)
Subject: RE: Read-out from press conference?

Hi

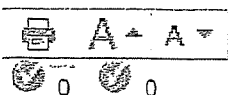
The phone line was dropped while I was receiving readout on the press conference. Malaysiakini is fastest (2) to report: <http://www.malaysiakini.com/news/267345>

This chimes with key points (i) was relaying me about Q&A:

- Min Def closely working w NZ Police. Under Min Act 1972 could be court-martialled. Was handed over to Min Def on return for physical and mental assessment. Physical evaluation completed – fine physically. Now in the process of doing psychiatric evaluation.
- Penalty? Under Ministry Act, Min Def seriously looking into appropriate action in consultation w Gov of Malaysia.
- Where is he now? Currently under treatment. Detained? Not sure, but was accompanied back from NZ by v snr Min Def official, reflecting seriousness of case.
- Why was he brought back to Malaysia (when NZ PM says prefer tried in NZ)? Decided he should be tried under Min Def Act. Don't have doubts about NZ Justice System, but since it was offered, decided to take that offer for him to return to Malaysia.

(i) should be back in the office in about half an hour, but I will of course try to re-establish line asap to get more of the update.

Anifah: NZ offered alternative to bring diplomat home



From: (1) @ap.org>
Sent: Tuesday, 1 July 2014 5:13 p.m.
To: MEDIA
Subject: diplomatic immunity

Our reporter in Malaysia said the Malaysian Foreign Minister, Anifah Aman, said the following at the press conference today:

Malaysia was willing to waive diplomatic immunity but decided to take up New Zealand's offer to invoke diplomatic immunity and bring him back home.

Can you explain this? It seems to be at odds with what New Zealand has been saying.

Thanks!

(1)

(1)

Correspondent
New Zealand & the South Pacific
The Associated Press

(1)

AP

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[IP_US_DISC]

msk dccc60c6d2c3a6438f0cf467d9a4938

From: PMO
Sent: Tuesday, 1 July 2014 5:17 p.m.
To: PRESS SEC MFA
Subject: repsonse

Sorry to hassle you but we need some kind of response to media to go well before 6

5

Office of the Prime Minister
9th Floor The Beehive | Wellington NZ |

From: MEDIA
Sent: Tuesday, 1 July 2014 5:19 p.m.
To: (SEA) (PRD);
(DS AAG); (GM SGG); (OFS)
(ESD)
Cc:
Subject: FW: intl news

Hi all

MFA office requesting immediate advice re response to below claim. They are receiving enquiries (as are we now) seeking a response to these latest reports.

Many thanks

(i)

From: PRESS SEC MFA @parliament.govt.nz
Sent: Tuesday, 1 July 2014 5:10 p.m.
To: MEDIA; (SEA)
Subject: FW: intl news

New Zealand offered an alternative for Malaysian diplomat to return home



KUALA LUMPUR, July 1:

From: (1) (CEO Office)
Sent: Tuesday, 1 Julv 2014 5:19 p.m.
To: (1) (DS AAG); (1) (SEA)
Subject: FW: intl news
Importance: High

Just checking you've sighted this. (1) is asking for an SEA/PRD view of FM Anifah's claim – re the conversation that took place on 12 May. (2)

From: (1) PRESS SEC MFA
Sent: Tuesday, 1 July 2014 5:10 p.m.
To: MEDIA; (1) (SEA)
Subject: FW: intl news

New Zealand offered an alternative for Malaysian diplomat to return home



KUALA LUMPUR, July 1:

Foreign Affairs minister Datuk Seri Anifah Aman today said it was New Zealand which allowed the Malaysian diplomat, charged with assault with intent to rape and burglary, to be brought back to Malaysia.

“During the discussion on May 12, the New Zealand side had offered an alternative for the accused to be brought back to Malaysia.

“It was never our intention to treat the matter lightly,” Anifah told a press conference earlier.

From: [redacted] (SEA)
Sent: Tuesday, 1 July 2014 5:23 p.m.
To: MEDIA; [redacted] (PRD); [redacted] (DS AAG); [redacted] (GM SGG);
[redacted] (OFS)
Cc: [redacted] (ESD); [redacted] (KLU)
Subject: RE: intl news

I have briefed [redacted] fully on the press conference content, which [redacted] will report in detail within the hour. FYI, hereiterated to FM Anifah that our TPN of 10 May formally requested Malaysia waive diplomatic immunity.

From: MEDIA
Sent: Tuesday, 1 July 2014 5:19 p.m.
To: [redacted] (SEA); [redacted] (PRD); [redacted] (DS AAG); [redacted] (GM SGG); [redacted] (OFS); [redacted] (ESD)
Subject: FW: intl news

Hi all

MFA office requesting immediate advice re response to below claim. They are receiving enquiries (as are we now) seeking a response to these latest reports.

Many thanks
[redacted]

From: PRESS SEC MFA
Sent: Tuesday, 1 July 2014 5:10 p.m.
To: MEDIA; [redacted] (SEA)
Subject: FW: intl news

New Zealand offered an alternative for Malaysian diplomat to return home

From: (1) ESD) ✓
Sent: Tuesday, 1 July 2014 5:31 p.m.
To: PRESS SEC MFA (1)
Cc: (1) (GM SGG); (DS AAG); (i) (SEA);
(1) (CEO Office); MEDIA ✓
Subject: Diplomatic immunity waiver TPNs
Attachments: Malaysia TPN New Zealand request.docx; Malaysian TPN response.pdf

Hi (1)

As requested, here are the two TPNs.

