



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS

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MS. SARAH KHALILAH ABDUL RAHMAN, REPRESENTATIVE OF MALAYSIA

ON AGENDA ITEM 81 ENTITLED
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
SIXTY-FIFTH SESSION
(PART I)

AT THE SIXTH COMMITTEE OF THE SIXTY

4. Malaysia further notes the inclusion of the topic ~~Protection of the \$ W P R V S i K H U H ' W K H & R P P L V V L R Q ¶ V S U R J U t D e P e w a r d s h i p Z o R M r N S h y a C M H r a s e .~~ In light of this, Malaysia notes the limitations determined by the Commission for the topic and wishes to underscore the importance of the study in keeping with the parameters set for it, including among others, that it will not interfere with current negotiations tracks on climate change, ozone depletion, and long-range transboundary air pollution.

9. Finally, in relation to Conclusion 5 (Attribution of subsequent practice), Malaysia notes the conclusion that only conduct that is attributable to parties to the treaty is accepted as subsequent practice relevant to treaty interpretation. Although Malaysia in a broad sense as covering both the identification of the existence of a subsequent practice and the determination of its legal significance, our reservation would be on inclusion of non- that is attributable to parties of the treaty.

CHAPTER V: IMMUNITY OF STATE OFFICIALS FROM FOREIGN CRIMINAL JURISDICTION

Mr. Chairman,

10. Malaysia notes the consideration of the Preliminary Report of the Special Rapporteur for the topic of Immunity of State Officials from Foreign Criminal Jurisdiction at the sixty-fourth session, and the Second Report at its sixty-fifth Session. Malaysia would like to thank and congratulate the newly appointed Special Rapporteur for this topic, Ms. Concepción Escobar Hernández, for her presentation of the six draft Articles which capture the key issues pertaining to the immunity of State officials from foreign criminal jurisdiction, and of which Malaysia takes notes with great interest.

11. Malaysia has been studying and closely following the development of the subject since the consideration for the inclusion of the topic in the long-term programme of work during its fifty-eighth Session in 2006. Malaysia wishes to reiterate its views on the Preliminary Report prepared by the previous Special Rapporteur, Mr. Roman Kolodkin. Malaysia is of the view that the topic should focus on the immunities accorded under international law, in particular customary international law, and not under domestic law. There is also no necessity to re-examine previously codified areas such as the immunities

13. In this regard, Malaysia takes note that the Special Rapporteur has
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