

# MALAYSIA UNIVERSAL PERIODIC REVIEW MID TERM

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## Brief Review of Recent Developments on the Death Penalty<sup>1</sup>

1. In October 2018, the Pakatan Harapan administration announced its intention to abolish the death penalty in its entirety. Yet, within the reporting period, the Government of Malaysia appears to have shifted its stance of complete abolition to a limited one – to only abolish the mandatory death penalty, although its precise position remains unclear.<sup>2</sup> However, the moratorium imposed by the government when it first announced the intent to abolish the death penalty in October 2018 continues to be in place within the reporting period.
2. In September 2019, the Minister of Law, the Late Dato VK Liew, appointed a Special Committee to review alternative sentences to the mandatory death penalty chaired by the former Chief Justice, Tan Sri Richard Malanjum.<sup>3</sup> According to the Minister, the Committee, which consisted of various experts, conducted a study on sentencing policies after considering feedback from several stakeholders.<sup>4</sup> The Committee recommended that the legislature replace the mandatory death penalty with a more appropriate punishment, subject to courts' discretion.
3. The start of the pandemic for Malaysia was a turbulent period as Prime Minister Mahathir Mohamad's government collapsed, and a new government swiftly took office. Despite the change of government, the moratorium on executions continued. In December 2020, Malaysia reaffirmed its 2018 position by voting in favour of the UN General Assembly Resolution on a moratorium regarding the use of the death penalty.<sup>5</sup>
4. Following the collapse of the administration, the government's policies on the death penalty were kept on hold. The change of administration raised concerns that the

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<sup>1</sup> This report is a collaborative effort of Anti-Death Penalty Asia Network (ADPAN), the Advocates for Human Rights (TAHR), Capital Punishment Justice Project (CPJP), Ensemble Contre La Peine De Mort (ECPM), Harm Reduction International (HRI), World Coalition against the Death Penalty (WCADP), Eleos Justice, Monash University, and Malaysian against Death Penalty & Torture (MADPET). For more information, please contact us at [adpan@adpan.org](mailto:adpan@adpan.org)

<sup>2</sup>MR, 'Cabinet to mull scrapping the death penalty for drug offences' *The Malaysian Reserve* (14 August 2020) <<https://themalaysianreserve.com/2020/08/14/cabinet-to-mull-scrapping-death-penalty-for-drug-offences>> accessed 29 July 2021; UN General Assembly Resolution 75/183 of 16 December 2020.

<sup>3</sup> Bernama, 'Minister: Special Committee submits report on the death penalty alternative sentences' *Malay Mail* (11 February 2020) <<https://www.malaymail.com/news/malaysia/2020/02/11/minister-special-committee-submits-report-on-death-penalty-alternative-sent/1836640>> accessed 17 May 2021.

<sup>4</sup> *ibid.*

<sup>5</sup> UN General Assembly Resolution 75/183 of 16 December 2020.

government would renege on the commitments made during the Universal Periodic Review and reverse the Cabinet's announcement in October 2018. Support from several component parties of the new administration that were active advocates for retaining the death penalty helped fuel this situation. Party members were mobilised to campaign for the retention of the death penalty and at times masqueraded as an NGO<sup>6</sup> to garner public support.

5. In February 2020, the Law Minister noted that the Special Committee had submitted its report. Though the Minister promised that the recommendations would be studied and a Cabinet paper presented for further action, the Committee's findings are yet to be made public.<sup>7</sup> The Minister-in-charge suggested that the government should thoroughly examine the Committee's conclusions before arriving at a decision.<sup>8</sup> In August 2020, the de facto Law Minister informed Parliament that the report would be presented to Cabinet for discussion and approval<sup>9</sup>; It is unknown if this has yet occurred.
6. Apart from developments within the executive concerning the death penalty, legal developments in selected cases involving the death penalty involved some successes in 2019 with a judgment that declared Section 37A of the Dangerous Drugs Act 1952 to be unconstitutional.<sup>10</sup> The decision was particularly noteworthy because almost three-quarters of those on death row in Malaysia have been so sentenced for drug trafficking<sup>11</sup>, with many of these convictions being secured on the premises of double presumption<sup>12</sup> under Section 37A of the Dangerous Drugs Act 1952. However, the spirit of the decision was not followed in the subsequent constitutional challenge on the

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<sup>6</sup> MK, 'MCA activists badger Kit Siang on death penalty abolition' *MalaysiaKini* (23 January 2019) <<https://www.malaysiakini.com/news/461386>> accessed 17 May 2021.