Office Solicitors are comfortable releasing without any redactions.

(1) Thanks

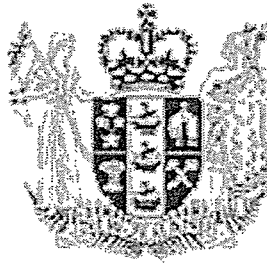
(1)

(1)

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

(1)

(1)



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



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, 22nd 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

21st May 2014



From:  @radionz.co.nz>
Sent: Tuesday, 1 July 2014 5:35 p.m.
To: MEDIA
Subject: Radio NZ Checkpoint - re diplomat

Malaysia FM says they offered to waive immunity but NZ offered an alternative so he could return to Malaysia.

This contradicts what FM has said MFAT told him.

We wish to know who is correct here and who is not.

We request an iv. We'd like this asap.

 Thanks

 RNZ

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www.radionz.co.nz

From: (i) (KLU)
Sent: Tuesday, 1 July 2014 5:49 p.m.
To: (KLU); (i) (SEA)
Cc: (i) (KLU); (i) (KLU); (i) (KLU)
Subject: RE: Malaysian media coverage of diplomat case: Minister McCully's Comments

Following is summary of press conference. No new information to the earlier TV NZ article linked by (i)

**Malaysia to try soldier, won't waive diplomatic immunity in NZ sexual assault
1 July 2014**

Malaysia will not be waiving diplomatic immunity for the Malaysian diplomat who is a suspect in a New Zealand sexual assault case unless "absolutely necessary", Foreign Affairs Minister Datuk Seri Anifah Aman said today.

Instead, investigations against Muhammad Rizalman bin Ismail Rizalman will be done in Malaysia, and the Ministry of Defence (Mindef) has already set up a Board of Inquiry to probe into the matter, he said.

"If it is absolutely necessary, that we think it is best to (waive his immunity) we will do it, without hesitation," Anifah (pic) told a press conference in Wisma Putra, Kuala Lumpur.

"But we have utmost confidence in the board of inquiry by Mindef... and they will communicate with the New Zealand authorities."

Anifah also said the waiver would be deemed necessary when New Zealand requested for the 38-year-old's return, out of belief that the investigations in Malaysia were not done properly."

He added that it was the New Zealand authorities who had allowed Rizalman to be brought back to Malaysia in May.

"The Ministry of Foreign Affairs was prepared to waive diplomatic immunity of the accused to enable prosecution under New Zealand law against him to proceed.

"During the discussion on 12 May, the New Zealand side had offered an alternative for the accused to be brought back to Malaysia.

"It was never our intention to treat the matter lightly."

<http://www.themalaysianinsider.com/malaysia/article/malaysia-to-try-soldier-wont-waive-diplomatic-immunity-in-nz-sexual-assault>

Anifah: NZ offered alternative to bring diplomat home
<http://www.malaysiakini.com/news/267345>

Board of Inquiry to investigate Malaysian diplomat accused of sex offence in N.Zealand
<http://www.nst.com.my/node/8331>

(i)
New Zealand High Commission

(i)

From: (KLU)
Sent: Tuesday, 1 July 2014 6:01 p.m.
To: (DPMC); (SEA); (DS AAG);
P/SEC MFA ^Parliament: P/SEC MFA
Cc: (PRD); (SEA); (GM-SGG); (SEA); (KLU);
(KLU)
Subject: RE: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister
Attachments: Minister Anifah's statement to media 1 Jul 2014.pdf

Minister Anifah called a press conference at Wisma Putra midday today (it was a little late getting started). He had earlier rung me to ask him to meet him at the Press Conference and have a private meeting with him after. As discussed with (1) (2) but we sent (2) whose notes on the Q&A are set out below. The Minister's press statement is attached – according to (2) he read this almost verbatim. The key points of the press conference are:

- 1 MINDEF has established a Board of Inquiry to investigate the case comprehensively. The accused person has completed a physical medical assessment, which concluded that his physical state is satisfactory. A psychiatric assessment is under way but not yet concluded.
- 2 The Minister (2) that MFA had been prepared to waive immunity but that "the New Zealand side offered an alternative for the accused to be brought back to Malaysia" which was done "with the agreement of the New Zealand side". (see comment below).

In the private meeting Minister Anifah:

(2)

Comment:

(2) + (3)

I clarified that we had requested the waiver of immunity in an unambiguous way – through the TPN -

(2) + (3)

(2)

Q: Status of current Investigations /are they only internal investigations?

A: MINDEF is working very closely with NZ authorities. Under Military Act 1972 the accused can be Court -
Mashed. MINDEF is now assessing his physical and mental state. Physical state OK. Mental state assessment in
progress.

Q: What sort of penalty if charged?

A: Will be charged accordingly if found guilty.

Q: Where is the accused? Is he detained?

A: Accused is under treatment (?), unsure if under detainment. When he came back to Malaysia, he was
accompanied by a senior MINDEF official – highlighting the seriousness of the case.

