

## CHÍNH TRỊ »

15/06/2015 13:43 GMT+7

### Châu Á cân nhắc hạn chế và bỏ án tử hình

**Vietnam.net** - Một số nước châu Á đang cân nhắc xem xét giảm, hạn chế, thậm chí xóa bỏ hình phạt tử hình đối với nhiều tội danh, trong đó có tội buôn bán ma túy với chủ trương đề cao hiệu quả phòng ngừa và tính nhân đạo trong việc xử lý người phạm tội.

**Kêu gọi xóa án tử hình ở châu Á**

#### Cân nhắc án tử hình

Một bộ trưởng trong Văn phòng Thủ tướng Malaysia, ông Datuk Paul Low Seng Kuan hôm 11/6 đã công khai lên tiếng ủng hộ việc xem xét lại hình phạt tử hình đối với tội buôn bán chất ma túy.

Thông tin này nhóm lên hy vọng sống cho một công dân Australia - bà Maria Pinto Exposto, 52 tuổi, đang đứng trước nguy cơ phải chịu hình phạt tử hình tại Malaysia.

Đầu tháng 12/2014, bà Exposto bị bắt giữ và sau đó bị buộc tội vận chuyển ma túy sau khi 1,1kg ma túy tổng hợp methamphetamine - ma túy đá - "ice" được phát hiện trong túi của bà ở sân bay Kuala Lumpur.

Theo luật của Malaysia, án tử hình được áp dụng đối với bất cứ ai mang trên 50g ma túy. Tuy nhiên, các luật sư bảo vệ bà Exposto cho biết, bà Exposto là nạn nhân của âm mưu lừa đảo. Bà đã đồng ý vận chuyển một chiếc túi của một người lạ từ Thượng Hải về Melbourne, quá cảnh tại Kuala Lumpur với ý tốt là chuyển tài liệu giúp một lính Mỹ ở Afghanistan có thể giải ngũ.





Một số nước châu Á đang cân nhắc xem xét giảm, hạn chế, thậm chí xóa bỏ hình phạt tử hình.

Theo ông Datuk, Malaysia đang xem xét lại Đạo luật Lạm dụng chất ma túy (Misuse of Drugs Act) và có thể thay đổi các luật hiện hành theo lời kêu gọi của công chúng. Vị bộ trưởng cho biết, số lượng tội phạm buôn bán ma túy đang tăng lên cho thấy hình phạt tử hình có thể không phải là giải pháp ngăn chặn tốt.

“Khi các chính sách không hiệu quả, tôi tin rằng, chúng ta nên thay đổi”, ông Datuk chia sẻ tại hội nghị khu vực châu Á về hình phạt tử hình lần thứ nhất do Together Against the Death Penalty (ECPM), Anti-Death Penalty Asia Network (ADPAN), Suhakam và Bar Council tổ chức tại Kuala Lumpur hôm 11-12/6.

Chính phủ Malaysia đã từng xem xét lại luật này trong năm 2009. Tuy nhiên, chủ tịch hiệp hội luật sư Malaysia - Malaysian Bar, ông Steven Thiru cho rằng, đã đến lúc chính phủ nước này phải đưa ra quan điểm rõ ràng về vấn đề này.

Gần đây, Singapore cũng đã cải cách các chính sách đối với các tội danh liên quan tới việc buôn bán ma túy. Theo đó, tòa có thể chọn giữa án tử hình và chung thân trong các trường hợp. Nhờ những sửa đổi về luật gần đây của Singapore, 3 người Malaysia: Yong Vui Kong, Cheon Chun Yin and Pang Siew Fum bị kết án tử hình vì vận chuyển ma túy, đã được giảm tội xuống còn án chung thân. Và, ít nhất, đây là điều mà nhiều tổ chức và cá nhân Malaysia muốn chính phủ làm theo.



Hội nghị khu vực châu Á về hình phạt tử hình lần thứ nhất tổ chức tại Kuala Lumpur hôm 11-12/6.

Tại Việt Nam, dự thảo Bộ luật Hình sự sửa đổi hạn chế áp dụng hình phạt tử hình theo hướng chỉ áp dụng đối với một số ít loại tội phạm đặc biệt nghiêm trọng. Dự thảo đề xuất bỏ hình phạt tử hình đối với 7/22 tội danh có hình phạt tử hình, bao gồm: cướp tài sản; phá hủy công trình, phương tiện quan trọng về an ninh quốc gia; chống mệnh lệnh; đầu hàng địch; phá hoại hòa bình, gây chiến tranh xâm lược; chống loài người, tội phạm chiến tranh và tội vận chuyển trái phép chất ma túy.

Trong 10 năm qua, 5 nước trong khu vực đã bỏ án tử hình đối với mọi loại tội danh. Đó là Nepal, áp dụng từ 1997, Bhutan 2004, Philippines và Campuchia năm 2006 và Mông Cổ 2012. Timor Lester không áp dụng án tử hình. Lào, Myanmar và Brunei có án tử hình nhưng không thi hành trong vòng 10 năm.

Nhiều người dân, chuyên gia, luật sư và tổ chức từ khoảng 50 nước trên thế giới trong hội nghị lần thứ nhất khu vực châu Á bày tỏ sự đồng tình với việc giảm và bỏ án tử hình và không ít người đang vận động mạnh mẽ cho xu hướng này.

### **Nhiều ý kiến ủng hộ**

Bộ trưởng Datuk Paul Low nhấn mạnh, việc áp dụng án tử hình đối với những người vận chuyển ma túy như hiện tại là không công bằng bởi họ bị bắt và bị xử tử trong khi những ông trùm đứng phía sau thì thoát tội.



Chủ tịch Malaysian Bar, Steven Thiru cho rằng, không có chứng cứ thực tế hoặc dữ liệu nào cho thấy việc áp dụng án tử hình có hiệu quả trong việc ngăn chặn tội phạm. “Không có sự suy giảm tội phạm đáng kể nào, nhất là các tội liên quan tới ma túy”, ông Steven nói.



140 nước đã bỏ hình phạt tử hình trên luật hoặc trên thực tế. Trong đó, 98 nước (màu xanh lá cây) bỏ hình phạt tử hình; 7 nước bỏ hình phạt tử hình cho các tội danh thông thường (tím); 35 nước có án tử hình nhưng không thi hành trên thực tế (vàng nhạt); còn lại 58 nước - đỏ) vẫn duy trì hình phạt tử hình.

Luật sư người Úc Julian McMahon đại diện cho hai tử tù công dân Australia Myuran Sukumaran và Andrew Chan vừa bị thi hành án cuối tháng 4 vừa qua tại Indonesia vì tội buôn ma túy trong vụ án nổi tiếng “Bali Nine” tỏ ra khá lạc quan về triển vọng về việc Malaysia xem xét xóa bỏ án tử hình.

