



Union Internationale des Avocats  
International Association of Lawyers  
Unión Internacional de Abogados

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PRESS RELEASE

Paris, February 20, 2018

## A Call to End the Mandatory Death Penalty in Malaysia

**The UIA hails the adoption of the bill to amend the Dangerous Drugs Act and abolish the mandatory death penalty for drug trafficking. However, the UIA has grave concerns over the delayed entry into force of the Bill.**

The UIA was informed that at least 10 persons recently received the mandatory death penalty for drug trafficking, despite the fact that Parliament had already enacted the bill to abolish this penalty<sup>1</sup> and return sentencing discretion to judges.

Moreover, several experts, as well as the President of the Malaysian Bar, George Varughese, have warned that the judiciary will continue to exercise limited discretion in sentencing.

Although the government has amended the Dangerous Drugs (Amendment) Bill 2017 to remove reliance on the public prosecutor, Section 39B(2A) of the Bill provides for judicial discretion in sentencing only in certain circumstances. Specifically, the judiciary may exercise discretion only where there is no evidence of buying and selling a dangerous drug at the time the convicted person was arrested and there is no involvement of an agent provocateur. Section 39B(2A) also limits judicial discretion to those situations where the convicted person has transported, carried, sent or delivered a dangerous drug and the convict has assisted an enforcement agency in disrupting drug trafficking activities within or outside Malaysia.

Along with Malaysian Bar President George Varughese, we are gravely concerned about limitations that restrict the ability of the judiciary to consider mitigating factors and circumstances in each case before sentencing.

We support the President's position that the government should further amend the bill to allow those already convicted and sentenced to death to appeal their convictions.

We call upon the government to commit to the abolition of the death penalty in drug trafficking cases, and we respectfully request that the government immediately stay criminal trials of alleged drug traffickers until the new law is in force and effect.

We further respectfully request that the law be amended to allow the judiciary to full discretion in determining appropriate sentences in drug trafficking cases.

Finally, we strongly urge the government to act without delay to abolish the death penalty, irrespective of the crime that may have been committed, and impose a moratorium on executions, pending abolition.

<sup>1</sup> See “No reason to delay commencement of DDAA 2017”, February 14, 2018, available at <https://www.malaysiakini.com/letters/412257#Q22aVvw6HV8O1614.99>

## **More about the UIA**

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*UIA is the global and multi-cultural organisation for the legal profession, established in 1927 and now with members in 120 countries, which provides professional development, learning, promotes the rule of law, defends the independence and freedom of lawyers worldwide, and emphasizes friendship, collegiality and networking among members.*

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