



International Commission  
against the Death Penalty

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Rodolfo Mattarollo  
(1939-2014)  
Asma Jilani Jahangir  
(1952-2018)

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**Statement by the International Commission against the Death Penalty: Malaysia's mandatory death penalty abolition comes into effect**

The International Commission against the Death Penalty (ICDP) warmly welcomes recent developments related to Malaysia's Abolition of Mandatory Death Penalty Act 2023 (referred to as the Act 2023 hereafter) and the Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of The Federal Court) Act 2023, which took effect on 4 July after receiving Parliamentary approval in April, royal assent in June and being gazetted on 16 June. According to reports, the Act abolishes the mandatory death penalty for all crimes for which it was previously applicable, granting increased sentencing discretion to courts. Additionally, the Act abolished the death penalty in full for seven crimes and has abolished the use of natural life prison sentences. Upon taking effect, the law provides that those people currently on death row or carrying out natural life sentences will have 90 days to apply for resentencing. Moreover, reports reaching ICDP suggest that those people still undergoing trial and appeals will have a chance to request the commutation of their sentences as part of the ordinary court process.

The Abolition of Mandatory Death Penalty Act 2023 and the Revision of Sentence of Death and Imprisonment for Natural Life (Temporary Jurisdiction of The Federal Court) Act 2023 were voted by the Dewan Rakyat (House of Representatives) on 3 April and by the Dewan Negara (Senate) on 11 April. The two Acts obtained royal assent on 9 June and was gazette on 16 June.

ICDP notes that Malaysia has maintained a moratorium on executions since July 2018, which has been reflected by the country's international commitment by its continued vote in support of the UN General Assembly (UNGA) resolutions on a moratorium on the use of the death penalty since 2018.

"The coming to effect of the Abolition of Mandatory Death Penalty Act 2023 is an important milestone in the journey undertaken by Malaysia in its journey away from the death penalty, especially as it constitutes a step in reducing the scope of the death penalty in the country. Its impact would be momentous if its implementation achieves a significant decrease in the number of people facing the death penalty. For this to happen, ICDP calls on Malaysian authorities to ensure that all the people applying for resentencing will be provided adequate resources and timely legal representation guaranteeing their right to appeal," said ICDP President Judge Navi Pillay.

ICDP believes that these developments in Malaysia represent a beacon of hope and inspiration for the region and the international community. Noting this, ICDP calls on the government of Malaysia to maintain a moratorium on executions while it implements the Act and considers future steps in reducing the scope of capital punishment.

**Background**

Composed of 24 Commissioners of high international standing from all regions of the world, ICDP works with total independence and neutrality under President Navanethem (Navi) Pillay. The Commission promotes the abolition of capital



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punishment in law in those States that observe a *de facto* moratorium on the use of the death penalty and advocates for a moratorium on executions in States that rarely use the death penalty. ICDP works with the United Nations and other international and regional organizations, governments, and nongovernmental organizations to further the abolition of capital punishment worldwide. The work of ICDP is supported by a group of 23 Member States from all regions of the world who are committed to the abolition of the death penalty. The ICDP Secretariat is based in Madrid, Spain, and is responsible for the day-to-day work of the Commission.



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