“Tôi nghĩ chúng ta đang ở thời điểm quan trọng trong quá trình kêu gọi xóa bỏ án tử hình và vấn đề cốt yếu bây giờ là ở những người lãnh đạo”, ông Julian chia sẻ.

Tháng 12/2014, 117 nước trong số 193 thành viên LHQ đã ủng hộ một nghị quyết của Đại hội đồng LHQ ngừng thi hành án tử hình với mục đích hướng tới việc hủy bỏ hình phạt tử hình trên toàn cầu.

**Hà Dũng**

To see the article, click [here](#)

## CHÍNH TRỊ »

10/06/2015 08:27 GMT+7

### Kêu gọi xóa án tử hình ở châu Á

**Vietnamnet** - Hàng trăm đại diện ủng hộ việc xóa bỏ án tử hình từ nhiều nước trên khắp thế giới sẽ họp mặt ở Malaysia để thảo luận trong hai ngày 11-12/6.

**Chỉ ghi âm hỏi cung vụ có mức án chung thân, tử hình?**

Hội nghị khu vực châu Á về án tử hình do Together Against the Death Penalty (ECPM) và Anti-Death Penalty Asia Network (ADPAN) tổ chức nhằm kêu gọi các nước châu Á đi hướng theo xu hướng của thế giới là xóa bỏ án tử hình.

Đại diện ECPM, tổ chức có trụ sở tại Paris, cho biết cam kết xóa bỏ án tử hình tại châu Á đã gia tăng ấn tượng trong thời gian gần đây.





Phong trào kêu gọi hủy bỏ án tử hình

Cũng theo tổ chức này, phong trào kêu gọi hủy bỏ án tử hình tại Malaysia, bao gồm ADPAN và Ủy ban Nhân quyền Malaysia - Suhakam, đã lớn mạnh trong vài năm gần đây. Sự hợp tác của các tổ chức này có thể lan rộng ra các nước khác trong khu vực và trở thành một phong trào mang tầm quốc tế.

Thông kê cho thấy, châu Á hiện vẫn là nơi áp dụng án tử hình nhiều nhất trên thế giới. Tuy nhiên, tổng số các vụ thi hành án tử hình đang trên đà giảm xuống.

Trong 10 năm qua, 5 nước trong khu vực đã bỏ án tử hình đối với mọi loại tội danh. Đó là Nepal, áp dụng từ 1997, Bhutan 2004, Philippines và Campuchia năm 2006 và Mông Cổ 2012.

Trong hội nghị khu vực châu Á về án tử hình tại Kuala Lumpur sắp tới sẽ có khoảng 300 người tham gia, đến từ khoảng 100 nước.

Mục đích của hội nghị lần này là nhằm tạo ra những hình thức hợp tác mới để hướng tới việc thực thi cam kết của các nước châu Á trong việc loại bỏ án tử hình.

Thành viên Ủy ban điều hành ADPAN, bà Ngeow Chow Ying cho biết, một vấn đề cũng được quan tâm trong hội nghị lần này là tình hình thi hành án tử hình ở khu vực Đông Nam Á, đặc biệt là Indonesia gần đây gia tăng mạnh.

“Hội nghị là sự kiện thường kỳ tập trung vào việc áp dụng án tử hình trong khu vực. Mục tiêu của chúng tôi là nâng cao sự nhận thức và khuyến khích thảo luận về vấn đề án tử hình”, bà Ngeow chia sẻ.

Hội nghị sẽ đón nhận các ý kiến trong khu vực châu Á để chuẩn bị cho hội nghị thế giới chống lại án tử hình lần thứ 6, sẽ được tổ chức tại Oslo, Na Uy, vào tháng 6 năm tới.

Giám đốc Malaysia của Tổ chức Ân xá quốc tế Shamini Darshni cho biết, giống như ở nhiều khác, ở Malaysia, án tử hình vẫn là một vấn đề gây tranh cãi ở cả khía cạnh chính trị và đạo đức. Đại diện nay cho biết, đang tiếp tục kêu gọi chính phủ các nước châu Á dần xóa bỏ án tử hình bởi việc áp dụng án tử hình đã được chứng minh là giải pháp kém hiệu quả trong việc giảm tội phạm.

## Hà Dũng

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# Asian countries urged to abolish death penalty

Submitted by editor2 on Fri, 12/06/2015 - 21:48

## Kongpob Areerat

More than 300 lawyers, NGO workers, journalists, state officials, academics, activists, and others from around the globe met to encourage efforts to end the principle of ‘an eye for an eye’ in justice systems by abolishing the use of capital punishment in Asia and elsewhere.

Together against the Death Penalty ([Ensemble contre la peine de mort - ECPM](#)), an NGO based in France which campaigns for the abolition of the death penalty, and other partner organisations and state agencies, such as the [Anti-Death Penalty Asian Network \(ADPAN\)](#) and the Norwegian Foreign Affairs Ministry, organised the Asian Regional Congress on the Death Penalty on 11-12 June 2015 in Kuala Lumpur, Malaysia.

At the opening of the event on Thursday morning, NGOs and experts on the abolition of capital punishment from around the globe argued that the application of death penalty is a



violation of the most fundamental human right, the right to life. It violates both the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights.



About 300 lawyers, NGO workers, journalists, state officials, academics, and activists joined the opening of the Asian Regional Congress on the Death Penalty on 11-12 June 2015 in Kuala Lumpur, Malaysia

One of the speakers at the opening ceremony, Chow Ying Ngeow of the Executive Committee of ADPAN, pointed out that at present although more than 70 per cent of countries around the world have abolished the death penalty, many Asian countries, including China, Singapore, Vietnam, Malaysia, India, Indonesia, Thailand, and even Japan still use the death penalty for serious crimes such as terrorism, murder, and drug trafficking.

Raphael Chenuil Hazan, the Executive Director of ECPM, said that two third of executions documented annually worldwide happen in Asia. He added that in Southeast Asia, suspects convicted of drug trafficking constituted more than 50 per cent of those receiving death sentences in the region.

Earlier this year, the most populous ASEAN nation, Indonesia, executed 14 people, most of whom were foreigners convicted of narcotics related cases.

Julian McMahon, an Australian lawyer who represented two young Australian suspects, Andrew Chan and Myuran Sukumaran of the notorious Bali Nine, a drug trafficking case that rocked Indonesian-Australian relations, said that his clients and many others in the same situation should have been allowed a second chance.



