

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
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16 October 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 35/15 and 34/19.

Our purpose in writing is to offer our congratulations on the decision of your Excellency's Government to seek to abolish the death penalty and to express our hope that a bill will be swiftly tabled and passed by Parliament abolishing the death penalty for all crimes.

According to the information received:

On 11 October 2018, Minister of Law in the Prime Minister's Office, announced that the Cabinet has decided to abolish the death penalty for all crimes. The minister also called for a moratorium on all executions and noted that Cabinet will ask the Pardons Board to look at applications from individuals on death row with a view to commuting their sentence or releasing them.

There are currently 1267 individuals on death row.

The next Parliamentary session begins on 15 October 2018, at which point a bill could be tabled in Parliament seeking to abolish the death penalty for all crimes.

The abolition of death penalty is a clear example of positive progress in ensuring human rights, including the right to life and the freedom from torture and other cruel, inhuman or degrading treatment or punishment.

As such, the abolition of the death penalty in Malaysia would be an important milestone for the country and for the abolition of capital punishment globally. We therefore join our voices to congratulate the Government of Malaysia on announcing this historic decision to seek to abolish the death penalty for all crimes in Malaysia. We encourage that all necessary steps be taken with a view to implementing the moratorium with immediate effect, and that a bill abolishing the death penalty for all crimes be introduced and passed through both houses of Parliament without undue delay. We remain at your disposal for any assistance we may be able to provide in this endeavor. We would also be grateful for any information your Excellency's Government would be able to provide on the process envisaged to realize this commitment and further detail on how the cases of those already on death row will be dealt with.

We would like to inform you that this communication, as a comment on pending or recently adopted or announced legislation, regulations or policies, will be made available to the public and posted on the respective website pages for the mandates of the Special Rapporteurs.

We may also choose to publicly express our views on this matter in the future as we consider that this historic announcement is a laudable and meaningful step towards strengthening the protection of the right to life and the freedom from torture and other cruel, inhuman or degrading treatment or punishment in Malaysia, and an excellent example for other States in the region and around the world. Any press release on our part would indicate that we have been in contact with your Excellency's Government's on the issue in question.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment