

## Role of Investigation and Legal Prosecutions in Nuclear Security

Malaysia has transparently reported 22 cases of material out of regulatory control (MORC) since 2007 to the International Atomic Energy Agency (IAEA), Incident Trafficking Database (ITDB). Records of data, has shown 14 cases of MORC were reported occurred at the border while the remaining eight (8) cases took place within the interior of the state. In most of border detection cases, the materials were instructed to be sent back to country of origin due to multipipe technical reasons such as lack of legal evidence to support further legal actions and the urgent need to make decision as to avoid impediment to trade including the availability of insurance coverage to support the embargo of the goods. Though half of the problem solved when the MORC were being shipped out formally from Malaysia, there is still a growing concern on what will happened next to the embargoed MORC. The Atomic Energy Licensing Board (AELB) as national regulatory body responsible for controlling the authorised dealing of nuclear and other radioactive materials in Malaysia, with the cooperation of Royal Malaysian Customs Department (RMCD) strived hard in ensuring every trace of evidence will be cautiously handled as to ensure detection cases can be pursued further towards proper legal actions. This is important as to have proper information and gathering of evidences in analysing trend and pattern of every detection cases that will contribute in building risk management for nuclear security detection in Malaysia. After more than 10 years of experience in border detection, this year marked the first experience that we had successfully able to bring the importer to court for further legal action where the importer was instructed to pay the fine of the committed offences. The legal actions have consequences beyond financial implication that is linked to business reputation that would want to be avoided by business entity. Hence, legal action will be the first priority in mind in dealing with any detection cases in Malaysia. In other example, for interior detection, we have also seen the experienced in using a suitable legal provision through cessation of activities against company that committed offences that has resulted in managements awareness in nuclear security compliance due to implication that seems to tarnishing business reputation including loss of business opportunity during the period of offences. Through these observations, Malaysia believe that the holistic approach in nuclear security shall include the strengthening of investigation and prosecution elements in supporting other technical mechanism. Such measures highlight the effectiveness regulatory control for radioactive and nuclear material from nuclear security point of view

### Gender

Female

### State

Malaysia

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