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MALAYSIA'S COMMITMENT TO THE GENEVA CONVENTIONS: APPLICATION AND CHALLENGES

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Abstract:

This article offers a constructive perspective on the application of the 1949 Geneva Conventions in Malaysia. It aims to address the Malaysian government's commitment to the Conventions and how that plays out in the local specific circumstances *id est* insurgency, the confrontation with Indonesia and the incursion of militants in Lahad Datu. Sabah. Malaysian Armed Forces (MAF) also gained the opportunity to value the Convention during international theatre assignments under the United Nations (UN) Flag. Local stakeholders closely monitor the dissemination of International Humanitarian Law (IHL) to ensure Armed and Security Forces properly understand the Conventions' spirit. The research methodology involves a qualitative content analysis of legislative framework, case law, and secondary archival data on the application of the Geneva Conventions and related treaties. The study suggests that Malaysia closely observed respect for the IHL in dealing with armed conflicts.

Keywords:

Geneva Conventions, IHL, Malaysia, Peacekeeping, War Crimes

Introduction

In 2024, the global community marked the 75th anniversary of the Geneva Conventions (GCs) 1949, signifying a major achievement for international humanitarian law (IHL). This study is anchored in the context of IHL, specifically focusing on the 1949 GCs, which form the bedrock

of modern legal frameworks aimed at regulating and protecting victims of armed conflict. Malaysia, a signatory to GCs and a participant in various global peacekeeping missions, has committed itself to upholding these principles formalized through the enactment of the Malaysian Geneva Convention Act 1962. However, as the nature of armed conflicts evolves, with the rise of non-state actors and internal conflicts, questions emerge about the effectiveness of Malaysia's legal and operational mechanisms in applying IHL principles. The article addresses the critical issue of practical implementation of the GCs since Malaysia's ratification of IHL key treaties and the enactment of the Malaysian Geneva Convention Act 1962, challenges persist in translating these commitments into effective action, particularly in dealing with both local and international armed conflicts. The article questions the extent to which Malaysia's armed forces, judiciary, and policymakers are prepared to navigate contemporary humanitarian challenges while adhering to IHL norms. These gaps raise concerns about Malaysia's ability to fulfil its obligations under international law, safeguard human rights, and ensure accountability in conflict situations. An active national IHL committee and strong political will by all stakeholders, including decision-makers, are necessary for success in domesticating IHL in Malaysia.

Research Methodology

The article primarily engages in applied legal research by analysing existing legal frameworks, specifically the Malaysian Geneva Convention Act 1962. Data is collected by examining statutory provisions and case law to understand how IHL is applied within the Malaysian context, reviewing the historical application of IHL in Malaysia, particularly during events like the insurgency, Indonesian confrontation, and the Lahad Datu incursion. The information comprises secondary data sourced from academic publications, commentaries and reports. This data analysis sheds light on how legal frameworks evolved and were applied during these conflicts.

Literature Review

The literature review is divided into two themes namely codification of IHL and its emergence in Malaysia's legal landscape.

Codification of Customary IHL in Modern History

IHL refers to the body of international law that is motivated by humanitarian concerns seeking to restrict the use of barbaric weapons to reduce the suffering of non-combatants and make the battle more humane. While modern IHL has its roots in the 1800s, its guiding concepts and practices go back far further in time (Borda, 2008). The literature describes that IHL's inception in the modern form may be traced back to a bloody clash between French, Italian, and Austrian soldiers in the 1859 Battle of Solferino. Witnessing the devastation, Geneva merchant Henry Dunant was moved by the plight of the injured, abandoned on the battlefield, wrote about the brutal carnage and searched for ways to alleviate the suffering he had observed. At the later stage, he proposed that States "formulate some international principle, sanctioned by a Convention inviolate in character" as well as to provide legal protection to injured soldiers on the battlefield. The year 1864, is often seen as the beginning of contemporary, codified customary IHL (Jha & Ratnabali, 2017). The 1864 Convention of 10 Articles specifically formulated a set of rules in relation to "Amelioration of the Condition of the Wounded in Armies in the Field" (Liivoja & McCormack, 2016). It was the first time states tried to limit their authority in favour of individuals in an international convention accessible to universal ratification, and the war was subjected to codified general law. The set of rules concerning

