



No. 2(119)/2021-Chair NCHR
GOVERNMENT OF PAKISTAN
NATIONAL COMMISSION FOR HUMAN RIGHTS
5th Floor Evacuee Trust Complex, F-5/1,
Agha Khan Road, Islamabad.



Islamabad, 18th December, 2023

Subject: REQUEST FOR ENSURING DUE PROCESS RIGHTS FOR PAKISTANI NATIONALS IMPRISONED IN MALAYSIA

Dear *Excellency Mariatu Robert*.

Hope this finds you well. It was such a pleasure meeting you at the 14th International Conference of NHRI's in Copenhagen. where I was deeply encouraged by your unwavering commitment to the rights of migrants and prisoners. Our discussion served as a meaningful prelude to exploring potential collaboration between the National Human Rights Commission of Pakistan (NCHR) and the Human Rights-Commission of Malaysia (SUHAKAM). Given our shared dedication to upholding human rights, I am writing to request the cooperation of the Human Rights Commission of Malaysia in safeguarding the rights of Pakistani nationals currently incarcerated in Malaysia.

2. The National Commission for Human Rights (NCHR) is a statutory body set up under the NCHR Act XVI of 2012. The NCHR Act, 2012 stipulates a broad and overarching mandate for the promotion and protection of human rights, as provided for in Pakistan's Constitution, domestic law and international treaties. Amidst others, the primary functions of the NCHR include investigating into allegations of human rights abuses and advising the Government on legislative, policy and administrative matters pertaining to the situation of human rights in the country.

3. As you are aware, both Houses of the Malaysian Parliament passed a groundbreaking bill on April 3 and April 11, 2023, abolishing the mandatory death penalty. This legislation, receiving Royal Assent on June 9, 2023, marks a significant development mandating the resentencing of death row prisoners in Malaysia by the Mahkamah Persekutuan. Celebrated by the international community, this change presents a timely opportunity to extend its benefits to individuals on death row. In the resentencing process, prisoners can present mitigating circumstances, encompassing individual and family backgrounds, socio-economic conditions, and physical and mental health issues.



4. Malaysia, as one of the top five countries for labor migration from Pakistan, currently incarcerates around 151 Pakistani nationals, some facing execution. To safeguard the due process rights of these individuals, we kindly seek your attention and intervention in obtaining disaggregated data on Pakistani nationals imprisoned in Malaysia and identifying those eligible for resentencing.

5. We appreciate SUHAKAM's past support and the constructive meeting in Copenhagen. We eagerly anticipate collaboration and the development of a mutually beneficial working relationship. In light of this, I earnestly request SUHAKAM's cooperation with the National Commission for Human Rights Pakistan (NCHR) to retrieve disaggregated data on all Pakistanis imprisoned in Malaysia, sorted by gender, location, offense, stage of criminal trial, and if convicted, date and nature of sentence.

6. Additionally, we seek assistance in identifying Pakistani prisoners in Malaysia eligible for resentencing under the Abolition of Mandatory Death Penalty Act 2023. Your time and consideration are sincerely appreciated, and we look forward to the prospect of working closely with you on this critical matter.

Thank you

Yours Sincerely,
Rabiya J Agha
(Rabiya Javeri Agha)
Chairperson (NCHR)

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Copy for information to:

- The Secretary, Ministry of Foreign Affairs, Government of Pakistan, Islamabad.

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