

Malaysia

Treaties

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of 1925: acceded on 10 December 1970;

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC) of 1972: signed on 10 April 1972 and ratified on 6 September 1991;

Malaysia is currently studying the need to draft specific legislation to implement more effectively its BWC obligations.

Malaysia has put appropriate effective laws in place to prohibit the manufacturing, acquiring, possessing, developing, transporting, transferring or using of nuclear, chemical or biological weapons and their means of delivery. Among the relevant laws that may be used for this purpose are as follows:

- (a) Internal Security Act of 1960;
- (b) Penal Code;
- (c) Customs Act of 1967;
- (d) Arms Act of 1960;
- (e) Corrosive and Explosive Substances and Offensive Weapons Act of 1958;
- (f) Atomic Energy Licensing Act of 1984;
- (g) Anti-Money Laundering Act of 2001;
- (h) Prevention and Control of Infectious Disease Act of 1988;
- (i) Poisons Act of 1952; and
- (j) Pesticides Act of 1974.

Biological Weapons:

Malaysia signed the BWC on 10 April 1972 and ratified it on 6 September 1991.

Malaysia does not produce biological weapons. Although there is currently no specific legislation in Malaysia to criminalize biological weapons-related offences, Malaysia has domestic laws in place to enable perpetrators of such offences to be effectively prosecuted. The relevant laws are as follows:

- (a) The Penal Code:

This legislation criminalizes among others:

*Terrorist acts involving the use of biological weapons [Chapter VI A has yet to be put in operation];

*Any act that vitiates the atmosphere in any place so as to make it noxious to the health of persons [section 278];

*Murder and culpable homicide [sections 302 and 304]; and Causing grievous hurt by dangerous weapons or means, including by means of any substance that is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal [sections 324 and 326].

- (b) The Corrosive and Explosive Substances and Offensive Weapons Act of 1958: This Act criminalizes the possession of corrosive and explosive substances and the carrying of offensive weapons.

- (c) The Arms Act of 1960:

This Act criminalizes, among others, the possession or use of arms and ammunition without relevant licenses and permits. The expression "arms" is

defined widely and encompasses “any weapons of whatever description designed or adapted or which can be adapted for the discharge of any noxious liquid, gas or other thing”.

(d) The Customs Act of 1967:

This Act regulates the importation and exportation of all goods, including the prohibited materials under the BWC. The Act also enables the prohibition of the importation and exportation of the prohibited materials.

(e) The Prevention and Control of Infectious Diseases Act of 1988:

This Act, among others, regulates the importation and exportation of pathogenic organisms or substances. A “pathogenic organism or substance” is defined to include any animal, noxious insect, living germ, microbe, bacteria or virus, the culture of any germ, microbe, bacteria or virus or the product of any germ, microbe, bacteria or virus. Meanwhile, under this Act, the Prevention and Control of Infectious Diseases (Importation and Exportation of Human Remains, Human Tissues and Pathogenic Organisms or Substances) Regulation of 2002 has already been drafted and is currently awaiting final approval;

(f) The Plant Quarantine Act of 1976:

This Act consolidates the law relating to the control, prevention and eradication of agricultural pests, noxious plants and plant diseases and extends cooperation in the control of the movement of pests in international trade.

(g) The Internal Security Act of 1960:

This Act enables Malaysia to take appropriate effective preventive action to deal with any threat to its national security