prisoners of war was founded in 1929 by the introduction of the "First Geneva Convention on Prisoners of War", complementing the loopholes in relation to the treatment of prisoners of war formed in the Hague Regulations of 1899 and 1907 (Schindler & Toman, 1988). The 1949 GCs superseded these conventions with enhanced protections for the victims of conflicts including the wounded, sick, and shipwrecked members of the Armed Forces at Sea and the civilians. It is a crucial step towards the protection of those affected by armed conflicts. To further enhance this protection, three additional protocols were introduced in 1977 and 2005 aimed to establish clear guidelines for better regulating the conduct of hostilities. The aforementioned documents establish the fundamental principles for upholding the sanctity of human life and dignity, particularly in the context of armed conflicts.

IHL in Malaysia

In Malaysia, the British colonial power influenced the application of the IHL set of rules. As commonly known, the British administration in pre-independence Malaysia has shaped the social, legal, and political architecture in line with the British system of governance. Many laws and regulations were fashioned after the laws of the United Kingdom (UK), which had been put in place under colonial rule. Therefore, in a similar vein, humanitarian law is also included in the legislation that is patterned after the UK statutes. Amongst the earliest humanitarian law-related legislation in the UK was the Geneva Convention Act 1911, which forbids the use of the embodiment of the Red Cross on white backgrounds without authorization. The Act was passed in response to the UK's decision to revoke its reservation to the Geneva Convention of 1906. The application of this Imperial Act was extended to Penang and Malacca, which at the time were a part of the Straits Settlements colony, as well as to Sarawak and Sabah (then North Borneo). The prohibition of the use of the Red Cross emblem was later extended to the Federated Malay States by virtue of the Revised Edition of the Laws of the Federated Malay States, 1955 Cap. 51 and the un-Federated Malay States by virtue of Terengganu Enactment 16 of 1356, Kelantan Enactment 2 of 1918, Kedah Enactment No. 93, Perlis Red Cross Enactment No. 13 of 1336 and in Johore Enactment 9 of 1918. In 1937, the UK approved the Geneva Convention Act, which outlawed inter alia, the illegal use of the "Red Cross" and the "Geneva Cross" term. A similar provision was later extended to the Straits Settlement, the un-Federated Malay States and the Federated Malay States. The Geneva and Red Cross (Control of Use) Ordinance, 1959 abolished all prior regulations and consolidated the laws on the topic. The Geneva Conventions Act, of 1962, then repealed the 1959 Ordinance. (Ibrahim, 1980).

Malaysia ratified the 1949 GCs on 24 August 1962. Malaysia also ratified the following other IHL-related instruments such as:

- a. "Optional Protocol on the Involvement of Children in Armed Conflict", 2000 (ratified in 2012 with reservation).
- b. "Hague Convention for the Protection of Cultural Property" 1954 and "Hague Protocol for the Protection of Cultural Property" 1954 (both were ratified in 1960).
- c. Geneva Protocol on "Asphyxiating or Poisonous Gases, and of Bacteriological Methods" 1925, (ratified in 1970).
- d. Convention on the "Prevention and Punishment of Genocide" 1948 (ratified in 1994).
- e. Arms Trade Treaty, 2013 (ratified in 2013).
- f. Convention on the "Prohibition of Biological Weapons" 1972 (ratified in 1991 with reservation).

- g. Anti-Personnel Mine Ban Convention 1997 (ratified in 1999).
- h. Convention “Prohibiting Chemical Weapons” 1993 (ratified in 2000).
- i. Treaty on the “Prohibition of Nuclear Weapons” 2017 (ratified on 30 September 2020).

Specifically, regarding the 1949 Conventions, the Malaysian Parliament enacted the Malaysian Geneva Convention Act in 1962 to enable effect to be given to the GC 1949. It came into force in Malaysian Peninsular on 16 April 1962 (L.N. 111/1962) and in Sabah and Sarawak on 10 March 1966 (P.U. 100/1966). Initially, it consisted of 13 sections; nevertheless, the 13th section was later omitted. The GC 1949 provisions were made as part of the 1962 Act as the Schedules.