“Both of them had reformed in prison,” McMahon said about the rehabilitation process of his former clients. “Myuran was selling his paintings to help other inmates in prison to raise money for [medical] operations.”

McMahon added that another victim from Brazil who was recently executed in Indonesia, Rodrigo Gularte, was in fact suffering from mental illness. If new evidence of his crime found after his execution had been found earlier, Rodrigo would have been reprieved from being killed by the firing squad.

When asked at the press conference if the abolition of death penalty is a form of cultural imperialism from the west, Macmahon said that in fact in the last couple of years the Indonesian government has been doing whatever it can to assist its citizens facing death sentences in other countries.



### Posters at the event calling for the abolition of the death penalty

“For me the application of the death penalty is a political move to divert public attention away from something more important” McMahon said, criticising Indonesian President Joko Widodo’s war on drugs policy.

At the discussion on unfair trials, Leon Chih-hau Huang, a lawyer from Taiwan who has represented many convicts on death row, pointed out that people tend to be biased towards those who are pleasing to their eyes and play favourites without noticing it. Therefore, fair trials can sometimes be difficult to conduct.

Using the allegory from the famous novel ‘To Kill a Mockingbird’, Huang asked “what if you can tell the mockingbird from the bluejay (in the story the former symbolises the innocent and the latter, the guilty).”

According to Saul Lehrfreund, a British attorney and Co-Executive Director of the Death Penalty Project in the UK, justice systems that might convict innocent people for crimes they did not commit persist everywhere.

“The risk that innocent people end up being killed will never be totally eliminated because there can never be a perfect trial,” said Lehrfreund.

To illustrate this, Lehrfreund pointed to the case of Sean Hodgson, a British man who was wrongfully convicted of murdering a 22-year-old woman in 1979 and was imprisoned for 27 years.

Chow Ying Ngeow told Prachatai that in reality, people who were arrested in cases related to drug trafficking and sentenced to death were mostly small people who did not know much about the heavy penalties for drug trafficking cases.

“It’s the small people who are being caught, but the big guys involved always manage to get away, so the death penalty can never be effective in eradicating drug trafficking,” said Chow Ying.

On the fallacy of the legal system, she concluded that one person wrongfully convicted to death sentence is more than enough of a reason to abolish the death penalty.

To see the article, click [here](#)

## Asian regional congress on the death penalty aims to strengthen call for regional abolition

Submitted by editor2 on Thu, 04/06/2015 - 11:39

### **Ensemble contre la peine de mort (Together Against the Death Penalty, ECPM)**

Kuala Lumpur, 4th of June 2015 – Anti-death penalty advocates from around the globe will congregate in Malaysia on June 11 and 12 to discuss the foremost violation of the right to life.

The Asian Regional Congress on the Death Penalty, co-organised by Ensemble contre la peine de mort (Together Against the Death Penalty, ECPM) and the Anti-Death Penalty Asia Network (ADPAN) is an effort to encourage countries in Asia to move with the global trend and join the rest of the world in abolishing the death penalty.

ECPM, an organisation based in Paris, said Asia's civil society commitment to abolition of the death penalty had increased in recent times, hence Kuala Lumpur as the host for the first Asian congress.

“The Malaysian abolitionist movement which includes ADPAN, the Human Rights Commission of Malaysia (SUHAKAM) and Bar Council of Malaysia has in recent years strengthened its call against the death penalty. The cooperation of these organisations would reinforce and empower the existing Asian abolitionist movement, making it more visible at the global level,” it said.

Asia is the world's biggest user of the death penalty, however, the overall number of executions has decreased, governments have imposed more rigorous restrictions to limit the use of the death penalty and a more open debate has been launched.

In 10 years, five countries in the region have abolished the death penalty for all crimes – Nepal in 1997, Bhutan in 2004, the Philippines and Cambodia in 2006, and Mongolia in 2012,” ECPM said.

Some 300 participants, including 100 from across the globe, are expected to attend the Asian Regional Congress on the Death Penalty at Renaissance Hotel, Kuala Lumpur.

An aim of the regional congress is to encourage new forms of co- operation to lead to concrete commitments by Asian states to abolish the death penalty. The congress also aims to support civil society actors in the region by defining an abolition strategy which will chart progress, obstacles and outlook.

ADPAN Executive Committee Member Ngeow Chow Ying said that the network was concerned with the recent spate of executions in South East Asia, in particular, in Indonesia.

“The conference is therefore a timely event to focus on the use of the death penalty in the region and sub-region. Our goal is to raise awareness and encourage debates on death penalty issues. We urge both pro and anti-death penalty advocates to take part in crucial debates about the death penalty,” she said.

The Asian Regional Congress on the Death Penalty will present regional ideas as a lead-up to the 6th World Congress Against the Death Penalty in Oslo, Norway, in June, next year.

Amnesty International Malaysia Executive Director Shamini Darshni said that with the apparent global trend of abolition, retentionist countries needed to ask themselves whether “they were getting in the way of human rights progress by executing people in the cruellest of ways.”

“In Malaysia, the death penalty remains a contentious subject for both moral and political reasons, like in many other countries. We need to continue pushing Asian governments which retain the death penalty to do away with this ultimate abomination of human rights. The congress takes a hard look at the use of the death penalty and raises those tough questions on



why governments are insisting on using the death penalty when it has been proven an ineffective solution to crime reduction,” she said.

Shamini added that AI Malaysia, as a member of ADPAN, was pleased to be among the event’s organisers.

Regional Congress Coordinator Yi Pan said that given the nature of crimes that carry the death penalty in the region, discussions would be devoted to death penalty and drugs, with input from the United Nations Office on Drugs and Crime and experts on criminal justice and capital punishment.

“The mandatory death penalty is also a major regional issue. UK- based organisation the Death Penalty Project, which has worked closely with several governments in Asia, will also share its observations,” she said.

In the wake of recent executions in the region, a roundtable discussion and a workshop would be dedicated to “Diplomacy and Death Penalty”, which would explore how diplomatic processes could be a useful tool in abolition, Yi Pan said.

To see the article, click [here](#)

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## The Unbearable Irreversibility of the Death Penalty

*A global trend away from the use of the death penalty for drug-related offenses means countries that do carry out executions are on the extreme fringe, a minority on the world stage*

By **Isyana Artharini** on 09:15 pm Jun 15, 2015

Category **Featured, Front Page, Human Rights, News**

Tags: **Bali Nine, capital punishment death penalty Indonesia**



Supporters of Australians on death row in Indonesia Andrew Chan and Myuran Sukumaran light candles during a vigil at Martin Place in Sydney on April 28, 2015. The two were executed by firing squad hours later. (AFP Photo/Saeed Khan)

**Kuala Lumpur.** Chen Chin-Hsien walked up on stage and introduced himself before the audience: a civil court judge in Taiwan for the past four and a half years, and before that serving on the bench in juvenile and criminal courts.

