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Malaysia: Swift action must follow announcement of death penalty reforms

The announcement by the Malaysian authorities of imminent reforms to the country's mandatory death penalty laws is a positive and long-overdue first step towards full abolition.

Attorney General Tan Sri Apandi Ali, and Minister in the Prime Minister's Department and *de facto* Law Minister Nancy Shukri announced on 13 and 17 November, respectively, that legislative reforms to review the country's mandatory death penalty will be soon be introduced in Parliament. The proposed reforms, which were first announced in October 2012, will be drafted and tabled by end of March 2016.

Although details of the proposed reforms have yet to be made public, Amnesty International calls on the Malaysian authorities to immediately impose a moratorium on all executions until the reforms are concluded and introduce sentencing discretion for all offences and circumstances in which the death penalty could be imposed.

Amnesty International urges the Malaysian authorities to ensure that proposed amendments are in line with international human rights law and standards, pending full abolition of the death penalty.

Malaysia at present retains the mandatory death penalty for murder, possession and discharge of firearms in certain circumstances and drug trafficking. International law and standards prohibit the mandatory imposition of the death penalty as an arbitrary deprivation of life, as it denies judges the possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence.

Amnesty International encourages the authorities to take the opportunity of these reforms to restrict the scope of the death penalty to the "most serious crimes", or intentional killing, the only category of offences for which the death penalty may be imposed under international law pending full abolition of the death penalty.

The Malaysian authorities also made reference in their announcement to 33

executions carried out between 1998 and 2015. Prior to this information, Amnesty International was only aware of 22 executions for the same period, which highlights concerns on the secrecy around the use of the death penalty in the country.

The Malaysian authorities rarely make public announcements before or after executions are carried out, nor do they make available information on the use of the death penalty on a regular basis. While on occasions death penalty figures have been communicated through Parliament questions, the overall lack of transparency does not allow for a full assessment and understanding of the use of the death penalty in Malaysia and prevents an informed and meaningful debate on this issue.

Amnesty International urges the authorities to disclose to the public, and on a regular basis, detailed information on their use of the death penalty, in accordance with international standards,

As of today, 140 countries in the world are abolitionist in law or practice. Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

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