Data Analysis

The Malaysian Geneva Convention Act 1962 (MGCA 1962) was enacted to enforce the provisions of the GCs 1949. It represents a statutory reception of all four CGs of 1949 and embodies the essence of it. The MGCA 1962 is a legal framework that governs the behaviour of parties involved in armed conflicts and offers protection to victims of such conflicts by upholding human dignity within Malaysian judicial jurisdiction. It sanctions the criminality of “breaches and grave breaches” of the 1949 Convention, endorses the criminal responsibility of individuals who go against the GCs and commit that Malaysian courts have jurisdiction over the perpetrators. The 1962 Act is a demonstration of Malaysia’s unwavering commitment to promoting and upholding the principles of IHL which aim to mitigate the devastating effects of armed conflicts on civilian populations and ensure that human life is protected and valued above all else.

Grave Breaches, War Crimes and Criminal Responsibility

The MGCA 1962 makes provisions for punishment for “grave breaches against the conventions and the prevention of abuse of the Red Cross and other emblems”. War crimes which are directed against protected persons or properties under the Geneva Conventions fall within two main categories. The more serious violations are termed “grave breaches” and the less serious are “simple breaches”. Section 3 MGCA 1962 provides that “any person (whatever his citizenship or nationality) who commits any grave breaches is liable” to be punished. It provides *inter alia*, grave breaches involving the willful killing of a person protected under the GCs shall be sentenced to life imprisonment and any other grave breaches shall be liable to imprisonment not exceeding 14 years. Grave breaches or serious war crimes likely to warrant the institution of criminal proceedings include, *inter alia* “willful killing, torturing or inhumanely treating protected persons, wilfully causing great suffering or serious injury to the body or health of protected persons, taking protected persons as hostages, extensive destruction and appropriation of property which is not justified by military necessity, unlawfully deporting, transferring or confining a protected person and compelling POW or other protected persons to serve in the forces of a hostile party”. The MGCA 1962 also makes it an offence for any person to use the “heraldic emblem of the Red Cross or the words bearing Red Cross for his trade or business or any other purpose without authority”. The punishment is “a fine not exceeding one hundred ringgit and to forfeit any goods upon or in connection with which the emblem, design or words, as the case may be”. Additionally, any person (whether civilian, member of the armed forces, Head of State or otherwise) who intentionally violates the laws of armed conflict is subject to individual criminal responsibility and may be tried and punished as a war criminal. All these offences shall only be tried by the Sessions Court and the High Court. Under Section 3(6) of the MGCA 1962, the written laws relating to trials by courts-

martial of persons who commit civil offences shall have effect for the purposes of jurisdiction of courts-martial convened in Malaysia as if section 3 had not been passed.

Any criminal proceeding against any person for grave breaches of the Geneva Conventions or a protected POW for any offence, shall not proceed until and unless the accused person is represented by counsel. However, if it is proved to the satisfaction of the court that upon the expiration of not less than 14 days from the date of notice issued to the counsel for the accused to represent him, the court shall proceed without the accused being represented. With regard to appeal, it is provided that a protected POW or a protected internee who has been convicted and sentenced to death or imprisonment for a term of 2 years or more has a right of appeal against such conviction or sentence. He shall give notice of such appeal within the date of his conviction or sentence (if an appeal against his sentence) until the expiration of 10 days after which he has received a notice that the protecting power has been notified of his conviction or sentence. Except for several cases occurring during the Confrontation Period where the application of the GCs on POW became the subject of judicial scrutiny, prosecution for breaches of the GCs has yet to be seen. This is very much attributed to the fact that Malaysia has never been involved in all-out war since the last World War (except for the small scale International Armed Conflict situation i.e Confrontation period (Malaysia with Indonesia) and Non-International Armed Conflict situation i.e the Malayan emergency/insurgency period.