“Twenty-one years ago,” he declared, “I believed firmly in retribution and the death penalty.”

But everything changed when, during a public discussion on judicial issues several years ago, a young woman asked him, “What if some day one of the defendants you have sentenced to death is found to be wrongfully convicted? What would you do?”

It was the first time anyone had brought up the possibility to him, Chen went on in his speech in Kuala Lumpur last week.

“I looked at her for a long time and I couldn’t answer her. Eventually I said, ‘I don’t really know. Maybe quit my job.’”

It was a possibility that, mercifully, Chen never had to face. One of the rare cases he heard in which the death penalty was prescribed involved a mentally ill young man on trial for slitting a child’s throat in an arcade.

Given the defendant's mental condition, the panel of three judges, Chen among them, chose not to hand down the death penalty — and immediately drew condemnation from the press and society.

“This was no surprise. But the surprising thing was that we were also attacked so hard by our fellow judges. No judge supported our verdict. There are not many judges in Taiwan brave enough to resist such pressure,” Chen said.

He acknowledged the long tradition of martial justice in Chinese society, but argued that in the modern age, the death penalty is primitive and cruel.

### **Tide is turning**

Chen was speaking at a congress hosted last week by the organization Together Against the Death Penalty/Ensemble Contre la Peine de Mort (ECPM) and the Anti-Death Penalty Asian Network (ADPAN). The ECPM has organized similar congresses on the abolition of the death penalty, but the Kuala Lumpur event was the first to be held in Asia, and served to highlight the use of the death penalty in the region, mostly for drug-related offenses.

Indonesia was, until 2012, among a growing number of countries exercising a de facto moratorium on the use of the death penalty. All that changed this year with the execution of 14 people, 12 of them foreigners, for drug-related offenses, drawing widespread criticism and riling diplomatic ties.

But the more than 300 delegates at the ECPM congress also heard about how the problem was not limited just to Indonesia: Singapore maintains a mandatory death sentence for drug-trafficking.

Malaysia also prescribes death for trafficking, but the tide is turning in that country, says Steven Thiru, the president of the Malaysian Bar Association.

The association has repeatedly passed resolutions at its annual meetings calling for the abolition of the death penalty, and while the government has never acquiesced, the public is increasingly in support of ending capital punishment. An opinion poll conducted in 2013 by the bar association and the Death Penalty Project, a leading human rights organization based in the Britain, found that the majority of the Malaysian public surveyed did not support the mandatory death penalty for drug trafficking, murder or firearm offenses.

Thiru said there were no more barriers to abolishing the death penalty in the country. “It is up to the government and the legislators to drive the conversation forward. If they lead, the public will follow,” he said.

### **Debunking the myth**

In the wider context, the position maintained by law enforcement in Indonesia, Singapore and Malaysia is increasingly a marginal one. Six Asian countries — Nepal, Bhutan, Philippines, Cambodia, Timor Leste and Mongolia — have already abolished the death penalty from their statutes.



Brunei, Myanmar and South Korea are abolitionists in practice, meaning they still retain the death penalty in their legislation but have not carried out any executions for some time.

Only 25 countries in Southeast Asia, the Pacific islands and the Middle East routinely carry out executions, said Raphaël Chenuil Hazan, the executive director of the ECPM.

“This trend debunks the myth that abolishing the death sentence is a Western value,” Hazan said.

Britain-based Harm Reduction International goes deeper in its report “The Death Penalty for Drug Offences: Global Overview 2012.”

The report identifies 49 countries in the Asia and MENA (Middle East and North Africa) region as “retentionist,” or having the death penalty on their statutes; of these, only 13 carry out executions, and only five do so regularly.

Of the 92 retentionist countries and territories worldwide, a third prescribe the death penalty for drug-related offenses; only one in seven actively execute drug offenders, and only one in 18 do so with any regularity or in any great number.

That means that countries that do carry out death sentences are on the extreme fringe, a minority on the global stage.

### **Avoiding the real issues**

Rick Lines, the executive director of HRI, said the decision to carry out death sentences was not a cultural, social or regional trend, but instead a mere political choice, which is what he saw happen in Indonesia, which went from two executions in the last five years to 13 in the last five months.

The fact that most of those executed were foreigners played to the narrative of drugs as a foreign threat, which Lines said was merely a way for the authorities to avoid dealing with developing health or harm reduction policies and therapies to treat people living with drug abuse domestically.

Julian McMahon, a lawyer for the late Andrew Chan and Myuran Sukumaran, the two Australians executed in Indonesia on April 29, refuted the Indonesian government’s insistence that the death penalty served as an effective deterrent against the drug trade.

“The drug kingpins move drugs by the tons. It’s laughable to think that by executing these two boys, it will deter consumption or distribution of drugs in Indonesia. Nobody is talking about the distribution or the making of drugs already happening inside Indonesia,” he said.

McMahon, who usually avoids giving out personal stories to the media because they tend to divert attention from the actual legal work being done by his office, made a rare exception at the congress in Kuala Lumpur.

“When I first met those boys in 2006, they were ordinary punk criminals,” he said.

“But they became poster boys for what the prison reform system could be. They turned the prison around into a safe learning space.”

He also shared his story of spending time with Mary Jane Veloso, a Filipina drug mule who was also slated to be executed with the others, and her two sons, all of them believing that it was the end.

“She held her two boys, thinking it would be for the last time. She sang to them, the boys sang to me, I gave them chocolate,” McMahan said.

When the shots rang out on the Central Java prison island of Nusakambangan, the grief of the Veloso family was immense. They were convinced she had been shot, only to be notified later that she had been granted a last-minute reprieve.

“And to think she’s going to face all of this again is just inhumane,” McMahan said.

He said what upset him the most about the Indonesian government’s approach to the issue was that there was no pretense whatsoever that President Joko Widodo had read the pleas for clemency: It was simply decided that 64 people must die, even though many of them, Chan and Sukumaran among them, still had appeals pending.

The Australians’ appeal hearing was scheduled for May 12; they were shot dead less than two weeks before their court date.

“There is no country in the world that deployed more energy, money and diplomats to get their citizens out of death row than Indonesia. And they do so in the most praiseworthy way,” McMahan said.

“So imagine my disappointment when all my legal efforts were met with the simple argument of trying to interfere with the sovereignty of another country.”

For the lawyer, the bitter experience of the Chan and Sukumaran case is the exact scenario that Chen, the Taiwanese judge, has always dreaded.

