



# MALAYSIA

*Permanent Mission to the United Nations, New York*

**STATEMENT BY  
MS. NUR AZURA ABD KARIM  
COUNSELLOR  
PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS**

**ON AGENDA ITEM 83:  
THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS**

**AT THE SIXTH COMMITTEE OF  
THE 78<sup>TH</sup> SESSION OF THE GENERAL ASSEMBLY**

**NEW YORK, 17 OCTOBER 2023**

---

Mr. Chairman,

At the outset, my delegation wishes to align itself with the statements made by the Islamic Republic of Iran on behalf of the Non-Aligned Movement (NAM) and the Philippines on behalf of the Association of Southeast Asian Nations (ASEAN). We thank the Secretary-General for his report on strengthening and coordinating United Nations rule of law activities as contained in document A/78/184. Malaysia welcomes the United Nations' assistance, cooperation and support extended to Member States, as catalogued in the report.

2. Malaysia underlines the importance to ensure the protection of civilians and civilian infrastructure, in accordance with all applicable international law, particularly international humanitarian law. We are a community of nations under which justice and the respect for the rule of law are paramount. Atrocities, including attacks on indispensable civilian infrastructure and other grave breaches of international humanitarian law, such as the one we witnessed in Gaza yesterday where the Al Kafi hospital was attacked causing mass casualties, should be unequivocally condemned.

Mr. Chairman,

3. In the context of today's discussion, allow my delegation to provide its views and experiences on the subtopic "Using technology to advance access to justice for all".

**A. ACCESS TO JUSTICE - USE OF TECHNOLOGY IN COURT**

**Impact of Digitalization**

4. Access to justice means more than the ability to make one's way to court. It encompasses the element of effective access. Imbued within the notion of effective access are the ability to have a fair trial or hearing, and the right to procure a remedy considered just and fair on the merits of the case. The result is preferably a remedy that ends not just the case but the dispute. During the Opening Legal Year 2022, the Chief Justice of Malaysia had emphasized that virtual courts have now become an indelible aspect of our system of advocacy. Her Ladyship also made a clear statement that the Malaysian Judiciary has continuously leveraged on technological advancements, and online or virtual hearings mark the progress in this direction. The advent of online hearings is not merely a means to cope with the pandemic, when movement and in-person interactions are limited, but is now a permanent feature of Malaysia's justice system.

5. The proliferation of information and communications technology (ICT) has a positive influence on the accessibility of courts in Malaysia. The Malaysian government has been proactively advocating the utilisation of ICT within the legal system to enhance the access to justice and augment the efficacy of the court system. In March 2020, at the onset of the pandemic, the judicial system was compelled to transition to virtual proceedings for cases, contingent upon obtaining consent from all involved parties while ensuring the preservation of justice. This situation arose due to the absence of explicit legislative provisions authorising the court to conduct hearings or trials online. Parliament has taken proactive measures to explicitly permit the conduct of online hearings, regardless of consent, while still considering the paramount importance of upholding justice.

## **Digitalization of Working Processes at Courts**

6. The process of digitalizing working procedures in Malaysian courts entails the utilisation of technological advancements to mechanise and simplify court processes. The aforementioned comprise the utilisation of electronic case management systems, electronic evidence presentation systems, and video conferencing technology. In this regard, the Malaysian government has implemented an online case management system called *e-Kehakiman*, which allows litigants and lawyers to access case information online, including case status, court orders, and hearing dates. The system facilitates electronic communication among parties, thereby minimising the necessity for in-person court visits.

7. In addition, the Malaysian courts have adopted electronic evidence presentation systems, which enable litigants to present evidence in electronic format, such as videos or images, during court proceedings. This has made the evidence presentation more efficient and reduced reliance on physical evidence. Furthermore, the courts have also embraced video conferencing technology to conduct remote hearings, enabling litigants to attend hearings from their homes or offices without the need for physical attendance. The overall accessibility, efficacy, and transparency of Malaysia's judicial system have been significantly enhanced due to the digitalization of working procedures at Malaysia's courts and the online filing of cases, both of which have contributed to the modernization and enhancement of the justice system in the country.

### **e-Kehakiman (e-Court)**

8. The *e-Kehakiman* system, implemented in 2010, encompasses the digitalization of various court operations and delivery processes. It was effected by the Judiciary to overcome the backlog of cases and facilitate the disposal of cases. The *e-Kehakiman* system refers to digital platforms used by lawyers, government agencies, Courts and public in matters relating to Court proceedings and documents. This includes the acquisition of hardware, the establishment of networks, and development of applications. The implementation of the *e-Kehakiman* system aligns with the broader adoption of e-Government and seeks to enhance the capabilities of the conventional judicial system. During its initial implementation, the *e-Kehakiman* system consisted of three primary

application systems: the online document filing and court fee payment system (e-Filing), the Court case management system (CMS), and the self-service attendance management system (QMS).

9. Furthermore, a novel system has been developed, known as the Court Recording and Transcription System (CRT), which enables the audio-video recording of case proceedings in courtrooms. This system also facilitates the downloading of trial recordings for the purpose of preparing evidence notes. The *e-Kehakiman* system's scope was subsequently broadened to serve as a fundamental digital platform for the digitization aspects of e-Trial, e-Review, e-Appellate, *e-Lelong* (e-Auction) and the integration with systems operated by government agencies such as the Royal Malaysian Police, Road Transport Department, and the Malaysian Prisons Department.

Mr. Chairman,

## **B. ACCESS TO JUSTICE FOR ALL – COURT MEASURES**

10. The Malaysian Judiciary has taken measures to facilitate access to justice and expedite delivery of justice, in an efficient and cost-effective manner. This include the circulation of Practice Directions and Circulars, the establishment of Court Assigned Council Scheme (for an accused person charged with death penalty cases), Specialised Courts, Mobile Courts in Sabah and Sarawak and other suitable facilities for persons with disabilities and other vulnerable person/witness.

11. In conclusion, Malaysia wishes to reaffirm its commitment to consistently subscribe to the principle of rule of law at the national and international levels. We stand by our commitment to provide fair, transparent, effective, and accountable judicial and legal services particularly in ensuring access to justice. Malaysia would continue to leverage on the advancement of technology in improving the rule of law for a peaceful and just society.

Thank you.