Q: NZ PM said he preferred for the accused to be tried in NZ. Why then, is he taken back?

A: The alternative was offered and we felt that was the best option. MINDEF is working closely with NZ police.

Q: You mentioned diplomat taken back if not assured fair trial?

A: I mentioned in some cases, we take the person home if we are not sure he will get a fair trial and if his life is in
danger. In a country like NZ, we don't have any doubt in their justice system.

Q: Court in NZ already charged him.

A: All evidence have been sent from NZ authority. In close contact with NZ. If absolutely necessary, we will send him
back to NZ (if NZ requests this).

Q: NZ govt have said this incident will affect bilateral relationship Msia – NZ.

A: Don't think so. Good relationship, and in fact will be calling the NZ minister after this.

Q: How long is the investigation?

A: Depends on evidence etc. Can be assured that Min of Foreign Affairs will follow up closely with MINDEF.

Q: Is the accused married? How old? First posting? How long? How long with mindef?

A: yes, 35, first posting, 1 year, don't know how long.

From: [DPMC]

Sent: Tuesday, 1 July 2014 12:16 p.m.

To: (SEA); (DS AAG); P/SEC MFA ^Parliament: P/SEC MFA

Cc: (PRD); (GM SGG); (SEA); (SEA); (SEA); (SEA); (KLU); (KLU); (KLU)

Subject: RE: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

Many thanks

Much appreciated. I guess we are going to have to start thinking about refreshing our points for the PM/Ministers
post the MFA call tonight (if it goes ahead).

Cheers

DPMC

From: (SEA)

Sent: Tuesday, 1 July 2014 4:13 p.m.

To: [DPMC]; (DS AAG); P/SEC MFA ^Parliament:

Cc: (PRD); (GM SGG); (SEA); (SEA); (SEA); (SEA); (KLU); (KLU); (KLU)

Subject: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

- (1) called me after his phone call with FM Anifah. (1) was on his way to the press conference.
– Minister McCully has asked David to avoid being on the podium and not to comment to the media;
 - (2)
 - FM Anifah is keen to talk with Mr McCully. I have asked (1) to convey Mr McCully's hope this can be arranged for after 6pm tonight.
-

I will report updates after I have heard back from (1)

←

□

From: P/SEC MFA ①
Sent: Tuesday, 1 July 2014 6:02 p.m.
To: ① (PRD)
Subject: Urgent phone call

Importance: High

Hi ①

I need to talk to you reasonably urgently. Can you give me a call please?

①

①

Office of Hon Murray McCully, Minister of Foreign Affairs
Parliament Buildings | Wellington | New Zealand

①

From: P/SEC MFA ①
Sent: Tuesday, 1 July 2014 6:03 p.m.
To: ①
Subject: Re: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

Hi ①

Mfa very keen to talk to Minister Anifah asap. When might a call take place?

①

①

①

From: PRESS SEC MFAT ①
Sent: Tuesday, 1 July 2014 6:19 p.m.
To: MEDIA
Subject: RE: Radio NZ Checkpoint - still waiting to hear from MFAT

yes

① | Press Secretary | Office of Hon Murray McCully

From: MEDIA ①
Sent: Tuesday, 1 July 2014 6:18 p.m.
To: PRESS SEC MFAT ①
Subject: Fw: Radio NZ Checkpoint - still waiting to hear from MFAT

[UNCLASSIFIED].

Hi ①

① from Checkpoint has sent a few emails across, this is the latest.

Are you ok with us saying we are not in a position to provide comment at this stage.

Thanks

①

From: ① [radionz.co.nz]
Sent: Tuesday, 1 July 2014 6:16 p.m.
To: MEDIA
Subject: Radio NZ Checkpoint - still waiting to hear from MFAT

We have a slot for you before 7pm whenever MFAT calls in.

It seems the MFAT letter asking for the waiver was two days before Malaysia says it met with MFAT and police and they offered a way for diplomat to return to Malaysia.

Who is correct?

Pls advise, we are on-air till 7pm.

tk ①

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 6:22 p.m.
To: (1) (KLU)
Subject: RE: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

(1)

(2)

MFA said he would be putting out a statement later tonight.

Either (1) or I will send a full readout of phone call shortly.

(2)

Can you pass across to Minister Anifah please?

(1)

(1)

Office of Hon Murray McCully, Minister of Foreign Affairs
Parliament Buildings | Wellington | New Zealand

(1)

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 6:23 p.m.
To: P/SEC MFA
Subject: Fw: Potential Press Statement lines, from his conversation with Anifah

Fyi too

From: P/SEC MFA
Sent: Tuesday, July 01, 2014 06:19 PM New Zealand Standard Time
To: PRESS SEC MFA 'SEA' (1) (DS AAG)
Subject: Potential Press Statement lines, from his conversation with Anifah

I will put out statement tonight which records our understanding of history.

- I will have to say that the way this was dealt with by the Ministry of Foreign Affairs and Trade created confusion about the pathway forward.
- I believe your government has acted in good faith
- We are very reassured by the board of inquiry process
- Appreciate your readiness to receive police information.

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 6:30 p.m.
To: ① (KLU)
Subject: Re: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

Hi again ①
Just thought I'd add MFA will want to know these have been passed across so I'd be very grateful if you could confirm receipt.