“Criminal judgment is not just about retribution, but also about a settlement between society and the defendant. In the rehabilitation process, society can embrace this defendant, or the defendant can embrace society again,” Chen said.

“But death is the ultimate retribution that leaves no chance for this settlement process to happen.

To see the article, click [here](#)

## Religious group open to abolishing of death penalty, says Suhakam



Suhakam chairman Tan Sri Hasmy Agam says Muslim scholars, who have been engaged by the commission in the last several years, has opined that death penalty in Islam is a fine point depending on the interpretation of sacred texts. — TRP pic by Wan Kah Hoong

### **KUALA LUMPUR, June 11, 2015:**

Human Rights Commission (Suhakam) chairman Tan Sri Hasmy Agam said religious scholars in the country were open towards the abolition of death penalty, but more needed to be done.

He said Muslim scholars, who had been engaged by Suhakam in the last several years, opined that death penalty in Islam was a fine point, depending on the interpretation of the sacred texts.



“They pointed out that the victim’s family is given the option to forgive or to insist on other forms of punishment,” he said, adding that Suhakam had also been talking to ulama (those who are learned in Islamic Law, constitution and theology).

Hasmy was responding to a question from reporters after giving his speech at the opening of the first Asian Regional Congress On The Death Penalty at the Renaissance Hotel here this morning.

The two-day event is organised by French organisation Together Against Death Penalty (ECPM) and Anti-Death Penalty Asia Network under the sponsorship of the Norwegian Ministry of Foreign Affairs.

According to Islamic law, the death penalty can be applied by a court as punishment for the most serious of crimes, including apostasy and intentional murder.

At the same time, he noted that Cabinet ministers were generally open towards the abolition of the death penalty although there were some who remain unaware of the issue.

In his speech, Hasmy said Suhakam took note that the international community was moving towards the abolishment of the death penalty, with some 140 countries having abolished it.

He admitted that Suhakam was a late starter on the issue, but had been actively calling for the abolishment of the death penalty since 2011 as it was of the view that such punishment was fundamentally against human rights, cruel, inhuman and degrading.

“In 2012, Suhakam followed up by calling on the government to review the relevance of and effectiveness of capital punishment for criminal offences and should aim to be among the abolitionist states.

“In addition, Suhakam also expressed its readiness to be involved in consultations on the required legislative reform ,” he said.

Malaysia imposed a mandatory life sentence for drug trafficking in 1975.

In 1983, a mandatory death sentence was introduced for the crime, with the intention to combat the serious effect of drug trafficking on society.

To see the article, click [here](#)

# Will Putrajaya commit to end mandatory death penalty? groups ask amid cross signals

BY KAMLES KUMAR



Thiru said the government has repeatedly promised a review of the death penalty in the past few years but there have been no developments since 2009. — Picture by Saw Siow Feng

June 11 — With mixed signals from ministers, several non-governmental organisations called on the federal government today to state clearly its stand on the mandatory death sentence in practice currently.

Representatives from the Human Rights Commission of Malaysia (Suhakam), the Malaysian Bar and French group The Organisation Together Against Death Penalty urged Putrajaya to abolish the practice in favour of more humane sentences.

“The views on this and human rights by the Cabinet vary. Some are committed but some have not made a stand at all,” Suhakam chairman Tan Sri Hasmy Agam told reporters at the Asian Regional Congress on Death Penalty here.

“We must get the top leadership including the PM to be committed to this. There is intention but there is no follow up,” he added.

Minister in the Prime Minister’s Department Datuk Paul Low had voiced his support for the abolishment of the death sentence in drug-related offences earlier today at the same event.

Low said the practice was “unfair” as more often than not, it was the drug mules who were caught and hanged instead of the syndicate leaders.

President of the Malaysian Bar Steven Thiru said the government has repeatedly promised a review of the death penalty in the past few years but there have been no developments since 2009.

The groups also urged the government to make public current data on the death penalty.

“We are quoting data that goes back to November 2013. We can't say... that abolishing death penalty would help deter drug cases because we have no exact data on that.

“That is the sorry state of affairs here. Data should be made public so that we know what is the breakdown,” Steven said.

Lawyer Julian McMahan commended Malaysia’s civil society for pushing for reform on capital punishment but said political willpower was needed to change the laws in the region.

“What is needed now is leadership at political level and civil society to lead the region in this matter,” said McMahan who represented two men who were part of the Bali nine recently executed for drug trafficking in Indonesia.

Malaysia is among 22 countries that executed inmates on death row last year.

In its Death Sentences and Executions Report 2014 by Amnesty International in April, the human rights watchdog noted that at least 38 people in the country were sentenced to death and two executed last year.

It added that 70 per cent of the convictions were for drug-related offences.

To see the article, click [here](#)

# In death penalty rethink, Putrajaya studies Singapore drug laws

Published: 11 June 2015 9:01 PM



*Minister in the Prime Minister's Department Datuk Paul Low Seng Kuan says Putrajaya is studying Singapore's drug laws in reviewing death penalty. – The Malaysian Insider file pic, June 11, 2015.*

*Putrajaya is scrutinising Singapore's drug laws to review the death penalty in Malaysia's drug-related laws.*

Minister in the Prime Minister's Department Datuk Paul Low Seng Kuan said it was perusing the republic's Misuse of Drugs Act in reforming the existing laws as reaction to public calls to review the death penalty.

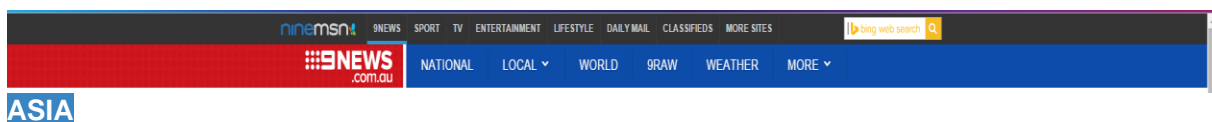


He said there were equally strong voices of parties which supported the death penalty imposition on heinous crimes and those against the sentence.

"It is my hope that as much as we seriously value life, we must also look with the same conscientiousness into the issue of the death penalty," he said when officiating the 1st Asian Regional Congress on the Death Penalty in Kuala Lumpur today.

The conference was attended by over 300 anti-death penalty advocates from around the world to discuss the contentious and important topic on the death penalty. – Bernama, June 11, 2015.

To see the article, click [here](#)



4:33pm June 11, 2015

# Malaysia MP wants death penalty rethink

A Malaysian cabinet minister has advocated revising the country's mandatory death penalty for drug trafficking, a punishment that threatens a Sydney grandmother.

Maria Pinto Exposto is awaiting trial with a possible death sentence after tests confirmed a substance found in her bag at Kuala Lumpur airport on December 7 last year was 1.1kg of crystal methamphetamine.