In the Malaysian case of *Public Prosecutor v Oie Hee Koi & Associated Appeals* (1968) 1 MLJ 148 (appeals to Privy Council), the accused was a Malaysian-born whose nationality had not been proved, captured during Indonesia's confrontation campaign against Malaysia after parachuting into Malaysia, armed and accompanied by Indonesian military personnel. He was charged under the (Malaysian) Internal Security Act 1960 and claimed protection under the GC 1949 Relative to Treatment of POWs. The Privy Council held that the Convention does not extend the protection given to POWs to nationals of the detaining power or to non-nationals who owe allegiance to the detaining power. Therefore, the accused was not entitled to the protection of the GC because he was a Malaysian national although he did not owe allegiance to Malaysia. It was held that "...the privileges of armed forces cannot be claimed by members of the armed forces of a belligerent who go over to the forces of the enemy and are afterwards captured by the former. They may be, and always are, treated as a criminal. The same applies to traitorous subjects of a belligerent who, without having been members of his armed forces, fight in the armed forces of the enemy. Even if they appear under the protection of a flag of truce, deserters and traitors may be seized and punished". In the Singapore case of *Osman & Anor v Public Prosecutor* (1968) 2 MLJ 137 and *Stanislaus Krofan & Anor v Public Prosecutor* (1967) 1 MLJ 133, the accused were members of the Indonesian armed forces who infiltrated into Singapore as saboteurs. It was held that under international law members of armed forces of belligerent states were not entitled to be treated on capture as POWs under the GCs when they committed sabotage and conducted their clandestine mission in civilian clothing. They were considered spies who forfeited any protection afforded by the Conventions.

Ops Daulat and the Application of IHL

"Ops Daulat" refers to the Malaysian military operation conducted in 2013 to address the incursion of militants in Lahad Datu, Sabah (Jasmine Jawhar, 2016). The village where the group had gathered was surrounded by Malaysian security forces. Following several deadlines for the group to withdraw and weeks of negotiations, a military operation was carried out by Malaysian security forces in response to the killing of local police officers, which prompted

them to flush out the militants. Approximately 72 people had died by the end of the standoff, comprising 10 members of the Malaysian security force, 6 civilians, and 56 militants. All remaining militants were either captured or escaped. In such operations, issues related to IHL arise, particularly regarding the treatment of civilians, detainees, and combatants, as well as the proportionality and necessity of the use of force. The incident was purely a non-international armed conflict. The Philippines has implemented a maritime blockade between the southern Philippines and Sabah to assist the Malaysian authorities and mitigate the escalation of violence. Ops Daulat is fundamentally an internal crisis which requires the involvement of security forces, specifically the police to deal with it. The involvement of the Malaysian Armed Forces (MAF) was in the later part of the crisis. The arrest of the militants was made in accordance with Malaysian Law, charged and prosecuted. They were given their rights of counsel and other rights similar to other offenders. The charges among others are waging war against King, harbouring terrorists, joining terrorists and recruiting terrorists and in 2018 were sentenced to death (The Straits Times, 2018).

MAF Under UN Flag

The MAF undertakes specialized training and preparations before deploying on UN peacekeeping missions. This training includes familiarization with the UN's principles, rules of engagement, cultural sensitivity, language skills, and specific mission objectives. Malaysian peacekeepers are entrusted with the responsibility to maintain the utmost standards of professionalism and behavior throughout their missions. This includes respecting human rights, adhering to IHL, and maintaining impartiality in their interactions with all parties involved in the conflict. The MAF participation in international assignments includes:

- a. United Nations (UN) Interim Force in Lebanon (UNIFIL)-since 2007. They contribute troops to maintain peace and security in southern Lebanon, support humanitarian activities, and assist in the implementation of UN Security Council Resolution 1701.
- b. UN Mission in Sudan (UNMIS) -from 2005 to 2011, to support peace efforts in Sudan, particularly during the aftermath of the Second Sudanese Civil War and the Darfur conflict.
- c. UN Transitional Administration in East Timor (UNTAET) -from 1999 to 2002, to support East Timor's transition to independence and provide security and stability during the post-conflict period.
- d. UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) - Malaysian military personnel have been deployed as part of MONUSCO, which aims to stabilize the Democratic Republic of the Congo and support the government's efforts to address security challenges and promote peace.
- e. UN Operation in Côte d'Ivoire (UNOCI) - Malaysia contributed troops to UNOCI, which was established in 2004 to support the peace process and stability in Côte d'Ivoire following the Ivorian Civil War.
- f. UN Mission in Liberia (UNMIL)- Malaysian peacekeepers were part of UNMIL, which operated from 2003 to 2018, to support peace and stability in Liberia after the end of the Second Liberian Civil War.