①

From: P/SEC MFA
Sent: Tuesday, July 01, 2014 06:21 PM New Zealand Standard Time
To: ① (KLU) ①
Subject: RE: Update 16.10 Tues 1 July: NZ High Commissioner telecon with Malaysian Foreign Minister

①

②

MFA said he would be putting out a statement later tonight.

Either ① or I will send a full readout of phone call shortly.

②

Can you pass across to Minister Anifah please?

①

Office of Hon Murray McCully, Minister of Foreign Affairs
Parliament Buildings | Wellington | New Zealand

①

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 6:35 p.m.
To: ① (SEA)
Subject: FW: Readout of press conference

I think you asked me to send you this?

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 5:20 p.m.
To: ① [DPMC]
Subject: FW: Readout of press conference

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 5:18 p.m.
To: P/SEC <PRESS SEC MFA>
Subject: Readout of press conference

Anifah said Malaysia was prepared to waive diplomatic immunity. He claimed that the understanding coming from the discussion with MFAT on the 12th of May, was that New Zealand had offered an alternative and that with agreement of the New Zealand side, Ismail and his family were repatriated.

① reiterated that our TPN puts our formal position on the record – that is our formal request]
[Where the misunderstanding has come about is not clear,

② I've asked PRD to send up all email correspondence asap].

②

From: P/SEC MFA
Sent: Tuesday, 1 Julv 2014 6:41 p.m.
To: (1) (GM SGG)
 (1) (SEA)
Cc: P/SEC + PRESS SEC MFA
Subject: Email

Hi (1) – The Minister has asked for all the emails on the issue to be sent to us now, so they can be reviewed before he briefs the PM. Can you please send me a PDF ASAP. Thanks. (1)

(1) : | Office of Hon Murray McCully

From: (1) (SEA)
Sent: Tuesday, 1 July 2014 6:59 p.m.
To: P/SEC MFA (1) (DS AAG)
Cc: (1) [DPMCI]; (1) (CEO); (1) (GM SGG); (1)
Subject: P/SEC MFA n
RE: Readout of Anifah Conversation

Thanks (1) I've made a few changes in red from my notes. Could you please forward the final version to (1) and (1) in KLU also.

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 6:47 p.m.
To: (1) (SEA); (1) (DS AAG)
Cc: [DPMCI]; (1) (CEO); (1) (GM SGG); P/SEC + PRESS SEC MFA
Subject: Readout of Anifah Conversation

(1)

This is my recollection of the phone conversation.

(2)

My notes are better in some places than others, so please do feel free to correct me if parts of this look wrong to you.

①

Office of Hon Murray McCully, Minister of Foreign Affairs
Parliament Buildings | Wellington | New Zealand

①

C

C

From: P/SEC ①
Sent: Tuesday, 1 Julv 2014 7:11 p.m.
To: (GM SGG); ① P/SEC MFA
Cc: P/SEC MFA
Subject: RE: =??Q?Fw=3A_Malaysian_Military_Attach=E9=3A__Police_investigation_=5BSEC?= =??Q?=

Hi ① – we have the TPNs, what we require are the report for the 12 May meeting and the emails from PRD to the Malaysians.

① Office of Hon Murray McCully

From: ① (GM SGG)
Sent: Tuesday, 1 July 2014 7:08 p.m.
To: P/SEC MFA
Subject: =??Q?Fw=3A_Malaysian_Military_Attach=E9=3A__Police_investigation_=5BSEC?= =??Q?=3D

Hi ① and ①
Sent to you as messages to ① keep bouncing back.

①
From: ① (GM SGG)
Sent: Tuesday, July 01, 2014 05:27 PM
To: ① (ESD)
Subject: FW: Malaysian Military Attach②: Police investigation

①
Strategy and Governance
New Zealand Ministry of Foreign Affairs & Trade | Manatā« Aorere

195 Lambton Quay, Private Bag 18901
Wellington 5045
New Zealand

From:

① (KLU)

Sent:

Tuesday, 1 July 2014 7:28 p.m.

To:

P/SEC MFA

(KLU)

Cc:

①

[DPMC];

(KLU);

①

1 (SEA);

(CEO);

①

(DS AAG);

(GM SGG);

(PRD)

Subject:

P/SEC MFA

RE: Readout of Anifah Conversation

Thanks ①

Minister Anifah just called me again.

②

①

From: (1) (KLU)
Sent: Tuesday, 1 July 2014 7:30 p.m.
To: (1) : (KLU); (1) (KLU); (1) (SEA)
Subject: RE: Attention: (1) : Request for Assistance

Thanks (1). We are getting a briefing at 11.00am tomorrow at (1) from a team of MFA and MinDef officials. What time does your plane get in from Bangkok?

From: (1) (KLU)
Sent: Tuesday, 1 July 2014 3:26 p.m.
To: (1) (KLU); (1) (SEA)
Cc: (1) (KLU)
Subject: FW: Attention: (1) : Request for Assistance

Hi (1) Got this reply from the Foreign Liaison Office regarding the MY DA situation.

(2)

Cheers

(1)

From: (1) @mod.gov.my]
Sent: Tuesday, 1 July 2014 11:42 a.m.
To: (1) (KLU)
Subject: RE: Attention: (1) : Request for Assistance

Dear Sir,

(1) it

(2)

(2) + (3)

(2)

(2)

(2)

Thank you.