Malaysia has the penalty of death by hanging for anyone guilty of carrying 50g or more of methamphetamine.

But a minister in Malaysia's prime minister's department, Datuk Paul Low Seng Kuan, says it's time the policy was revised.

He says the number of drug trafficking offences is rising, suggesting the threat of the death penalty is not a deterrent.

"When policies are not working, I believe that they should be changed," he told the Asian Regional Congress on the Death Penalty on Thursday.

Malaysia's government reconsidered the law in 2009 and there hasn't been an execution since 2010.

Malaysian Bar president Steven Thiru says it's time the government made its position clear.

"It's precious little we can hold on to," he said of the minister's comments.

Australian lawyer Julian McMahon, who represented Myuran Sukumaran and Andrew Chan, was more optimistic about Malaysia's prospects for abolition.

"I think we're at that point in time and I think what's really needed now is leadership," he said.

In the past decade, five countries in Southeast Asia abolished the death penalty.

About half of the almost 1000 people on death row in Malaysia are believed to be there for drug crime.

Exposto, 52, says she is innocent of drug trafficking and was duped into carrying a bag she believed contained only clothes.

To see the article, click [here](#)

## HUMAN RIGHTS

# Asia congress delegates call for an end to death penalty

BY [ANNETTE GARTLAND](#) ON [JUNE 12, 2015](#)

Hundreds of anti-death penalty activists are gathered for a two-day Asian regional conference in the Malaysian capital, Kuala Lumpur. The first day's plenary session focused on capital punishment in drugs cases and delegates heard that it is not the deterrent it is claimed to be.

It is estimated that there are about 1,000 people on death row in Malaysia and about half of them have been convicted of drugs offences. In many other Asian countries, most of those executed have been found guilty of drug trafficking.

The number of people executed in Asia remains higher than the total number of executions elsewhere in the world.

In his keynote speech, minister in Malaysia's prime minister's department, Paul Low Seng Kuan, said that in recent years the number of people sentenced to death for drug trafficking in Malaysia had increased and this placed a question mark over whether the death penalty was an effective deterrent.

The figures lent support to the argument that only unsuspecting drug mules were being caught whilst the drugs king-pins were getting away, Low said. "When policies are not working, they should be changed."

In Malaysia, the death penalty is mandatory for three types of offence: murder, drug trafficking, and offences related to terrorism. The government is reviewing its policy and considering reducing the maximum sentence for drug trafficking to life imprisonment.

Low said the mandatory death sentence should be reviewed for drug offences. "I personally share the view," he said, "that the death penalty has its place, but only in the most serious of crimes and also where there is no reasonable doubt that the suspect is guilty."



The president of Malaysia's Bar Council, Steven Thiru (*pictured left*), spoke of the lack of empirical evidence or data confirming that the death penalty served as a deterrent

He said there was “precious little we can hold on to” in the promises of the Malaysian government to reform the death penalty laws. A de facto moratorium, he added, would not be enough.

“The death penalty is a barbaric form of punishment inflicted by the state to legitimise the deprivation of human life. It is compounded in its cruelty by the prolonged and indefinite incarceration of the convicted person in death row. The uncertainty, coupled with the fear of the inevitable, tantamounts to physical torture.”

Delegates to the KL conference heard from a judge in Taiwan who said he used to firmly believe in retribution and the philosophy of “an eye for an eye”, but has now concluded that the possibility of wrongful conviction is too high for the death penalty to be a just solution. “Wrongful conviction is not something a judge can avoid,” Judge Chin-hsein Chen said through an interpreter.



*Judge Chin-hsein Chen*

In her welcome speech, Chow Ying Ngeow from the Anti-Death Penalty Asia Network (ADPAN) spoke about the recent case in Taiwan of the murder of a young girl. To calm public anger, the government hastily executed six people for the crime, she said. “Our colleagues and friends in the Taiwan Alliance Against the Death Penalty and others in the abolition movement received hate messages and even death threats. The murder victim’s mother, who is against the death penalty, was condemned by critics who said she did not love her daughter.”

Delegates also heard from Julian McMahan, the lawyer for two of the Bali Nine drug smuggling gang, Myuran Sukamaran and Andrew Chan, who were executed in Indonesia on April 29.

Chan and Sukamaran are among 14 people who have been executed in Indonesia in 2015.





McMahon (*pictured left*) says there is a political motive behind the executions that have taken place in Indonesia this year. President Jokowi, he said, had no interest in examining the merits of the cases.

The lawyer said, however, that there were positive signs in Malaysia, and a steady momentum towards possible change in the death penalty legislation.

McMahon told delegates about Australian Van Tuong Nguyen, who was executed in Singapore on December 2, 2005 after being convicted of drug trafficking. “I was with his mother and brother at the prison on the afternoon before he died. He was a changed person. He was religious and was completely reformed.”

If Van Tuong Nguyen’s conviction occurred today, McMahon said, he would not be executed because of changes in the law in Singapore.

McMahon spoke of the pain suffered by the young man’s relatives. “Their grief was immense. It was the most intense moment of grief I have ever experienced.”

The lawyer also spoke of the effect on relatives of the treatment of death row inmate in Indonesia Mary Jane Veloso, who is a single mother of two young boys. The 30-year old Filipina maid was convicted of drug trafficking and had been due to be executed in April along with eight other detainees, but was given a last-minute temporary reprieve. Her family did not find out about the reprieve until after the other executions, however, and thought she had been killed. “The shots rang out and the family found out afterwards that she was alive,” McMahon said.

The death penalty, McMahon says, is having no effect on the drug problems in Indonesia. “This is about politics, not anything else.”

McMahon spoke of the “enormous long process of rehabilitation” of Chan and Sukamaran. They had been transformed from “typical punk criminals” into people who were devoting their lives to rehabilitating other prisoners. “There were numerous prisoners offering themselves up to die on their behalf,” McMahon said. Chan and Sukamaran had converted part of the prison into a “sanctuary of hope and safety”. Sukamaran prevented the gangs from operating there, McMahon said, and he also became an accomplished painter.

Six countries in Asia – Cambodia, Timor-Leste, the Philippines, Nepal, Bhutan, and Mongolia – have abolished the death penalty and six others – Brunei, Laos, Myanmar, Sri Lanka, Papua New Guinea, and South Korea – are abolitionist in practice.

