STATEMENT - 13 November 2026

ADPAN Welcomes the Public Release of the Malanjum Committee Report and Urges Malaysia to Finish the Journey to Full Abolition of the Death Penalty

The Anti Death Penalty Asia Network (ADPAN) commends the Government of Malaysia for declassifying and releasing to the public the report on the *Study of Alternative Sentences for Mandatory Death Penalty*. The report was prepared in 2020 by the Special Committee chaired by former Chief Justice Tan Sri Richard Malanjum, and laid the groundwork for the abolition of the mandatory death penalty in 2023.

The report has remained classified for 6 years. Its release now allows Malaysians, for the first time, to read the evidence and reasoning behind one of the most significant criminal justice reforms in the country and the Asia-Pacific region. ADPAN hopes this marks a lasting turn towards openness and transparency, including public access to the information and evidence that shape death penalty laws, policies, and practices in Malaysia.

The Special Committee, made up of former senior judges, a former Solicitor General, prison officials, academics, and practitioners, carried out its study between September 2019 and January 2020. Its conclusions point clearly beyond the reforms eventually enacted in 2023.

In summary, the Committee's first recommendation, grounded on the principle of proportionality, was that the death penalty should be kept, at the court's discretion, only for offences that cause death. Applying this principle, the Committee recommended that drug trafficking under Section 39B of the Dangerous Drugs Act 1952 no longer carry the death penalty, replacing it with imprisonment. The report noted that of the 1305 people on death row in January 2020, 918 (about 70%) had been sentenced for drug trafficking, and 551 were foreign nationals. The Committee's second recommendation was that restorative justice be built into Malaysia's criminal justice system. While NGOs, legal experts, and the members of the international community have called for the full abolition of the death penalty, the Committee was not mandated within its terms of reference to look into it, but recommended that the Government study the question comprehensively and in depth.

The Abolition of Mandatory Death Penalty Act 2023 (Act 846) and the resentencing exercise under Act 847 were landmark steps, and ADPAN recognises the Government's courage in taking them. Hundreds of people have since had their death sentences commuted by the Federal Court. But the report shows there recommendations that have yet to be taken forward. In addition, ADPAN opposes whipping, which the Committee proposed as an alternative punishment carried out with imprisonment, as a cruel, inhuman, and degrading punishment incompatible with international human rights standards.

In October 2026, ADPAN, Monash University Malaysia, and Eleos Justice (Monash University) published *Rethinking Capital Punishment for Drug Offences In Malaysia*, a policy brief based on legal research and focus group discussions (FGDs). Some of the findings of the policy brief are consistent with the Committee's recommendations. The research found that the dominant view across all groups was that the death penalty should not apply to drug trafficking. Among others, participants in the FGDs cited distrust in the institutions that administer the death penalty, raising concerns such as corruption, unequal access to justice, inconsistent sentencing, and discriminatory enforcement of law.

More importantly, participants demonstrated a strong belief in rehabilitation, not the gallows. Participants believed that society should try to reform people before giving up on them, and called for a response that tackles poverty, coercion, drug dependence, and mental health problems which draw people into drugs.

This echoes the Committee's report, which records that restorative justice and rehabilitative approaches were "discussed extensively" with stakeholders. Those consulted told the Committee that many people convicted of trafficking were drug mules who deserved a second chance, that drug dependence should be treated as an illness rather than punished, and that places of detention should offer counselling, education, vocational training, and mental health care.

With that, it is time for Malaysia to take a bold step forward, building on the momentum, to abolish the death penalty for drug trafficking and all other offences which do not result in death, and towards full abolition for all crimes.

ADPAN urges the Government of Malaysia to:

1. **Abolish the death penalty for drug trafficking now.** Amend section 39B of the Dangerous Drugs Act 1952 to remove the death penalty, giving effect to the Committee's position that offences which do not cause death should not be punishable by death. Repeal the statutory presumptions of possession and trafficking in section 37A, so that the burden of proof rests fully on the prosecution.
2. **Put rehabilitation at the centre of drug policy.** Ensure that people serving sentences for drug offences have access to voluntary drug treatment, mental health care, and vocational training. Replace punitive messaging such as "Dadah Musuh Negara" with evidence-based public health education that treats drug dependence as a health condition and warns people how couriers are recruited and deceived.
3. **Put the moratorium into law.** Pending abolition, give the moratorium on executions a statutory footing so that no one can be executed while reform is under way.
4. **Commit to full abolition.** Act on the Committee's own recommendation and commission a comprehensive study on complete abolition, with a published timeline and meaningful public consultation.
5. **Keep the doors open.** Publish regular data on death sentences, the outcomes of the Act 847 resentencing exercise, and the death row population, disaggregated by offence,

nationality and gender. Ensure written grounds of judgment are published in capital and serious drug cases, including how the offender's role, vulnerabilities, and prospects of rehabilitation were weighed.

6. **Finish the Committee's work on the justice system.** Report publicly on the Sentencing Council, sentencing guidelines, and victim support measures the Committee proposed, and resource those still outstanding.
7. **Anchor reform internationally.** Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, and continue to vote in favour of the UN General Assembly resolution on a moratorium on the use of the death penalty.

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