



MALAYSIA

Permanent Mission to the United Nations, New York

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

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

AT THE SIXTH COMMITTEE OF THE 79TH SESSION OF THE GENERAL ASSEMBLY

UNITED NATIONS HEADQUARTERS, NEW YORK, 10 OCTOBER 2024

Mr. Chair,

Our discussion on this agenda item is taking place at a time when humanity is facing a significant affront to its dignity. It is 369 days since Israel unleashed its unhinged brutality against the people of Gaza, subjecting them to constant bombardments and collective punishment that should never be inflicted on any human being.

2. For a long time already, Israel's actions against the Palestinians have been dehumanising, stripping them of their fundamental human rights and human dignity. Such heinous acts are not only being perpetrated by the Israeli state apparatus, it is also being carried out by its criminal and extremist settlers, especially in the occupied West Bank, with full protection from Israeli security forces. These barbaric settlers forcibly displace Palestinians from their homes, seize or destroy their property, and kill Palestinians with absolute impunity. They also seek to erase Palestinian culture and identity, including through attempts to rename Palestinian towns and villages in the West Bank.

3. As if its actions in Gaza and the West Bank is not heinous enough, Israel is now expanding its trail of destruction to neighbouring countries, namely Lebanon and Syria, dangerously escalating the situation into a full-blown regional conflict. It is evidently clear that Israel is committing acts that fit the description of crimes against humanity.

It is regrettable that the United Nations Security Council remains deadlocked and unable to stop the mass atrocity crimes against the Palestinian people. It is also disappointing that there are states – some of which are proponents of an international instrument to prevent and punish crimes against humanity – that are doing the complete opposite by supporting Israel, through the provision of arms and diplomatic cover, as Israel continues to perpetrate mass atrocity crimes against the Palestinian people and civilian populations in the wider Middle East region.

4. Malaysia is also deeply concerned with instances of crimes against humanity occurring in other parts of the world, Myanmar being one closer to home. The situation in the country is extremely dire, with civilian populations being subjected to violence and being forcibly displaced. The Rohingya community continues to be among those most impacted as a result of the instability and violence in Myanmar.

Mr. Chair,

5. Malaysia commends the International Law Commission (ILC) for its work on the draft articles on the prevention and punishment of crimes against humanity. We recognise the immense interest in the subject since the submission of the draft articles to the General Assembly by the ILC in 2019. We note the written comments and observations that have been submitted, and had the opportunity to listen to views of Member States on the draft Articles as well as the recommendation of the ILC *vis-à-vis* the draft Articles, during the two resumed sessions of the Sixth Committee held last year and this April respectively.

6. Malaysia recognises that the current session of the Sixth Committee will need to take a decision on the draft articles and the recommendations of the ILC on this subject, as mandated in Resolution 77/249. We wish to make the following observations on the draft articles and recommendations of the Commission:

- 6.1. First, it is imperative that future work on the draft articles, including possible additional provisions, remain consistent with the overarching goals of preventing and punishing crimes against humanity, and exclude elements that go beyond this scope;
 - 6.2. Second, it would be crucial to provide States with discretion to determine how certain provisions are operationalised within their domestic legal frameworks, to allow States to meet their obligations on the prevention and punishment of crimes against humanity without being constrained by externally-imposed standards; and
 - 6.3. Third, Malaysia recognises the close linkage between some of the provisions under the draft Articles with the Rome Statute of the International Criminal Court. The implications of this linkage, particularly to States not Parties to the Rome Statute, will require further examination so as to ensure that obligations are addressed in accordance with domestic legal frameworks and with respect for national sovereignty.
7. On the question of the recommendation of the ILC on this subject, Malaysia remains supportive of further elaboration and discussion of the draft articles on the prevention and punishment of crimes against humanity, be it through the General Assembly, or through an international conference of plenipotentiaries. However, we wish to underscore that inclusivity and constructive dialogue are key requisites in this process, given the importance of the issue.
8. In conclusion, Malaysia is committed to engage actively in further discussions on this subject, including the draft Articles submitted by the ILC. We endeavour to provide substantive insights to support the further development of the draft articles.

Thank you, Mr. Chair.