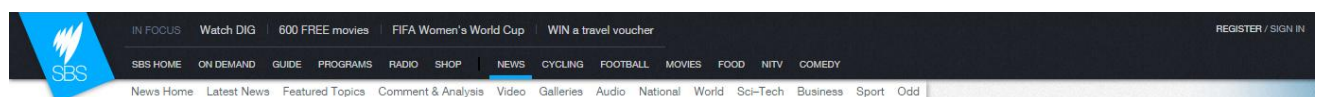
Since the beginning of 2015, some countries, including Pakistan and Singapore, have resumed executions after the death penalty was suspended and others, including Sri Lanka, have plans to reintroduce capital punishment.

The United Nations Human Rights Committee has concluded on several occasions that drug trafficking does not meet the threshold of “most serious crimes”. Imposition of the death penalty in such cases therefore goes against Article 6 of the International Covenant on Civil and Political Rights.



*Li-shu Weng, from the Taiwanese delegation, with her eight-year-old daughter Cheng-yun. (Photographed in a mock-up prison cell, installed by Amnesty International Malaysia.)*

To see the article, click [here](#)



11 JUN 2015 - 4:36PM

## Malaysia MP wants death penalty rethink

**A cabinet minister in Malaysia, where a Sydney mum awaits trial, wants the mandatory death penalty for drug trafficking reconsidered.**

**Source:**

AAP

11 JUN 2015 - 4:33 PM UPDATED 11 JUN 2015 - 4:36 PM

A Malaysian cabinet minister has advocated revising the country's mandatory death penalty for drug trafficking, a punishment that threatens a Sydney grandmother.

Maria Pinto Exposto is awaiting trial with a possible death sentence after tests confirmed a substance found in her bag at Kuala Lumpur airport on December 7 last year was 1.1kg of crystal methamphetamine.

Malaysia has the penalty of death by hanging for anyone guilty of carrying 50g or more of methamphetamine.

But a minister in Malaysia's prime minister's department, Datuk Paul Low Seng Kuan, says it's time the policy was revised.

He says the number of drug trafficking offences is rising, suggesting the threat of the death penalty is not a deterrent.

"When policies are not working, I believe that they should be changed," he told the Asian Regional Congress on the Death Penalty on Thursday.

Malaysia's government reconsidered the law in 2009 and there hasn't been an execution since 2010.

Malaysian Bar president Steven Thiru says it's time the government made its position clear.

"It's precious little we can hold on to," he said of the minister's comments.

Australian lawyer Julian McMahon, who represented Myuran Sukumaran and Andrew Chan, was more optimistic about Malaysia's prospects for abolition.

"I think we're at that point in time and I think what's really needed now is leadership," he said.

In the past decade, five countries in Southeast Asia abolished the death penalty.

About half of the almost 1000 people on death row in Malaysia are believed to be there for drug crime.

Exposto, 52, says she is innocent of drug trafficking and was duped into carrying a bag she believed contained only clothes.

To see the article, click [here](#)

## Kongpob Areerat

Although as many as two thirds of all countries worldwide have already abolished the death penalty, many countries in Asia still maintain it for serious criminal offenses. According to the UN's International Covenant on Civil and Political Rights (ICCPR), the death penalty should only be permitted for serious cases involving loss of life. In Southeast Asia, however, most suspects sentenced to death have committed crimes related to drug trafficking.

To look into the trend towards the abolition and retention of the death penalty among ASEAN countries at the first Asian Regional Congress on the Death Penalty held in Kuala Lumpur, Malaysia from 11-12 June, Prachatai interviewed Chow Ying Ngeow, the Executive Director of the [Anti-Death Penalty Asian Network \(ADPAN\)](#), an organization which together with [Ensemble contre la peine de mort \(ECPM\)](#) (*Together against the Death Penalty*) organized the first Asian conference to aid the effort to abolish capital punishment.



Chow Ying Ngeow, the Executive Director of the [Anti-Death Penalty Asian Network \(ADPAN\)](#) at the Asian Regional Congress on the Death Penalty held in Kuala Lumpur, Malaysia from 11-12 June

**Among ASEAN countries, what do you think are the major obstacles towards the abolition of the death penalty in the region?**

I think it's political will. For example, we have met with a few politicians for the past couple of days in parliament. Some of them showed interest in this area, but I don't see a strong commitment and connections towards the abolition of the death penalty. I think it also has to do with the political situation, where, in the context of Malaysia, the ruling government does not engage with civil society. I think the



Singaporean government is also like that. I'm not sure about Thailand though. They just don't want to engage with us or have dialogue with us, to really put our suggestions across.

**Some people tend to equate pro-human rights policies with certain level of socio-economic achievement. In ASEAN, however, countries which are better-off economically are the ones that still strictly apply the death penalty. What do you think about this?**

In the Philippines, I think it's partially because it's a strong Catholic country. In Laos and Cambodia, when people look at them, they might seem less developed in comparison to other nations in the region. However, when it comes to the death penalty, they seem to be ahead of many countries in the region. This is something really interesting, but not many people have studied it and compared why is it so. I don't really know actually.

**A lot of speakers at the conference talked about the influence of the media on the application of the death penalty. Do you think that the media in this region plays a positive role towards the abolition of the death penalty?**

No, actually, I don't think so. The media mostly sell stories that the public wants to hear. So, for example, in the recent executions in Indonesia, the media actually glorified the whole thing. In terms of helping the abolition movement, even in Taiwan if you understand the landscape of Taiwan's media freedom, the media response on this issue to a certain extent even closes the dialogue between the abolitionists and retentionists [of the death penalty] because the sentiment that they tend to play. And the effect of this is very strong for a lot of ordinary people, who don't really go into the issues of the death penalty because if you talk about this [the death penalty] there are so many things to talk about from many different angles. But for ordinary people they don't really see that at the back, so what they read and understand about the death penalty is all from media reporting. That's the thing. So, I think it is important for the movement to really engage with media partners and friends to pass on the message about the death penalty because even for some journalists they don't really know much about this either.

**What do you think about the criticisms from death penalty supporters that the abolition of the death penalty is a form of western cultural imperialism?**

Well, I think this death penalty issue is not so much of cultural imperialism. I mean, there are people who say that Asian people want to retain the death penalty. But this is, to me, beyond cultures and religions. This is something about a person's life and I think that it is universal whether you are in the west or in the east. Everyone should cherish and respect life, so I find this argument a bit weird. I mean, what do they really mean when they talk about cultural imperialism? I mean China is apparently very strong now and the west is also strong, so which cultural imperialism do we really talk about here?