Malaysia has consistently demonstrated a resolute commitment to advancing international peacekeeping endeavours, as evidenced by its active involvement in various UN missions. As of February 2024, Malaysia has participated in 38 peacekeeping operations deploying nearly 40,000 personnel from the MAF and the Royal Malaysian Police (RMP) (Colonel Shamsuri

Noordin, 2024). The nation's contributions to UN operations have yielded a positive impact on global security measures.

Dissemination of IHL

The 1949 GCs mandate states to disseminate and implement IHL knowledge within their armed forces and civilian populations, a responsibility that Malaysia has partially fulfilled through its military legal structure and educational programs. Art 47 of the 1949 GCs expressly requires the states “in time of peace as in time of war, to disseminate the text of the ... Convention[s] ... and, in particular, to include the study thereof in their programme of military and, if possible, civil instruction, so that the principles thereof may become known ... in particular to the armed fighting forces”. Hence, states are obligated to actively “disseminate, organize, implement, and conduct training on IHL” for their armed forces and civilians. Despite this, Article 82 of the Additional Protocols (AP) requires states to provide legal officers to advise military commanders. Malaysia has not adopted these Additional Protocols, however, the principles of AP I and AP II are integrated into the curriculum for educational purposes. In the Malaysian MAF, military lawyers and legal advisers are stationed at Formations HQ and Divisional HQ to offer legal guidance to the Commanders, officers and soldiers.

To ensure effective dissemination, Malaysia also established the IHL Committee (JUKAM), which serves as the focal point for the effective implementation of IHL Malaysia. JUKAM works through its four specialized Sub-Committees namely the Ratification of Treaties and Legislative Measures Sub-Committee, the Methods of Warfare Sub-Committee, the Protection of Cultural Property Sub-Committee and the Dissemination of IHL Committee. An active national IHL committee is necessary for Malaysia to successfully domesticate the Geneva Conventions, with success achievable through an active JUKAM and strong political will among stakeholders (Nordin & Kamal, 2023).

The MAF, the Ministry of Education through the Malaysian Red Crescent Society (MRCS) and the National Defence University Malaysia (NDUM) have taken proactive steps to raise awareness regarding the 1949 GCs. At the operational level, the MAF collaborates with the ICRC to coordinate educational courses on IHL. Train the trainers course empowers them to effectively train other Armed Forces members. Furthermore, senior officers at the MAF Staff College and the MAF Defence College benefit from specialized lectures on IHL delivered by the ICRC, enhancing their understanding and application of these essential principles. Selected members of the MAF have the opportunity to attend IHL and Operational Law courses and seminars at the NDUM. In 1996, Malaysia established the Malaysian Peacekeeping Training Centre (MPTC) intending to enhance the professionalism of peacekeeping forces and prepare them for new challenges. The MPTC is tasked with training prospective peacekeepers from the military, police, civilian, and non-governmental organization (NGO) sectors for active roles in peacekeeping operations. Malaysia sees the Center as a valuable tool for enhancing the preparedness of peacekeepers to effectively and professionally carry out their duties. The National Teachers' Training Colleges have special Red Crescent Units, which train their members in pre-disaster relief planning and another perspective of humanitarian activities including knowledge of Red Cross Principles and the GCs. Courses are held throughout Malaysia, and usually, one session is held on the role of the Malaysian Red Crescent Society with specific reference to the GCs.