(1)

for Head Foreign Liaison

From: (1)
Sent: Monday, June 30, 2014 11:24 AM

To: ① (KLU)
Subject: RE: Attention: Col Anuar: Request for Assistance

Sir,

We'll get back to you soon.

①

From: ① (KLU)
Sent: Monday, June 30, 2014 10:30 AM
To: ③ @Min.gov.my
Subject: Attention: ① : Request for Assistance

[UNCLASSIFIED]

①

① seek your assistance in a delicate matter. As you may be aware one of the MAF staff in the DA's Office based in Wellington had to leave the country under not so favourable circumstances. You may also be aware that, as much as the incident in question has found its way now to the NZ media-although all relevant details regarding identity have been suppressed.

Anyway as it's very likely that this story will be in the news for some time, Wellington has asked if you could provide us with what action to date if any has been taken on the MAF person either through the Military or the civilian disciplinary system? The NZ High Com in KL has raised a similar request for info from MFA in Putrajaya,

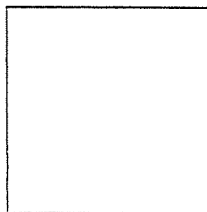
②

Can I please re state that this an informal request to ensure that our appropriate Ministers and Officials are apprised of the facts from relevant Malaysian authorities such as FLO. As such any info that you can provide on the status of the MAF person in question would be much appreciated.

Happy to talk more if required.

③

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From: P/SEC MFA
Sent: Tuesday, 1 July 2014 7:58 p.m.
To: P/SEC MFA
Subject: Scan Data from Fuji_MFD_352270
Attachments: 01072014195738-0001.pdf

Sent by: P/SEC MFA [mailto:]@parliament.govt.nz]
Number of Images: 1
Attachment File Type: PDF

Device Name: Fuji_MFD_352270
Device Location: EW 6.1

- ATTACHMENT

From: (i) (PRD)
Sent: Saturday, 10 May 2014 1:39 p.m.
To: (i) (KLU)
Cc: (i) (DS AAG); (i) @parliament.govt.nz;
(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.

Police strongly suspect there may be mental health issues in which case court proceedings may not be the appropriate course of action. 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)

From: (i) (SEA)
Sent: Saturday, 10 May 2014 12:56 p.m.
To: (i) (PRD); (i) (PRD); (i) (ESD); (i) (SEA)
Cc: (i) (DS AAG); P/SEC MPA@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 (i) is cc'ed on developments, to maintain a watching brief for SEA.

(i)

From: (1) (KLU)
Sent: Tuesday, 1 July 2014 9:42 p.m.
To: P/SEC MFA (KLU); (KLU)
Cc: (SEA); (DS AAG); (CEO); (1)
(1) (GM SGG)
Subject: RE: Murray McCully - McCully receives Malaysian assurances

Thanks (1) Actioned.

I have sent this through to our (3), (3), asking that it be passed to Minister Anifah tonight with the message we that the Minister should not hesitate to phone Minister McCully directly on his cell phone, should he have any further questions in relation to this statement (per our phone conversation just now).

(1)

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 5:21 p.m.
To: (1) (KLU); (KLU); (KLU)
Cc: (1) (SEA); (1) (DS AAG); (1) (CEO); (1) (GM SGG)
Subject: PR: Murray McCully - McCully receives Malaysian assurances
Importance: High

(1)

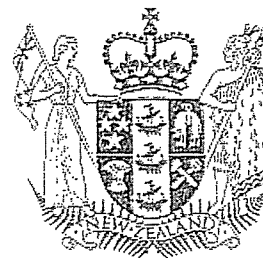
Below is the Press Release – it has just gone to media. Could you please find a way to pass this across to Minister Anifah as soon as possible.

(1)

Hon Murray McCully

Minister of Foreign Affairs

1 July 2014



Media Statement

McCully receives Malaysian assurances

From: P/SEC MFA
Sent: Tuesday, 1 July 2014 10:57 p.m.
To: DPMC
Subject: RE: Updated Talking Points on Malaysian Diplomat

I don't know if he is coming back. I'll put a copy in his folder overnight. I suggest call ① and see if he has any issues.

①

From: [DPMC]
Sent: Tuesday, 1 July 2014 10:38 p.m.
To: P/SEC + PRESS SEC
Subject: Re: Updated Talking Points on Malaysian Diplomat

Cool. Thanks ①. Let me know. Will only send them on when I hear back. Cheers, ①

From: P/SEC MFA
Sent: Tuesday, July 01, 2014 10:30 PM
To: DPMC, PRESS SEC MFA
Subject: RE: Updated Talking Points on Malaysian Diplomat

I don't have any major problems – apart from the last q/a which I think is a bit weak. It would be good for the Minister to see these though. I'll see if he has any views if he comes back to the office

①

From: [DPMC]
Sent: Tuesday, 1 July 2014 10:27 p.m.
To: P/SEC MFA + PRESS SEC MFA
Subject: Fw: Updated Talking Points on Malaysian Diplomat

①

Are these ok for you?

