

Talking Point Min. Nazri
PGA Parliamentary Roundtable on the abolition of Roundtable on the abolition of
the mandatory death penalty
17 November 2015, Parliament of Malaysia, Kuala Lumpur

Honourable Ministers Shukri and Othman Said,

Honourable Ambassadors and Colleagues,

Distinguished Representatives of Parliamentarians for Global Action

I am Glad to welcome this roundtable on an important topic in the Parliament organized by Parliamentarians for Global Action (PGA), a network of more than 1300 around the world promoting human rights, the Rule of Law, gender equality, non-discrimination, peace and democracy. I am currently the Chair of the PGA Malaysia Chapter, and along with more than 30 other members of Parliament, I have been directly involved in their activities for many years, in particular regarding the fight against impunity for the most serious crimes of international concern. I am thus pleased to see this activity organized by PGA on another very important topic: the abolition of the death penalty. Hon. Melissa Parke, MP and Member of PGA will present soon a bit more PGA's work on this issue.

We, at PGA, but also in the Parliament of Malaysia, do not fear discussions on sensitive issues and we are therefore here today to open the debate on the abolition of the death penalty. The process of abolition is currently at a critical stage as there has been lately a growing movement towards the abolition of the death penalty involving always further actors, notably parliamentarians. This movement recognizes that human rights should be protected and respected, in particular that the right to life, which underpins all other rights and is recognized by article 3 of the Universal Declaration for Human Rights.

At the same time, still many countries retain and use the death penalty, even some who had a *de facto* moratorium for years but who have reintroduced it lately, such as Pakistan, Jordan and closer to us Indonesia, or that have expanded the scope of crimes subject to the death penalty Nigeria and Tunisia with the spectrum of terrorism.

The issue of the death penalty is thus still very much relevant and topical, thus as policy makes and leaders of opinion, we should as parliamentarians be at the forefront of the debate. Indeed, as Parliamentarians, we can play a strong role towards the abolition of the death penalty.

In Malaysia itself, the issue has been in the media lately, either because of the holding the Regional Congress on the abolition of the death penalty in last June or more sadly because of the recent case of a Malaysian national sentenced to death in Singapore, whose pardon was rejected by the President and who could be executed at any moment now. His family will be joining us at the end of the Roundtable to exchange with us on their situation. This shows that the topic is still very much linked to the emotional, and we should therefore refocus on more concrete arguments.

I thus hope that the discussions today will help to enlighten the debate and to address many myths and misconceptions about the death penalty, such as the issue of deterrence,

public opinion etc. Indeed, as representatives of our people, we cannot run away from this responsibility. We are elected because people believe that we know what is good for society. We should embrace this responsibility as we are among the few that can have a concrete impact towards a society more respectful of human rights and human dignity. The abolition of the death penalty might not be seen as priority in some countries or even going against the public opinion. However, such reforms should be undertaken in regard to the posterity it will have and regardless of the common arguments used to justify the death penalty which I just mentioned. We have a role indeed to play to address those arguments and to sensitize, educate, inform the public on this issue as our work enables us to gain extended knowledge on Human Rights issues. We also need to detach ourselves from those misconceptions and “opinions” and be leaders, visionaries, guiding the people and our constituencies. As Parliamentarians we often have to start reforms that are unpopular but are for the common good, and this is one of them, and this where our strengths lies.

I myself believe that mandatory death penalty for certain crimes should be removed in order to allow for judges to use their discretionary power to decide on it according to the different circumstances. This is particularly the case for non-violent crimes such as drug-related offenses and firearms possession, and according to international law, which restricts the death penalty to the most serious crimes, I think that we should revise our legislation to remove the mandatory death penalty for those crimes. I have already clearly stated this in 2011 and continue to believe so, I would thus be ready to introduce a bill in Parliament in this regard and hope to benefit from the support of my colleagues who are present today. I trust that the Secretariat of PGA will be able to accompany us in this process, as they have always done.

I am aware that the process of abolition is complex and lengthy, demanding courage, leadership and vision, that Malaysia has already shown on so many diverse issues. I thus hope that we will be able to take some of the arguments to abolish the mandatory death penalty which will be exposed today into account and during the parliamentary session so that a legislative initiative could soon be launched and supported in Parliament.

I also hope that as one of the outcomes of this meeting, in addition to broad support to the legislative initiative, will be able to create a caucus of Malaysian parliamentarians to work specifically on this issue (in order to allow for exchange of views, monitoring of the issue, support to parliamentary activities etc)