**As I understand it, most people on death row in this region were convicted for crimes related to drug trafficking, so has there been any concrete evidence to prove that the application of the capital punishment is effective in reducing drug trafficking activities?**

In fact, we should have the data, but unfortunately we don't have the data. I think Harm Reduction International, they have done some research on this area and I'm sure they will have some, maybe not direct to the point, but some indirect statistics to show. We know as a matter of fact that, for example, in Malaysia we have 977 people on death row. And 50 per cent, actually more than 50 per cent, received the death sentence from drug trafficking cases. I personally have handled drug trafficking cases. Now, the law says that whoever carries illicit drugs will be given the death penalty and people would say that these people deserve it because they commit something bad. But, if you approach these people and listen to their stories, most of them are being used, I would say, because the kingpin or persons in the big whole picture,

they know about the law. So, of course they would not carry the drug themselves. In the end, it is small guys who are probably not very well educated, who are being put on death row. I mean, just imagine if I have the drug and I know that it's a criminal offence in any part of the world, I of course would not carry it myself. I would get a small boy to carry it for me without doing it myself definitely, so these are the people who actually get the death penalty. Therefore, how does it reduce drug trafficking really? If one is gone, they can just call on others because to them [drug dealers] they just don't care, it's just the life of another person.

**Currently, countries such as Papua New Guinea and Sri Lanka are now reintroducing the death penalty. What do you think are the factors behind this trend?**

There is so much killing in the world. You have terrorism, bombings, killings, and all these things. I think partially some people would think that the best justice is to kill these perpetrators. It's the whole environment around the world where we really see too many killings, too much conflict; that raises the emotions of the people to the perception that justice can only be done by the death penalty. For example, in Taiwan, every time a terrible crime occurs, the whole society will condemn it to the point that they will even condemn people who are calling for the abolition of the death penalty, because they think that this is the only justice that can be achieved.

To see the article, click [here](#)

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## DEATH PENALTY

# Executing drug dealers in Southeast Asia

Over the past decade some governments have abolished drug-related executions while others revived the death penalty.

[Kate Mayberry](#) | 22 Jun 2015 08:24 GMT | [Death penalty](#), [Drugs](#), [Human Rights](#), [Malaysia](#), [Indonesia](#)



A coffin with the body of Indonesian drug convict Zainal Abidin is buried after he was shot dead by firing squad in April [AFP]

**Kuala Lumpur, Malaysia** - Shortly before each plane lands in Kuala Lumpur, as the cabin crew politely ask passengers to put their seats upright and turn off all electronic devices, those on board also receive a chilling warning about "severe" penalties awaiting those found guilty of dealing drugs.

Malaysia is one of only 13 countries in the world that imposes a mandatory death sentence for drug trafficking - murder and nine other crimes can also result in capital punishment - but officials are again hinting at the possibility of review. The government first indicated the possibility of review six years ago.

"When policies are not working they should be changed," Minister in the Prime Minister's Department Paul Low told more than 300 delegates at a recent Asian Regional Congress on the Death Penalty.

Low, who has responsibility for human rights, noted the numbers sentenced to death for drug offences continue to rise, and Malaysia's commitment to capital punishment for such crimes made it difficult for the government to argue for a reprieve for its own citizens caught in similar circumstances in other countries.

Legal analysts say it's important that governments take the lead in moving away from retributive forms of justice.

"Even if there's high public support for the death penalty, countries that have abandoned it have not waited for their populations to change," associate professor Chan Wing Cheong, of the Faculty of Law at the National University of Singapore, told Al Jazeera. "They have done it because it's the right thing to do."

### **Reconsidering execution**

Over the past 10 years, Asian governments, like much of the rest of the world, have reconsidered the death penalty. Cambodia, the Philippines, East Timor, and Mongolia have abolished it, while others including Vietnam and Singapore have reviewed the scope of the laws surrounding its use. Yet, despite recent progress, Asia remains the continent with the world's highest number of executions. Many on death row are drug mules.

Blaming the scourge of drug addiction, some countries have resumed executions while others have sent increasing numbers of people to their deaths.

"It's a policy that governments choose, or do not choose, to embrace," said Rick Lines, executive director of Harm Reduction International, which researches drug policy and the death penalty.

"The biggest example of that this year is Indonesia. In 2012, we categorised Indonesia as a 'low application' country, but this year they have executed 14 people for drugs. It's not a change of culture or tradition. It's a change in policy."

Indonesian President Joko Widodo, who took office in October 2014, [says the executions](#) were necessary to show Indonesia's commitment to fighting the drug trade. Nearly all of those [shot by a firing squad](#) - Indonesia's chosen method - were foreign nationals.

"There is a deeply rooted hatred against drugs [in Indonesia]," said Ricky Gunawan, director of Lembaga Bantuan Masyarakat Hukum, which provides legal assistance to people facing the death penalty. "With this kind of hatred, it's easy for politicians to use this as a political tool to get sympathy from the public."

### **Deterrent effect?**

The United Nations says drug offences do not meet the threshold for "[most serious crimes](#)". Moreover, the mandatory sentence imposed in countries such as Malaysia violates the defendant's right to a fair trial and due process.

Critics also question the death penalty's deterrent effect. The Golden Triangle, where Myanmar, Laos and Thailand meet geographically, still produces [one-quarter of the world's heroin](#), and the cultivation of opium poppies has increased every year since 2006, according to the UN Office on Drugs and Crime. Southeast Asia is also at the centre of the methamphetamine trade.

"Organised crime moves drugs by the tonne," said Julian McMahon, an Australian lawyer who has worked on death row cases in the region for more than a decade - most recently for Australians Andrew Chan and Myuran Sukumaran, who were [among those executed](#) in Indonesia in April.

"It's intellectually laughable to suggest that the arrest and execution of low-level drug mules will have any effect [on the drug trade]. They are immediately replaceable by any number of similarly stupid young people, too many of whom have been my clients."

### **Singapore's lead**

In 2012, Singapore amended some of its laws related to the mandatory death penalty and returned some discretion to the courts. In drug-trafficking cases, the revisions



meant those who could prove cooperation with the authorities or were ruled to have diminished responsibility could be sentenced to life imprisonment with caning, rather than the once-mandatory death sentence.

Low said the changes could provide a useful guide for Malaysia as it reviews its own legislation.

"We note that under the amended act, three Malaysians have since been [resentenced](#) to life imprisonment," Low said.

Nearly 1,000 people are believed to be on death row in Malaysia, half for drug offences.

The Malaysian government does not release data on executions or the number of people on death row. The European Union estimates at least three people were executed in 2013 and two in 2014 in the country.

Given the repeated promises of the past few years, the Bar Council - which represents 12,000 lawyers in Malaysia and is at the forefront of the campaign for the abolition of the death penalty - is urging Malaysia to make clear its intentions.

"The first time we heard this announcement was in 2009," said Steven Thiru, president of the Bar Council. "We can't have promises repeatedly made. There are a great number of people on death row. It leaves too much uncertainty. There's a need to decide once and for all."