<sup>7</sup> Geraldine Tong, 'Mandatory death sentence abolition needs further scrutiny – minister' *MalaysiaKini* (6 November 2020) <<https://www.malaysiakini.com/news/549686>> accessed 6 April 2021.

<sup>8</sup> *ibid.*

<sup>9</sup> MR, 'Cabinet to mull scrapping the death penalty for drug offences' *The Malaysian Reserve* (14 August 2020) <<https://themalaysianreserve.com/2020/08/14/cabinet-to-mull-scrapping-death-penalty-for-drug-offences>> accessed 29 July 2021.

<sup>10</sup> *Letitia Bosman v Public Prosecutor and other appeals*, [2020] 8 CLJ 147.

<sup>11</sup> As of October 2020, 912 individuals were convicted of offences under the Dangerous Drugs Act 1952 out of 1324 individuals on death row. Anti-Death Penalty Asia Network (ADPAN), 'Reform in Limbo: Report on the Death Penalty in Malaysia' (2021) <<https://adpan.org/wp-content/uploads/2021/06/ADPAN-Malaysia-Report-Reform-in-Limbo.pdf>> accessed 26 July 2021.

<sup>12</sup> The double presumption under Section 37A in the amended Dangerous Drugs Act 1952 presumes that a person is in possession of the drugs and had intent to traffic said drugs if the quantity found is above a threshold dictated by the law.

constitutionality of the mandatory death penalty. The Court, in the challenge, held that the power of sentencing is statutory and beyond judicial power,<sup>13</sup> noting that the provision requiring the sentence of the mandatory death penalty does not usurp judicial power nor violate the doctrine of separation of powers.<sup>14</sup>

7. This decision is highly concerning as a similar rationale favouring Parliament supremacy in the constitutionality of legislation was raised when the constitutionality of the Sedition Act 1948 was challenged in 2015<sup>15</sup>. To make matters worse, in August 2020, the Federal Court dismissed the appeals challenging the constitutionality of the mandatory character of death sentences for the offences of drug trafficking and murder.<sup>16</sup> The appellants argued on the grounds of an inconsistency with the principle of separation of powers, lack of proportionality, and violation of the right to a fair trial.<sup>17</sup> The Federal Court held that ‘the power of sentencing’ belonged to Parliament and that it is inappropriate for courts to decide whether the mandatory aspect violates the principle of proportionality.<sup>18</sup> The Court also rejected the appellants’ use of decisions from other jurisdictions because, unlike the cited jurisdictions, the Malaysian Federal Constitution has no provision prohibiting ‘torture or inhumane or degrading punish or treatment’ nor has the government ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).
8. It must be noted that the government voted in favour of the moratorium on the death penalty at the United Nations General Assembly in December 2020.<sup>19</sup> While the government did not publicise the vote, the support for a moratorium was welcomed mainly by abolitionist advocates and provided assurances of future abolition. As of 2021, though there is little clarity on the government’s current position on the death penalty, the moratorium appears likely to be maintained.

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<sup>13</sup> MM, ‘Federal Court: Parliament empowered to enact laws on offences, punishment includes the death penalty’ *Malay Mail* (13 August 2020) <<https://www.malaymail.com/news/malaysia/2020/08/13/federal-court-parliament-empowered-to-enact-laws-on-offences-punishments-in/1893651>> accessed 17 May 2021.

<sup>14</sup> *ibid.*

<sup>15</sup> Ida Lim ‘Federal Court rules Sedition Act constitutional, UM’s Azmi Sharom to stand trial’ *Malay Mail* (6 October 2015) <<https://www.malaymail.com/news/malaysia/2015/10/06/federal-court-rules-sedition-act-constitutional-ums-azmi-sharom-to-stand-tr/982345>> accessed 17 May 2021.

<sup>16</sup> *Letitia Bosman v Public Prosecutor and other appeals*, [2020] 8 CLJ 147.

<sup>17</sup> *Letitia Bosman v Public Prosecutor and other appeals*, [2020] 8 CLJ 147.

<sup>18</sup> *ibid* 279.

<sup>19</sup> UNGA Res 75/183 (16 December 2020) A/RES/75/183.

