

## **MALAYSIA**

### **Response to the request for information and observations pursuant to resolution 77/111 of 7 December 2022 on “The scope and application of the principle of universal jurisdiction”**

12 May 2023

This note provides the response of the Government of Malaysia pursuant to the request from the Office of Legal Affairs of the United Nations vide Note Verbale no. LA/COD/73 dated 2 December 2022, and operative paragraph 4 of resolution 77/111 of 7 December 2022, for States to provide information and observations on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and on their national legal rules and judicial practice. It is noted that the General Assembly also requested, through the same resolution, the Secretary-General to prepare and submit to the Assembly at its seventy-eighth session a report based on such information and observations.

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1. Malaysia has been following the topic with keen interest since its introduction in 2009, and recalls that the Sixth Committee had witnessed intense and constructive debates on the topic. It is further recalled that Malaysia had consistently provided substantial comments, shared relevant information, and raised noteworthy concerns with regard to the scope and application for the implementation of the principle of universal jurisdiction.

2. Malaysia had submitted the relevant information on the topic, particularly on the application of the principle in Malaysia including the relevant applicable international treaties and Malaysia’s legal rules and judicial practice, at the previous Sixth Committee session (2022). Malaysia notes the diversity of views expressed by Member States, and acknowledges the unique applicability of the principle in numerous national laws and its application in current judicial practice.

3. As such, Malaysia views that there is a pressing need to achieve common consensus and understanding by Member States, as well as a need for an in-depth legal analysis of universal jurisdiction noting the gravity of the crimes under universal jurisdiction and the consequences they entailed.

4. Further, Malaysia observes that there has been minimal response from Member States in providing information on the scope and application of universal jurisdiction, the relevant applicable international treaties, as well as their national legal rules and judicial practice in relation to the principle. It is pertinent for the Committee to have an overview of Member States’ national legal framework in order to appreciate the extent of the application of universal jurisdiction principle domestically.

5. In this regard, Malaysia reiterates its call for the Committee to analyse the underlying cause of the unforthcoming response from Member States, and recommends that the Committee consider Malaysia's views as a way forward for its work on the topic.