



MALAYSIA

Permanent Mission to the United Nations, New York

**STATEMENT BY
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**ON AGENDA ITEM 80:
CRIMES AGAINST HUMANITY**

**AT THE SIXTH COMMITTEE OF
THE 78TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 12 OCTOBER 2023

Mr. Chairman,

Malaysia commends the International Law Commission (ILC) for its vital work on the draft articles on the prevention and punishment of crimes against humanity which represents a significant milestone achieved during the ILC's seventy-first session in 2019. In the spirit of realising the objectives set out by the ILC, Malaysia remains supportive toward the ongoing elaboration and discussion of the draft articles, whether under the auspices of the General Assembly or through an international conference of plenipotentiaries.

2. Malaysia remains committed to the rule of law and to ending impunity of perpetrators of crimes against humanity. We firmly believe that genocide, war crimes, crimes against humanity, and the crimes of aggression are among the the most serious of breaches of international law. The ongoing devastation and onslaught of Gaza is a reminder of the urgency to push for consensus on this very important matter. We must make every effort to ensure that the perpetrators of crimes against humanity are brought to justice and be held accountable. There must be no double standard in dealing with any party that commits crimes against humanity and grave breaches of international law including international humanitarian law.

3. Within Malaysia's jurisdiction, individuals implicated in crimes against humanity may face prosecution under the country's existing general criminal laws, particularly under the Penal Code. Moreover, Malaysia has established a robust legal framework concerning mutual legal assistance and extradition, supported by legislation and treaty partnerships, which offer pathways for international cooperation in addressing international crimes, including crimes against humanity.

4. However, it is evident that crimes against humanity possess unique characteristics that necessitate a more nuanced approach when integrating them into Malaysia's legal framework. Indeed, Malaysia recognises the multifaceted nature of addressing crimes against humanity, involving legal, ethical, political, and international dimensions that often transcend the boundaries of our existing legal framework. These offenses therefore require careful consideration within a dedicated segment of Malaysia's penal system, rather than relying solely on the provisions found in our penal and criminal procedure codes.

5. We welcome the scheduled convening of the resumed session of the Sixth Committee for six days, from 1 to 5 April and 11 April 2024. We see these sessions as an opportunity for in-depth discussions, including interactive exchanges, encompassing all aspects of the draft articles.

6. Malaysia takes note of the official deadline of 1 December 2023 for States to submit their written comments and observations on the draft articles and the ILC's Recommendation. We look forward to contribute our written input as part of this important process. In this regard, Malaysia would be appreciative if the comprehensive document of comments and observations could be compiled and circulated well in advance, to enable early consideration.

7. Malaysia's dedication to active engagement in the forthcoming sessions remains steadfast. We look forward to contribute substantive inputs and insights on the draft articles. Our contributions will be anchored on Malaysia's position on this matter, with the overarching objective of advancing constructive dialogues and achieving meaningful outcomes. Therefore, we reiterate our hope that the draft articles will undergo a thorough

examination to ensure that any further developments align with existing frameworks rather than duplicating them.

Thank you, Mr. Chairman.