Cheers

①

From: DS AAG)
Sent: Tuesday, July 01, 2014 10:19 PM
To: P/SECS MFA

Parliament:

PRESS SEC MFA

Cc: ^MFAT: ① (DS AAG) ① (GM SGG)
① (SEA) ① MEDIA
① (ESD) ① (PRD)
① (ESD) (OFS) ①
(OFS) ① (ESD) (ESD)
SEA) ①

Subject: Updated Talking Points on Malaysian Diplomat

①

As discussed earlier this evening, attached are updated talking points for the PM. While these are labelled as current as at 10pm today, we have used "yesterday" to characterise things that happened today as we are conscious they will be used tomorrow morning.

The team will be ready tomorrow to provide further revised talking points. Can you please direct requests for updates to ①, cc the others on this distribution. ① will coordinate a whole of Ministry response. If you are unable to get hold of ①, please contact in order: ① ①

① For other aspects of this issue, please used the same email distribution and contact in order: ① ①

①

and I are all available to be contacted directly as needed.

Many thanks

①

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The information contained in this email message is for the attention of the intended recipient only and is not necessarily the official view or communication of the Department of the Prime Minister and Cabinet. If you are not the intended recipient you must not disclose, copy or distribute this message or the information in it. If you have received this message in error, please destroy the email and notify the sender immediately.

Media Points (as at 10pm Tuesday 1 July)

- Foreign Minister McCully spoke with his Malaysian counterpart, Anifah (pr UNNy-far") last night (Tuesday) and briefed me on that discussion.
- Minister Anifah has made very clear his commitment to ensuring Malaysia conducts a rigorous investigation into the allegations.
- I am reassured by the confirmation from the Foreign Minister of the seriousness with which Malaysia is approaching this matter.
- Our High Commissioner is in close contact with both the Minister and his senior officials about the process being followed.
- As this person was a member of the High Commission's defence staff, he comes under the jurisdiction of the Malaysian military authorities.

If asked:

Was a deal done by MFAT with Malaysia to get the Malaysian Defence Attache out of the country quickly and quietly?

As the exchange of formal diplomatic notes released last night makes clear, New Zealand's request for Malaysia to waive diplomatic immunity was unambiguous.

What was the ambiguity in the MFAT communications with the Malaysians?

The formal communication was absolutely unambiguous in seeking the lifting of immunity. However, as Minister McCully said officials engaged in informal communications over a complex case, in a manner which caused confusion for the Malaysians.

When did you become aware of the ambiguity?

When Minister McCully briefed me on it last (Tuesday) night.

When did the Foreign Minister become aware of the ambiguity?

Late Tuesday afternoon.

How was the ambiguity uncovered? Why only now?

Following indications that the Malaysians had a different perspective on what had occurred, MFAT examined more closely the details of its engagement with Malaysian officials and realised that its informal communication had left scope for confusion.

Can we see the correspondence referred to?

I understand MFAT has already received OIA requests from several media representatives for relevant documents. These will be processed in the normal way.

What is the complexity in the case?

I am unable to be more forthcoming on the matter at this stage. However, I can say that the Malaysian side are acting in good faith.

Has the Foreign Ministry mishandled this?

Mr McCully will no doubt be discussing the matter further with the Chief Executive.

Will we ask for the man to be extradited back to New Zealand to face trial here?

We are confident that the Malaysians are pursuing a rigorous and full process. We will be keeping in close touch with them. I understand the New Zealand Police will cooperate fully with the Malaysian enquiry.

From: (1) (DS AAG)
Sent: Wednesday, 2 July 2014 6:09 a.m.
To: (1) (GM SGG)
Subject: NZ High Commissioner to speak with Malaysian Foreign Minister

This is the email with the comment about (5) search, which I'm only reading in detail now (I triaged off the email title and had been briefed orally on the FM wanting to talk to (1)

From: (1) (SEA)
Sent: Tuesday, July 01, 2014 03:16 PM
To: (1) (DS AAG); P/SEC MFA @parliament.govt.nz <P/SEC MFA @parliament.govt.nz>; P/SEC MFA @parliament.govt.nz <P/SEC MFA @parliament.govt.nz>; (1) @parliament.govt.nz <P/SEC MFA @parliament.govt.nz>
Cc: (1) @dpmc.govt.nz <(1) @dpmc.govt.nz>; (1) (PRD); (1) (GM SGG); (1) (SEA); (1) (SEA); (1) (SEA)
Subject: NZ High Commissioner to speak with Malaysian Foreign Minister

I have just come off the phone with (1) again, who said he had been contacted by (3) saying Minister Anifah wished to talk with him by phone in the next few minutes. The caller wasn't clear on the exact nature of the information her Minister wished to convey or seek, though (1) thought it related to the press conference. I suggested to (1) this would also be a good opportunity to test Minister Anifah's interest in having a phone conversation with Minister McCully. I will report once I hear more.

Note also that I have been trying to contact the Malaysian HCer again, or her deputy, to seek more information about (or better still a copy of) the (2) email that FM Anifah is quoted as saying created misunderstanding around the immunity waiver request. A (5) search of all PRD's emails has failed to bring any such email to light.

(1)

From: P/SEC MFA (1)
Sent: Wednesday, 2 July 2014 7:00 a.m.
To: MFA; McCully1
Cc: PRESS SEC MFA ; P/SEC MFA ; P/SEC MFA (1)
Subject: MFAT website, and Malaysian Diplomat

Minister

See the message below from (1) Apparently there was "a glitch" on the MFAT website that meant the list of diplomats in New Zealand was not accessible. There were some comments on twitter (not sure by who sorry - I have asked) that the Malaysian HC details were on the site.