The establishment of the Center for Military and International Humanitarian Law (CoMIHL) in 2017 marked a significant development in the field of IHL in the Asia-Pacific Region. CoMIHL is a partnership establishment between the National Defence University Malaysia (NDUM) and the ICRC Kuala Lumpur office. This regional platform aims to enhance expertise in IHL and foster a supportive community among military legal advisors in the Asia Pacific region. The partnership was established through the signing of a Memorandum of Understanding on 24 August 2017, coinciding with the 40th anniversary of Malaysia's ratification of the Geneva Conventions. The CoMIHL is mandated to provide courses for the region's militaries and has developed a specialized program in military law and IHL, offered to the MAF and NDUM students and academics. CoMIHL has evolved into a focal point for the MAF, providing support for defence operations and delivering training and education on IHL doctrine (CoMIHL, n.d.).

In an effort to enhance IHL understanding among Malaysian policymakers, the ICRC and the Malaysian Red Crescent collaborated on publishing a version of the IHL Handbook for Parliamentarians in 2022. The project culminated in its launch in the Malaysian Parliament in 2022, and the handbook remains today a useful reference and guidance tool on IHL for Malaysian parliamentarians. In July 2024, as the 1949 Geneva Convention celebrated the 75th Year of its existence, the ICRC, the MRCS and Parliamentary Special Select Committee on International Relations and International Trade organized a briefing session for Malaysian Parliamentarians to provide an overview of the current challenges faced in current armed conflicts, of the work of the Red Cross and Red Crescent Movement, and in particular of the national societies and of the ICRC, the main concepts of IHL, the work done by Malaysia in terms of implementation, and to highlight the roles that Parliamentarians can play in forging the way ahead towards greater compliance.

Challenges in the Application of IHL

The application of IHL faces specific operational challenges, especially for those working in armed conflict zones. These challenges arise from evolving humanitarian demands and, the complexity of armed conflicts impacting humanitarian assistance providers' ability to adapt to these complex environments (Burkle, 2019). Additionally, the GCs also face challenges in their application due to sovereignty issues, international recognition, and the politicization of conflicts. For example, the protection of victims of armed conflict is not observed in conflicts between Israel and Palestine (Haryani & Setiyono, 2024). In Colombia, despite being a State Party to relevant conventions, there has been ineffective application of IHL, resulting from the presence of armed groups, the high number of victims, and ongoing internal armed conflicts. In Africa, the domestic implementation of the GCs faces challenges attributed to political and social factors. A broader engagement beyond traditional arguments of obligation is needed to respect these instruments is necessary to enhance respect for them in African conflicts (Balarabe, 2022). The challenges extend to businesses operating in conflict-affected areas where familiarity with the IHL is lacking. This emphasizes the need for the integration of IHL into business practices to ensure responsible conduct in such volatile environments (Kolieb, 2020). Furthermore, the adequacy of Article 36 of Additional Protocol I to the Geneva Conventions as a regulator for Autonomous Weapons Systems (AWS) underscores the necessity for more specific regulation in IHL (Tsybulenko & Kajander, 2022). The 2016 ICRC Commentaries to the First Geneva Conventions have revisited the geographical scope of application of Common Article 3, arguing for a broader interpretation to avoid humanitarian protection gaps. This challenges the traditional view and suggests a need for a more inclusive

approach to applying these conventions to various violence and conflict situations (Bradley, 2017). In Malaysia, the effective implementation of IHL is not a major challenge. Stakeholders consistently engage in the dissemination of IHL to ensure its widespread understanding and application.

Conclusion

Malaysia has demonstrated a commendable commitment to the application and dissemination of the GCs, despite the challenges that have arisen. The implementation of the 1949 GCs through the Malaysian Geneva Convention Act 1962 highlights the nation's dedication to upholding IHL amidst local and regional conflicts, such as the insurgency, the confrontation with Indonesia, and the Lahad Datu incursion (David, 2022). The MAF engagement in international peacekeeping missions under the UN further underscores this commitment, illustrating their adherence to IHL principles during these operations. Malaysia has recognized the importance of integrating IHL into various levels of education and training, from national teachers' training colleges to specialized centres like CoMIHL. Such initiatives aim to build a robust understanding and respect for IHL among military personnel, legal advisors, and the general population. Continuous efforts are necessary to ensure that these educational programs are adequately tailored to address the evolving nature of armed conflicts and humanitarian needs. In conclusion, Malaysia has made significant strides in implementing and promoting the principles laid down in GCs. Ongoing efforts are required to address the dynamic challenges of modern conflict and to ensure that IHL principles are upheld consistently across all levels of society.

