



# MALAYSIA

**PERMANENT MISSION TO THE UNITED NATIONS**

*(Please check against delivery)*

**STATEMENT BY  
MS. INTAN DAYANA AHAMAD, PERMANENT MISSION OF  
MALAYSIA TO THE UNITED NATIONS ON AGENDA ITEM 85:  
THE SCOPE AND APPLICATION OF THE PRINCIPLE OF  
UNIVERSAL JURISDICTION AT THE SIXTH COMMITTEE OF THE  
72<sup>nd</sup> SESSION OF THE GENERAL ASSEMBLY  
NEW YORK, 11 OCTOBER 2017**

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Mr. Chairman,

1. Malaysia expresses its profound gratitude to the Secretary-General for the Report on “The Scope and Application of the Principle of Universal Jurisdiction” which was prepared pursuant to the General Assembly resolution 71/149. Malaysia notes that the integral part of the present Report is formed by the comments of Governments on the scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice.

Mr. Chairman,

2. This topic of intense debate continues to be a subject of keen interest for Malaysia since it was introduced in the year 2009. Further on that point, it is



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recalled that Malaysia had consistently provided extensive comments, shared relevant information and raised noteworthy concerns with regard to the exact scope and application for the implementation of the principle of universal jurisdiction.

3. Among others, Malaysia had shared its preliminary views on foundation and scope of the principle of universal jurisdiction, and the application of the principle in Malaysia including the applicable domestic legislations. Against this backdrop, taking into account Member States' diverging views and understandings, Malaysia maintains its view that common consensus and understanding by Member States on principal of universal jurisdiction at the international level must be achieved. This is to ensure that throughout the consideration of the topic, the gap of the differences between Member States can be narrowed, and also to guarantee that States' sovereignty and territorial integrity are protected and fully respected.

Mr. Chairman,

4. Malaysia would like to reiterate its concern that at this juncture, there is still lack of specific constructive discussion at this forum concerning Member States' list of offences in which universal jurisdiction are applicable. Malaysia is of the view that it is apt and timely for the Committee to consider taking a significant way forward by adopting a more concrete action. Be that as it may, Malaysia acknowledges the importance of continuous fact-finding effort to gain a clearer and better concept on the scope and application of universal jurisdiction. Malaysia



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would also like to reiterate its suggestion for the Committee to consider commencing an in-depth analysis on the comments and information provided by Member States and relevant observers or giving a mandate to the International Law Commission (ILC) to study and discuss the key elements of this topic. In this regard, Malaysia reiterates that clear criteria defining the concept of universal jurisdiction must first be agreed before this matter could be developed further.

5. In addition to the above, Malaysia is of the view that the practical enforcement aspect of the crimes of universal jurisdiction should also be given due consideration, in particular the process involved in handling of physical evidence and evidence by witnesses in different jurisdictions.

I thank you, Mr. Chairman.