P/SEC MFA

From: (1) (DS AAG)
Sent: Wednesday, July 02, 2014 05:52 AM New Zealand Standard Time
To: (1) ; dpmc (1) ; PRESS SEC MFA, P/SEC MFA
Cc: (CEO) ; (GM SGG) ; (ESD)
(SEA) ; MEDIA ; (ESD)
CEO Office) < ; (ESD)
(PRD) < ;
(OFS) ; (OFS) (1)
(ESD) (1) (ESD) (SEA)

Subject: One further thing: Re: Updated Talking Points on Malaysian Diplomat

P/SEC MFA, DPMc (1)

There is one further thing your bosses should know ahead of media encounters this morning. That is that there was a glitch with the MFAT website yesterday, which meant that the diplomatic list (list of foreign diplomatic and consular staff in NZ) disappeared from the site for a period. It is back on.

There was comment on Twitter about the Malaysian High Commission details not being on our website.

Copied below is a report from (1) (1) ; if you're not familiar with the name yet (1) ;
on the situation. DPMc

(1)

Kia ora korua
??

As you are aware, a technical/human error resulted in the names of all foreign diplomatic staff being wiped from the MFAT website sometime this afternoon.

??

This error has been corrected, and the information is available again.

??

Initial indications from the developer are that this incident was caused by a technical/human error, triggered by the use of new data updating software.?? I intend to find out more tomorrow (to avoid similar instances occurring again).?? Essentially the entire data table was wiped (through a simple right-click of a mouse button) when the

deletion of a row (also through use of a right click) was intended.

??

I recognise the sensitivities associated with the timing of this incident, but can assure you this is merely a case of new software possibly coinciding with a ??technical/human error.

??

Thank you.

??

①

??

①

Communications

New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

??

①

??????? www.nzunsc.govt.nz

C

C

From: ① DPMC
Sent: Wednesday, 2 July 2014 7:16 a.m.
To: (ESD);
Cc: ① (PRD); (DS AAG); ① (ESD); (GM SGG); (CEO Office); (OFS); ① (SEA); MEDIA; (ESD); ① (OFS); ① (ESD); ① (SEA)
Subject: RE: One further thing: Re: Updated Talking Points on Malaysian Diplomat

Thanks all

Looking forward, the PM will encounter the media on the way to the House just before 1400, so can we please aim to have points updated by 1300 today and to me and MFA's Office.

Cheers

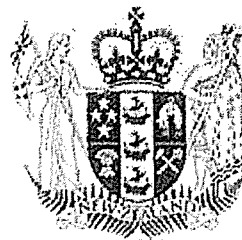
① DPMC

① F

From: ① PRESS SEC MFA
Sent: Wednesday, 2 July 2014 9:37 a.m.
To: #PressN
Subject: Going soon - Advisory: Murray McCully - Stand up on The Bridge

Hon Murray McCully

Minister of Foreign Affairs



1 April 2014

Media Advisory

Foreign Minister Murray McCully will be available to answer questions on diplomatic immunity and the Malaysian diplomat at 10.30am on the tiles.

When: 10.30am, 2 July, 2014

Where: The Bridge, Parliament Buildings

Media contact: PRESS SEC MFA ①

| Press Secretary | Office of Hon Murray McCully

6.1 Executive Wing Beehive | Parliament Buildings | Wellington 6160 | New Zealand

From: (i) (SEA)
Sent: Wednesday, 2 July 2014 11:09 a.m.
To: (i) (PRD); (i) (ESD); (i) (SEA); (i)
Cc: MEDIA; ESD; (i) (CEO Office); (i) (DS AAG); (i)
(GM SGG); (i) (ESD)
Subject: RE: Oral Questions on Malaysian Diplomat
Attachments: Record of (i) meeting with Malaysian High Commissioner; Conversation with Malaysian High Commissioner: Media Request re Diplomatic Incident

(i) I think it would help for you to refer to my record of both my conversation with the HCEr last week and of her meeting with (i) on Monday. I have attached these. The bolding in the HCEr-CEO meeting was in the original email (2)

(i)

From: (i) (PRD)
Sent: Wednesday, 2 July 2014 10:35 a.m.
To: (i) (SEA); (i) (ESD); (i) (SEA); (i) (PRD)
Cc: MEDIA; ESD; (i) (CEO Office); (i) (DS AAG); (i) (GM SGG); (ESD)
Subject: RE: Oral Questions on Malaysian Diplomat

THE PRD PIECE

Can you please check this very closely to ensure there are no factual errors:

The Ministry apologises for the misunderstanding that arose from an email sent to the Malaysian High Commission on Saturday 10 May, the day after the incident took place.

The email attached to the third person note formally seeking a waiver of immunity contained the sentence "If he were to complete his posting prior to 30 May and return to Malaysia, that would be the end of the matter."

The reference to 30 May was the date of the court hearing. If the Malaysian Government were to waive immunity, Mr Rizalman would be required to appear at the hearing. If the Malaysian Government were to refuse to waive immunity as they have the right to do under the Vienna Convention, the next step set out by the Convention would be for the New Zealand Government to declare Mr Rizalman persona non grata if his Government did not withdraw him immediately.