## Data

9. Though lawyers and human rights advocates have repeatedly requested government authorities to regularly publish figures on the use of the death penalty in Malaysia, such requests are rarely ever fulfilled. The last comprehensive breakdown of statistics on the death penalty by the government was in 2018. Since then, the only avenue to pursue data on the death penalty has been through Parliamentary Questions. The severe lack of transparency in the process, be it execution dates, informing prisoners of their legal and clemency status, or allowing them sufficient time to seek effective recourse, remains a cause for concern.<sup>20</sup>
10. Within the reporting period, the number of death row inmates has increased from 1,281 individuals on death row to 1,324.<sup>21</sup> Of the 1,324 inmates, 536 were foreign nationals.<sup>22</sup> In terms of gender, 129 (9.74%) are women.<sup>23</sup> This finding is particularly alarming since the global proportion of women on death row is estimated to be less than 5%, making Malaysia's female death row population almost twice that figure.<sup>24</sup> Further, data from 2019 indicated that the death penalty for drug offences disproportionately impacts women, with as high as 95% of all women on death row that year convicted of such offences.<sup>25</sup> Recent case studies on women sentenced to death for drug trafficking also highlight how economic insecurity drives vulnerable women to participate in the drug trade to gain quick money – a fact rarely recognised by judges at trial.<sup>26</sup> Earlier

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<sup>20</sup> Amnesty International, 'Submission for the UN Universal Periodic Review 31st Session of the UPR Working Group' (November 2018) <<https://www.amnesty.org/download/Documents/ASA2884882018ENGLISH.pdf>> accessed 30 July 2021.

<sup>21</sup> Question 20, Parliament Reply, 3<sup>rd</sup> meeting, 3<sup>rd</sup> Term, 14<sup>th</sup> Parliament <<https://pardocs.sinarproject.org/documents/2020-november-december-parliamentary-session/oral-questions-soalan-lisan/2020-11-26-parliamentary-replies/20201126-p14m3p2-soalan-lisan-20.pdf/view>> accessed 30 July 2021.

<sup>22</sup> *ibid.*

<sup>23</sup> *ibid.*

<sup>24</sup> Cornell Center on the Death Penalty Worldwide, 'Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty' (September 2018) CORNELL LAW SCHOOL <<https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>> accessed 2 August 2021.

<sup>25</sup> Amnesty International, 'World Drugs Day: UNODC Must Integrate Ending Drug-Related Executions in its Work' (26 June 2021) <<https://www.amnesty.org/download/Documents/ACT5043472021ENGLISH.pdf>> accessed 2 August 2021.

<sup>26</sup> Lucy Harry, 'Rethinking the Relationship between Women, Crime and Economic Factors: The Case-Study of Women Sentenced to Death for Drug Trafficking in Malaysia' (2021) 10(1) *Laws* 4.

data from 2018 further suggested that a disproportionate number of women on death row in Malaysia, around 86% to be precise<sup>27</sup>, were foreign nationals.<sup>28</sup>

11. Of the total population, the highest number of death row inmates is aged between 31 and 40 years, followed by 25.9% between 41 and 50 years and 22.5% who are between 21 and 30 years old.<sup>29</sup> On the question of nature of the offence, 912 (68.88%) were sentenced to death for drug-related offences, 381 (28.77%) for Murder and 31 (2.34%) for other offences, which include firearm offences, terrorism and gang robbery with murder.<sup>30</sup>
12. Based on data available in July 2020, of the 1,314 death row inmates, 475 still have appeals pending at the Court of Appeal or Federal Court, while 839 are waiting for the clemency and pardon application processes.<sup>31</sup> According to Amnesty International's 2020 Report, Malaysian courts imposed at least 22 death sentences, including three death sentences (14%) for drug-related offences.<sup>32</sup> Though there were instances of commutations, pardons and exonerations, there were also death sentences imposed in proceedings that violated international fair trial standards.<sup>33</sup> There is no indication that this has substantially changed within the reporting period, although COVID-19 related restrictions in 2020 have led to intermittent suspensions in criminal proceedings.<sup>34</sup>

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<sup>27</sup> Amnesty International, 'Fatally Flawed: Why Malaysia Must Abolish the Death Penalty' (2019) <<https://www.google.com/url?q=https://www.amnesty.org/download/Documents/ACT5010782019ENGLISH.pdf&sa=D&source=editors&ust=1627915560301000&usg=AOvVaw0ESLbZ0lbCH7Le3H8AXyBL>> accessed 2 August 2021.

