

PARLIAMENTARY ROUNDTABLE AND CONSULTATIONS ON THE ABOLITION OF THE DEATH PENALTY IN MALAYSIA AND IN ASIA

25 JULY 2017
PARLIAMENT OF MALAYSIA
(KUALA LUMPUR)

Action Plan

Recalling the international human rights standards and instruments that guarantee the right to life and protect the human dignity of death row inmates, as well as the General Assembly of the United Nations' resolution on the moratorium on the use of the death penalty,

Considering how the death penalty is currently used in Malaysia and in the region, despite the lack of evidence of its deterrent effect,

Acknowledging the crucial role that legislators hold to promote the abolition of the death penalty, to reduce and restrict its use and to further the development of the Rule of Law through legislative initiatives and by leading public opinion,

We, the participants of the Parliamentary Roundtable on the abolition of the death penalty in Malaysia and in Asia, commit to:

1. Continue to strive to inform our constituents and others about the death penalty and its related issues, to grow a consensus in favour of its abolition, including through public statements;
2. Create within our respective parliaments a multi-partisan group of parliamentarians dedicated to further the abolitionist cause, through engagement with other stakeholders and in particular with PGA, ECPM and ADPAN;
3. Engage with families affected by the death penalty, both the relatives of victims and of accused, and give them a role to play in our advocacy efforts;
4. Engage with student bodies to promote the abolition of the death penalty;
5. Make clear, whenever the opportunity arises, that under international law the death penalty should only be applied to "the most serious crimes" and that drug-related crimes do not meet this threshold;
6. Make clear, whenever the opportunity arises, that under international law the death penalty should not be made mandatory for any category of crimes, as it negates the rights of the accused to benefit from a sentence reflecting the circumstances of the crime;

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7. Request from our respective governments that a review of existing death row cases be conducted to assess *inter alia* the impact of the mandatory death penalty and the background of those affected;
8. Raise the issue, whenever the opportunity arises, of the discriminatory aspect of the death penalty, in particular against poverty-stricken communities, trafficked individuals, the mentally ill, juveniles, and minorities;
9. Keep the abolition of the death penalty at the forefront of legislative discussions, and especially when discussing matters of criminal justice and criminal procedure, to ensure that the capital punishment should only be used at the outcome of a fair and transparent trial;
10. Urge our respective governments, both federal and state, and all bodies that exercise clemency powers to commute death sentences;
11. Demand from our respective governments that no execution be carried out in secret or hastily, that an adequate notice be given to the family before execution, and that statistics are strictly kept and made public;
12. Develop strategies to reduce the scope of the death penalty in our respective countries, especially by introducing legislation reducing the number of capital offences;
13. Request a full moratorium on the use of the death penalty and that a national Commission of Inquiry on the efficiency of the capital punishment be created and its results published;
14. Ensure that our governments fully respect the Convention on the rights of child (CRC) and the Convention on the elimination of all forms of discriminations against women (CEDAW);
15. Express our concerns at the dramatic increase of executions in Indonesia;
16. Express our concerns at the dramatic increase of extrajudicial killings in the Philippines;
17. Encourage and support our Filipino colleagues in ensuring that the death penalty not be reintroduced in the Philippines;
18. Express our concerns at the dramatic increase of executions in Pakistan;
19. Urge our respective governments to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2) aiming at the abolition of the death penalty;
20. Urge our respective governments to make a more forceful representation to countries where their citizens are sentenced to death and that the latter be ensured legal representation under the Vienna Convention;
21. Bring issues related to the death penalty at the forefront of regional discussions, including at the ASEAN Inter-Parliamentary Assembly, to develop a better cooperation among MPs throughout the region and promote abolition;
22. Call upon all governments to abolish the death penalty; and more specifically:

In Malaysia:

23. Continue to request from the government that the Dangerous Drugs Act 1952 be reviewed to abolish the mandatory aspect of the death penalty as announced by Min. Azalina Othman Said on 21 February 2016 and again during this very roundtable on 25 July 2017;
24. Urge the government of Malaysia to ratify the International Covenant on Civil and Political Rights (ICCPR);

In Indonesia:

25. Use all legislative powers at our disposal, including that of amendments, to ensure that the new Criminal Code and the Law on Counter-Terrorism reduce the scope of the death penalty;

In Pakistan:

26. Promote a revision of the Anti-Terrorism Act of 1997 to ensure that defendants accused of ordinary crimes not be tried before Anti-Terrorism Courts; and
27. Demand that torture be expressly prohibited in Pakistani criminal law, that penalties and remedies be defined, and that a National Prevention Institution be created.