

MALAYSIA

Permanent Mission to the United Nations, New York



Address: 313 East 43rd Street
New York, NY 10017

Tel: (212) 986 6310
Email: mwnewyorkun@kln.gov.my

Web: www.rkb.gov.my b: -6n:46319s29 T8.3 21.96 reW

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 – ~~W~~ 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

- 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.