<sup>28</sup> *ibid.*

<sup>29</sup> Question 44, Parliament Reply, 3<sup>rd</sup> meeting, 3<sup>rd</sup> Term, 14<sup>th</sup> Parliament <<https://pardocs.sinarproject.org/documents/2020-november-december-parliamentary-session/oral-questions-soalan-lisan/2020-11-26-parliamentary-replies/20201126-p14m3p2-soalan-lisan-20.pdf/view>> accessed 30 July 2021.

<sup>30</sup> *ibid.*

<sup>31</sup> Question 10, Parliament Reply, 3<sup>rd</sup> meeting, 3<sup>rd</sup> Term, 14<sup>th</sup> Parliament <<https://pardocs.sinarproject.org/documents/2020-november-december-parliamentary-session/oral-questions-soalan-lisan/2020-11-26-parliamentary-replies/20201126-p14m3p2-soalan-lisan-20.pdf/view>> accessed 30 July 2021.

<sup>32</sup> Amnesty International, 'Amnesty International Global Report: Death Sentences and Executions 2020' (2021) <<https://www.amnesty.org/en/documents/act50/3760/2021/en/>> accessed 2 August 2021.

<sup>33</sup> *ibid.*

<sup>34</sup> Amnesty International (n 29).

## Death Penalty for Drug Offences

13. In 2017, Parliament amended the Dangerous Drugs Act, 1952 (DDA) to insert Section 39B(2A), which abolished the mandatory death penalty for drug trafficking.<sup>35</sup> The amendment, which SUHAKAM previously recommended,<sup>36</sup> vests in courts the discretion to either impose the death penalty or life imprisonment with a minimum of 15 strokes of the whip subject to the accused being able to demonstrate they satisfy the narrow criteria set out in Section 39B(2A).<sup>37</sup> The four circumstances under which life imprisonment can be considered as an alternative punishment are as follows:

- (1) *“There was no evidence of buying and selling of a dangerous drug at the time when the person convicted was arrested;*
- (2) *There was no involvement of agent provocateur;*
- (3) *The involvement of the person convicted is restricted to transporting, carrying, sending or delivering a dangerous drug; and*
- (4) *That the person convicted has assisted an enforcement agency in disrupting drug trafficking activities within or outside Malaysia.”*

14. However, recent research on cases decided under the DDA has concluded that judges rarely use their discretion despite the amendment, most likely due to the ambiguity surrounding the amendment’s actual intended purpose.<sup>38</sup> Despite the formulation of the circumstances mentioned above, in general, judges still display a tendency to use the death penalty. As reported recently, in three cases from 2020, the Court of Appeal imposed the death penalty, with at least 25 new death sentences imposed for drug trafficking (around 60% of all death sentences imposed between January and October 2020).<sup>39</sup>

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<sup>35</sup> *ibid.*

<sup>36</sup> UNGA, ‘Summary of Stakeholders’ submissions on Malaysia: Report of the Office of the United Nations High Commissioner for Human Rights’ A/HRCWG.6/31/MYS/3 (24 August 2018) <<https://digitallibrary.un.org/record/1645026?ln=en>> accessed August 2 2021.

<sup>37</sup> Dangerous Drugs Act 1952, Act 234, Revised 2017.

<sup>38</sup> ADPAN (n 10) 10 (Between 2018 to 2020, the discretion has potentially only been considered and applied in three cases.).

<sup>39</sup> Harm Reduction International, ‘The Death Penalty for Drug Offences: Global Overview 2020’ (2021) <<https://www.hri.global/death-penalty-2020>> accessed 2 August 2021.

15. Recently, in *Letitia Bosman v Public Prosecutor and other appeals*,<sup>40</sup> the Federal Court upheld the constitutionality of mandatory sentencing under Section 39B of the DDA. In this case, the appellants argued that a mandatory death sentence forbade the judiciary from considering any circumstances of the case, significantly, mitigating factors concerning the character, antecedents, age, health and mental conditions of the accused.<sup>41</sup> However, the Court concluded that it is for the legislature to ‘prescribe the sentences deemed appropriate’.<sup>42</sup>
16. Consequently, the Court observed that it is not unconstitutional for an absence of mitigation evidence in these cases. Notably, Judge Pathmanathan dissented, stating that Section 39B of the Dangerous Drugs Act 1952 is “arbitrary and oppressive for the reason that the section prescribed only one punishment, namely the mandatory death penalty for ‘trafficking’.” She criticised the use of a single punishment for a wide variety of activities classified under an expansive definition of ‘trafficking.’<sup>43</sup> Pursuant to the Federal Court’s decision in August 2020, it is for Parliament to decide on the mandatory status of death sentences concerning offences like murder and drug trafficking. However, with Parliament closed for most of 2021 and a worsening pandemic,<sup>44</sup> it is unlikely that there will be any clear decision on the matter in the foreseeable future.
17. In 2020, it was reported that 11 people with a death sentence for drug trafficking had their sentence either quashed or commuted on appeal.<sup>45</sup> For example, in *Yahya Hussein Mohsen Abdulrab v Public Prosecutor*,<sup>46</sup> the Court ordered a retrial due to the accused’s counsel’s ‘flagrant incompetence’.<sup>47</sup> However, this appeal was successful on

