



MALAYSIA

Permanent Mission to the United Nations, New York

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**STATEMENT BY
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COUNSELLOR
PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS**

ON AGENDA ITEM 83: CRIMES AGAINST HUMANITY

**AT THE SIXTH COMMITTEE OF
THE 76TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 15 OCTOBER 2021

Madam Chair,

Malaysia records and expresses its appreciation to the International Law Commission (“ILC”) for its continuing contribution to the codification and progressive development of international law, including for the completion of the draft articles on Prevention and Punishment of Crimes Against Humanity (“draft articles”) during its seventy-first session in 2019.

2. Malaysia notes that this topic has been included in the agenda of the current session for us to continue to examine the draft articles as well as the recommendation of the ILC contained in paragraph 42¹ of its report on the work of its seventy-first session.

¹ 42. At its 3499th meeting, on 5 August 2019, the Commission decided, in conformity with article 23 of its statute, to recommend the draft articles on prevention and punishment of crimes against humanity to the General Assembly. In particular, the Commission recommended the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles.

Madam Chair,

3. Malaysia stands firm by its belief in the rule of law and commitment to ending impunity. Malaysia has long held the position that genocide, war crimes, crimes against humanity and crimes of aggression are the most serious crimes of concern to the international community. As such, the perpetrators of such crimes need to be brought to justice.

4. Malaysia further reiterates the importance of accountability pertaining to the perpetrators of international crimes, including crimes against humanity. Investigation and prosecution of such offences, as well as international cooperation amongst States require our crucial attention.

5. Within Malaysia's current framework, perpetrator of crimes against humanity may be prosecuted under its general criminal laws, foremost of which, the Penal Code. International cooperation on this matter is mainly governed by the Mutual Assistance in Criminal Matters Act 2002 (MACMA) and the Extradition Act 1992.

6. My delegation recalls that the objective of ILC on this topic, as stated in the proposal adopted by the Commission at its sixty-fifth session in 2013, "*would be to draft articles for what would become a Convention on the Prevention and Punishment of Crimes against Humanity*". Malaysia has also provided extensive comments on the topic and the draft articles at this Committee in the past. In this regard, Malaysia remains flexible and supportive to the continuation of elaboration and discussion of the draft articles be it by the General Assembly or by an international conference of plenipotentiaries.

7. Malaysia reiterates our hope for the draft articles to be examined prudently to ensure that any further work should not overlap with existing regimes but rather to complement it.

Thank you.