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References

- Balarabe, K. (2022). Africa and the domestic implementation of the Geneva Conventions and Additional Protocols: Problems and solutions. *Journal of African Law*, 66(2), 175–199.
- Borda, A. Z. (2008). Introduction to International Humanitarian Law. *Commonwealth Law Bulletin*, 34, 739–748.
- Bradley, M. M. (2017). Revisiting the notion of ‘intensity’ inherent in Common Article 3: An examination of the minimum threshold which satisfies the notion of ‘intensity’ and a discussion of the possibility of applying a method of cumulative assessment. *International and Comparative Law Review*, 17(2), 7–38.
- Burkle, F. M. (2019). Revisiting the battle of Solferino: the worsening plight of civilian casualties in war and conflict. *Disaster Medicine and Public Health Preparedness*, 13(5–6), 837–841.
- Colonel Shamsuri Noordin. (2024). *Statement by Colonel Shamsuri Noordin (Military Adviser) Permanent Mission of Malaysia to the UN - For the General Debate of the 2024 Substantive Session of Special Committee on Peacekeeping Operations*.
- CoMIHL. (n.d.). *Centre For Military Law and International Humanitarian Law (COMIHL)*. Retrieved September 23, 2024, from Centre For Military Law and International Humanitarian Law (COMIHL)
- David, A. (2022, May 19). Malaysia positively promoted the Geneva Conventions. *New Strait Times Online*.

- Haryani, T., & Setiyono, J. (2024). Analysis of jurisdictional challenges in the application of humanitarian law to the protection of victim's human rights in the conflict between Israel and Palestine. *International Journal of Social Science Research and Review*, 7(4), 396–405.
- Ibrahim, A. (1980). Traditional Asian Approaches: A Malaysian View. *Aust. YBIL*, 9, 217.
- Jasmine Jawhar. (2016). *The Lahad Datu Incursion and Its Impact on Malaysia's Security*. The Southeast Asia Regional Centre for Counter-Terrorism.
- Jha, U. C., & Ratnabali, K. (2017). *The law of armed conflict: An introduction*. Vij Books India Private Limited.
- Kolieb, J. (2020). Don't forget the Geneva Conventions: achieving responsible business conduct in conflict-affected areas through adherence to international humanitarian law. *Australian Journal of Human Rights*, 26(1), 142–164.
- Liivoja, R., & McCormack, T. (Eds.). (2016). *Routledge Handbook of the Law of Armed Conflict*. Taylor & Francis.
- Nordin, S. I., & Kamal, M. H. M. (2023). Role of the International Humanitarian Law Committee of Malaysia in Implementation of International Humanitarian Law. *Jurnal Undang-Undang Dan Masyarakat*.
<https://api.semanticscholar.org/CorpusID:266266044>
- Osman & Anor v Public Prosecutor (1968) 2 MLJ 137 .
- Public Prosecutor v Oie Hee Koi & Associated Appeals (1968) 1 MLJ 148.
- Schindler, D., & Toman, J. (Eds.). (1988). *The laws of armed conflicts: A collection of Conventions, Resolutions, and Other Documents*. Springer Netherlands.
- Stanislaus Krofan & Anor v Public Prosecutor (1967) 1 MLJ 148.
- The Straits Times. (2018, January 15). Malaysia's highest court upholds death sentence for nine in Lahad Datu intrusion. *The Straits Times*.
- Tsybulenko, E., & Kajander, A. (2022). Customary International Humanitarian Law and Article 36 of Additional Protocol I to the Geneva Conventions: A stopgap regulator of autonomous weapons systems? *TalTech Journal of European Studies*, 12(2), 87–112.