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<sup>40</sup> *Letitia Bosman v Public Prosecutor and other appeals*, [2020] 8 CLJ 147.

<sup>41</sup> *ibid.*; Natalia Antolak-Saper and others, ‘Drug Offences and the Death Penalty in Malaysia: Fair Trial Rights and Ramifications’ (2020) <<https://www.monash.edu/law/events/archive/drug-offences-fair-trial-rights-and-ramifications>> accessed 2 August 2021.

<sup>42</sup> *ibid.*

<sup>43</sup> *Letitia Bosman v Public Prosecutor and other appeals*, [2020] 8 CLJ 147.

<sup>44</sup> Tan Siew Mung, ‘Worsening outbreak in Malaysia poses further political risk, says Fitch Solutions’ *The Edge Markets* (Kuala Lumpur, 8 June 2021) <<https://www.theedgemarkets.com/article/worsening-outbreak-malaysia-poses-further-political-risk-says-fitch-solutions>> accessed 2 August 2021.

<sup>45</sup> Harm Reduction International (n 38) 41. See, eg, *Franklin Okorocho Chibuike v Public Prosecutor* [2020] 6 MLJ 269; *Yugarajan a/l Letchimanasamy & Anor v Public Prosecutor* [2020] 4 MLJ 796; *Teo Kian Chun and other appeals v Public Prosecutor* [2021] 1 MLJ 675.

<sup>46</sup> [2020] 6 MLRA 325.

<sup>47</sup> *ibid* [47].



the grounds of a lack of fair trial and not the trial judge's decision itself.<sup>48</sup> The Federal Court and Court of Appeal also quashed death sentences due to evidentiary issues.<sup>49</sup> An example of a commuted death sentence can be found in *Jorge Crespo Gomez v Public Prosecutor*,<sup>50</sup> where the Federal Court set aside a Peruvian's conviction for trafficking because the judicial commissioner at trial failed to make 'a finding as to which presumption he was relying on' which impacted the burden placed on the defence.<sup>51</sup> The Federal Court unanimously substituted it with a conviction under s 12(2) of the DDA and sentenced him to ten years in jail. On the one hand, it indicates that the appellate and clemency system can correct judicial mistakes and/or grant mercy in exceptional circumstances. These cases also demonstrate violations of fair trial rights and procedural rights guaranteed to defendants in Malaysia's domestic laws and the international human rights framework.<sup>52</sup>

### **Broader Implications**

18. In light of recent developments, the lack of progress towards abolishing the death penalty saw Malaysian courts continuing to sentence individuals to death during the COVID-19 pandemic. Such continued sentencing has taken place against the backdrop of COVID-19 lockdowns and a state of emergency, which have significantly impacted the ability of lawyers to take instructions from their clients.
  
19. That said, further progress for those on death row and those awaiting trial for a charge with a mandatory death sentence will be delayed by the COVID-19 pandemic, with adjournments in criminal trials keeping defendants remanded in prison.<sup>53</sup> As noted by one lawyer, this is troubling since the postponement of hearings results in prejudice against the defendants as "their memory becomes less accurate", thus affecting their credibility.<sup>54</sup>

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<sup>48</sup> *ibid* [29].

<sup>49</sup> *Abdullah bin Atan v Public Prosecutor and other appeals* [2020] 6 MLJ; *Melinda Stevenson v Public Prosecutor* [2020] 5 MLJ 27.

<sup>50</sup> [2020] 5 MLJ 250.

<sup>51</sup> *ibid* [40].