The official sending the email believed they were explaining possible options. It was not in any way intended to be advice on what to do. It was for the Malaysian Government to consider all the issues in deciding whether to agree to the waiver. However in hindsight MFAT understands that this could have been misconstrued and apologises for this misunderstanding.

In subsequent meetings between the Ministry, the High Commission and the Police, the consequences of agreeing to a waiver or refusing a waiver were discussed but officials involved did not consider that they were providing

advice.

②

Officials have been searching through their files for all the material around this case and the email came to light yesterday. It was not an intentional cover-up.

From: PISEC MFA
Sent: Wednesday, 2 July 2014 10:13 a.m.
To: (ESD); (DPMC)
Cc: (DPMC); ESD; PRESS SEC MFA (Fairfax Media) - information
Subject: RE: OIA Request - PMO 096-2014 (Fairfax Media) - information relating to diplomat alleged to have committed assault

PRESS SEC MFA

(1) - when you have a chance, can you check with (1) that she received the release of the TPNs yesterday, and we can exclude these from her OIA request?

From: P/SEC MFA
Sent: Wednesday, 2 July 2014 12:13 p.m.
To: P/SEC MFA; P/SEC MFA; PRESS SEC MFA
Subject: Email timings

Hi there

Minister asked me to determine when information was received overseas for both the case report I didn't pass on, and the emails from last week. Circulating so you are aware of his request.

P/SEC MFA

Email	Date sent in NZ	Date received
Case report noting waiver declined	4.28pm Thursday 22 May	12.28am Thursday 22 May (New York)
PRESS first media update SEC MFA	4.41pm Thursday 26 June	12.41am Thursday 26 June (Dominican Republic)
PRESS second media update SEC MFA	11.33am Thursday 27 June	7.33pm Thursday 27 June (Dominican Republic)

10

From: ① (CEO Office).
Sent: Wednesday, 2 July 2014 12:41 p.m.
To: ① (CEO)
Subject: FW: Malaysian Diplomat - Herald on Sunday
Attachments: FW: Malaysian Military Attaché: Police investigation

① – in response to your query just now....

① flicked me a copy of the ① message (below) at midday on Wednesday 25 June. I forwarded this to ① at midday Friday 26 June, prompted by the Malaysian HCer's request to phone you.

② all. I approached ① and ① to ascertain what the HCer might be wanting to talk to you about. Having obtained confirmation from ① that it was almost certainly about this case, I sent the ① email to ① so that she was across the background before we talked to you about whether or not to take the call. (You were at an outside meeting and only returning for a brief period before flying to Dunedin.)

My understanding is that ① spoke to you about the HCer's telcon request and briefly sketched what it may be about. You sensibly suggested that she speak with ① or ① instead.

①

From: ① (CEO Office)
Sent: Friday, 27 June 2014 12:06 p.m.
To: ① (CEO Office)
Subject: FW: Malaysian Diplomat - Herald on Sunday

Here's the background

From: ① (ESD)
Sent: Wednesday, 25 June 2014 11:52 a.m.
To: ① (PRD)
Cc: ① (DS AAG); ① (GM SGG); ① (SEA); ① (SEA); (KLU); ① (KLU); ① (ESD)
Subject: FW: Malaysian Diplomat - Herald on Sunday

[UNCLASSIFIED]

Hi ①

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).

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 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

①

From: ① [mailto: @Police.Govt.NZ]
Sent: Wednesday, 25 June 2014 11:07 a.m.
To: MEDIA
Subject: FW: Malaysian Diplomat - Herald on Sunday

As discussed with

①



①
①
New Zealand Police
Police National Headquarters | 180 Molesworth Street | Wellington
@police.govt.nz

From: ① [mailto: @heraldonsunday.co.nz]
Sent: Wednesday, 25 June 2014 10:23
To: ① NZ POLICE
Subject: RE: Media query

Hi ①

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.

① 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

From: (1) (ESD) (1) @mfat.govt.nz>
Sent: Wednesday, 2 July 2014 1:17 p.m.
To: (1) PRESS SEC MFA
Subject: FW: Mfat Media statement

[UNCLASSIFIED]

Hi,

I've sent this statement out.

(1)

From: (1) (ESD)
Sent: Wednesday, 2 July 2014 1:16 p.m.
Subject: Mfat Media statement



NEW ZEALAND
FOREIGN AFFAIRS & TRADE

Wednesday 2 July 2014

Media Statement

The Ministry of Foreign Affairs has apologised to the government for the way it has handled the diplomatic immunity case involving a Malaysian official.

IFAT CEO John Allen says he met with Foreign Minister Murray McCully this morning to acknowledge shortcomings in the advice provided by the Ministry and also its management of a serious incident.

"The Ministry has fallen well short of its obligations to the government on this occasion and we take this failure very seriously," said Mr Allen.

"It is the long standing policy of the New Zealand government to formally request the waiver of diplomatic immunity in such cases.

"Unfortunately the way the Ministry dealt with this issue left some ambiguity around our position - which was that the accused should face justice in New Zealand, he said.

"I am initiating a review process within the Ministry to reassess our policy and procedures for handling similar situations. The Ministry is likely to appoint an independent reviewer for this work.