

## Petitioning Prime Minister of Malaysia

This petition will be delivered to:

Pusat Pentadbiran Kerajaan Persekutuan,  
Bangunan Perdana Putra,  
62502 Putrajaya, Malaysia.

Prime Minister of Malaysia

## Abolish Death Penalty in Malaysia



Petition by

[Archdiocesan Office for Human Development](#)

### Introduction

As part of Lenten Campaign 2013, the Office for Human Development (AOHD) of the Archdiocese of Kuala Lumpur seeks to address a social issue in Malaysia that requires a 'justice and peace' solution; namely, the mandatory death sentence that is meted out for several offences in Malaysia, including murder and drug trafficking. The resolution of this issue calls for the death penalty to be abolished. Accordingly, this signature campaign is to request the Prime Minister of Malaysia to abolish the death penalty.

### What is the Problem with the Death Penalty?

The Catholic Faith teaches us that the Death Sentence is an affront to the God-given dignity of human life. Even when a person is found guilty of a heinous crime in the face of convincing or overwhelming evidence, no person, institution or State has the right to terminate a human being's life. As such, we should be committed to perpetuating human life, and should oppose any law that provides for its termination.

### Why Abolish the Death Penalty

Apart from the State's duty to protect human life, the risk of sending an innocent person to death is another reason why the death penalty needs to be abolished. No human person, be

it police, prosecutors, witnesses, lawyers and even judges, are infallible, and no legal system in the world is error-free.

There have been many examples of cases of miscarriage of justice, where innocent persons have been incarcerated in prison for many years, or even sentenced to death. The opportunity to right a wrong is, however, not available since death is irreversible.

*“The law is the law but I wish Parliament would abolish the death sentence because if a mistake is made, it would be irreversible. There are other ways of dealing with heinous crimes,”* - Datuk K.C. Vohrah, former Court of Appeal judge

*“No criminal justice system is perfect. You take a man’s life and years later, you find out that another person did the crime. What can you do?”* - Datuk Seri Nazri Abdul Aziz, Minister in the Prime Minister’s Department

A recent case of miscarriage of justice was the case of Chiang Kuo-ching, who was executed in Taiwan in 1997 after being convicted of sexually abusing and murdering a five-year-old girl. In 2011, Taiwan’s Ministry of Justice admitted that Chiang had been executed in error.

Advocates say that the death penalty is a deterrent to crime. On the contrary, in March 2012, Home Minister Dato’ Seri Hishammuddin Hussein revealed in Parliament that the mandatory death penalty has failed to act as a deterrent. Further, police statistics for the arrest of drug dealers under Section 39B of the Dangerous Drugs Act 1952, which carries the mandatory death penalty, have shown an increase. In 2009, 2,955 were arrested under this section; in 2010, 3,700 people were arrested, whilst in 2011, 3,845 were arrested (*Free Malaysia Today News*, 19 March 2012: Death penalty not deterring drug trade)

## **Death Penalty and the Church**

The Holy Father Pope Benedict XVI, during a general audience on 30 Nov. 2011, called on countries around the world to end the death penalty as a legal sanction.

*“I express my hope that your deliberations will encourage the political and legislative initiatives being promoted in a growing number of countries to eliminate the death penalty and to continue the substantive progress made in conforming penal law both to the human dignity of prisoners and the effective maintenance of public order.”* – Pope Benedict XVI (*Crisis Magazine*, 2 Dec. 2011)

The encyclical *The Gospel of Life* highlighted the problem of the death penalty.

*“... the aggressor ... may not be morally responsible because of a lack of the use of reason ... there is a growing tendency, both in the Church and in civil society, to*

*demand that [the death penalty] be applied in a very limited way or even that it be abolished completely. The problem must be viewed in the context of ... God's plan for man and society."* – John Paul II (No. 55, 56; *Evangelium Vitae*, 25 March 1995)

The Catechism of the Catholic Church states that the necessity for executing the offender does not arise in today's situation.

*"... non-lethal means are ... more in keeping with the concrete conditions of the common good and are more in conformity to the dignity of the human person. Today ... the cases in which the execution of the offender is an absolute necessity "are very rare, if not practically non-existent."* (No. 2267, 11 Oct. 1992)

## **International Trend to Abolish the Death Penalty**

On 20 Dec. 2012, the General Assembly of the United Nations adopted a fourth resolution on a moratorium on the use of the death penalty, with 111 countries voting in favour. In the Asia Pacific region, 17 countries have abolished the death penalty, while 14 countries, including Malaysia, retain it.

## **Malaysian Efforts to Abolish the Death Sentence**

In 2006, the Malaysian Bar, a body representing about 14,000 lawyers, adopted a resolution calling for the abolition of the death penalty. In 2012, a second resolution was further adopted unanimously with no objections or abstentions.

The Human Rights Commission of Malaysia (SUHAKAM) called on the Government on 22 Oct. 2012 to review the relevance and effectiveness of capital punishment, and to join other UN member states to completely abolish the death penalty.

The Association for the Promotion of Human Rights (PROHAM) stated on 3 Nov. 2012 that it:

*'... recognizes that society has a moral obligation to protect human life and not to take it. As such the death penalty is the ultimate irreversible denial of human rights. The death penalty is unjust. By abolishing the death penalty it affirms our condemnation of cruelty and affirms the value of human life ...'*

**On 3 Nov. 2012, Amnesty International Malaysia, Catholic Lawyers Society Malaysia, Malaysians Against Death Penalty and Torture (MADPET), Malaysian Physicians for Social Responsibility (MPSR), Women's Centre for Change, Writers Alliance for Media Independence (WAMI) Malaysia, together with other organizations, called for the "abolition of the death penalty in Malaysia, for an immediate moratorium on all executions pending abolition and for the commutation of the sentences of all persons currently on death row ...".**

## Malaysians Facing the Death Penalty

More Malaysians realize that the mandatory death penalty for drug trafficking is wrong, given that most persons sentenced to death for this offence are generally 'mules', many of whom are young people who have been tricked, or those who are financially disadvantaged.

Umi Azlim Mohamad Lazim, 24, a graduate from a poor Malay family of rice farmers, admitted to having 2.9 kg of heroin in her luggage when she was arrested at the airport. She faces the death penalty in China. Yong Vui Kong of Sabah was 19 when he was sentenced to hang in 2008 for smuggling 47 grams of heroin into Singapore.

About 250 other Malaysians suspected of being drug mules have been detained in countries that actively practice capital punishment, and 930 persons in Malaysia face the death penalty.

## Conclusion

Consistent with a sacred respect for human life, and as a specific 'justice and peace' action for Lenten Campaign 2013, the Office for Human Development (AOHD) of the Kuala Lumpur Archdiocese earnestly urges you to support, endorse and publicize this signature campaign.

[If you agree that the death penalty should be repealed in Malaysia, please add your name to the signature campaign list.](#)

Thank you for your informed and considered support.

In solidarity

For the Archdiocese Lenten Signature Campaign 2013

Rev. Dr. Clarence Devadass  
Director, Archdiocese Pastoral Institute,  
Kuala Lumpur.

13 January 2013