<sup>52</sup> Natalia Antolak-Saper and others (38); ADPAN (n 10); Carole Berrih and Ngeow Chow Ying, 'Isolation and Desolation Conditions of Detention of People Sentenced to Death' (2020) <<https://www.ecpm.org/wp-content/uploads/mission-enquete-Malaisie-GB-2019-280420-WEB.pdf>> accessed 2 August 2021.

<sup>53</sup> Harm Reduction International (n 36) 27.

<sup>54</sup> *ibid*.

20. Instances like these are especially worrying due to the already unfair nature of offences that carry a mandatory death sentence.<sup>55</sup> Furthermore, ADPAN and ECPM have highlighted the inhuman conditions faced by prisoners on death row, including poor ventilation and a lack of adequate healthcare services in prisons.<sup>56</sup> The effects of such conditions would be significant and potentially fatal during the pandemic where prisons have become COVID-19 clusters.<sup>57</sup> Though there is little clarity on current conditions on death row, Malaysia's dangerously poor track record on conditions of detention, particularly the prevalence of death row syndrome, leaves little hope.<sup>58</sup>

### **Recommendations**

- Ratify the International Covenant on Civil and Political Rights and the Second Optional Protocol of the Covenant.
- Align the national legal framework in line with international standards on the right to a fair trial, the presumption of guilt, burden of proof, right to information and right to effective counsel, and ultimately eliminate the death penalty from the statute books.
- Clarify the government's precise position on the issue of the death penalty, particularly the nature of the existing moratorium, movements in death penalty cases and pardons, and the publication and status of the Special Committee Report's findings in the Parliament.
- Publish comprehensive and detailed statistics on the death penalty in Malaysia including, but not limited to the number of death sentences imposed, executions carried out, number of persons on death row, offence-wise and demographic-wise distribution of the death row population, number of convictions confirmed and overturned in death penalty cases, number of pardoned prisoners, and significant legislative and political developments on the death penalty.

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<sup>55</sup> UN Human Rights Committee, 'Pagdayawon Rolando v. Philippine, CCPR/C/82/D/1110/2002 (8 December 2004) <<https://www.refworld.org/cases,HRC,421f00266.html>> accessed 2 August 2021.

<sup>56</sup> Carole Berrih and Ngeow Chow Ying (n 46).

<sup>57</sup> Nadirah Rodzi and Hazlin Hassan, 'Malaysia to Implement Early Release of Inmates amid Covid-19 Outbreaks behind Bars' *The Straits Times* (October 17 2020) <<https://www.straitstimes.com/asia/se-asia/malaysia-to-implement-earlyrelease-of-inmates-amid-covid-19-outbreaks-behind-bars>> accessed 2 August 2021.

<sup>58</sup> Carole Berrih and Ngeow Chow Ying (n 46).

- Formulate a transparent set of rules or guidelines to be followed by courts and state functionaries in the clemency process, including mandatory provisions to inform prisoners of their case statuses, right to effective recourse, time available to appeal or seek review and pardon, and execution dates.
- Immediately analyse the disproportionate impact of the death penalty on vulnerable groups, especially women and foreign nationals, in the context of drug offences. In furtherance of this, take urgent measures to safeguard the rights of these communities throughout the criminal process, including but not limited to guaranteeing foreign nationals access to an interpreter and contact with their national consular agencies.
- Take immediate measures to prohibit torture and punishment that violates human dignity, especially those that exacerbate case delays and result in the death row phenomenon. Amend the Prison Regulations and prioritise the monitoring of prison conditions and everyday regulation of prisons to ensure they comply with international human rights standards.
- Collaborate with advocacy groups and human rights agencies to disseminate clear and detailed information on the death penalty, carry out public awareness programs on prisoners' rights, conditions of detention and the use of capital punishment, and strengthen the abolition movement.
- Set up a systematic monitoring mechanism to analyse how judges exercise discretion while implementing the amendments to the Dangerous Drugs Act. All decisions that do not adhere to legal standards must be reviewed, and the death penalty's imposition must be explicitly prohibited in such cases.
- Amend existing standards on sentencing to ensure that judges in exercising the discretion are required to consider mitigating factors, adhere to principles of proportionality, statutory standards and procedural safeguards on the rights of the accused.
- To commute death sentences imposed for drug mules who were convicted under Section 39B of the Dangerous Drug Act 1952 prior to the amendment to the law.
- Fulfil the accepted recommendations to abolish the death penalty from Malaysia's 2018 UPR cycle.