

Statement on the Malaysian Government's decision to abolish the mandatory death penalty

Capital Punishment Justice Project would like to commend Malaysia's Government for its historic decision today, on 10 June 2022, to abolish the mandatory death penalty.

Malaysia's Law Minister Wan Junaidi Tuanku Jaafar has announced that the mandatory death penalty will be replaced by judicial discretion in sentencing. This is one of the hallmarks of judicial independence from the state and is a bedrock of the rule of law.

The decision by the Malaysian Government heralds in a new era and a break from the colonial legacy of the mandatory death penalty, originally enforced under the British colonial administration. It builds on the positive momentum of previous developments in Malaysia including the October 2018 announcement by the Pakatan Harapan administration of its intention to abolish the death penalty in its entirety, and the December 2020 Malaysian Government vote in favour of the moratorium on the death penalty at the United Nations General Assembly.

Although abolition of the mandatory death penalty is a huge victory for judicial independence and adherence to international law, Capital Punishment Justice Project notes that there is still much work to be done to end the death penalty in Malaysia. Malaysia currently has a death row of approximately 1,359 persons, and of this, a significant proportion (526) are foreign nationals, with many coming from backgrounds of multiple disadvantage. We hope that today's decision is one of many decisions on the path to abolition in Malaysia, and we congratulate the Government of Malaysia for respecting the moratorium on the death penalty and announcing its intention to abolish the mandatory death penalty.