

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: ASA 28/003/2002 (Public)
News Service No: 141
12 August 2002

Malaysia: Caning should be abolished

Following the first caning sentences imposed under the tough new anti-immigration law, Amnesty International today urged the Malaysian government to rid the country of this cruel punishment.

"Whipping someone with a cane is cruel, inhuman and degrading. International standards make clear that such treatment constitutes torture. Such a punishment should have no place in today's world," the organization said.

The seven people to be sentenced, two Bangladeshis and five Indonesians, were found to be working in Malaysia illegally and sentenced to between one and two strokes of the cane, as well as six months to two years imprisonment.

The amendments to the Immigration Act impose mandatory whipping of up to six strokes of the cane, fines and up to five years imprisonment for foreigners who are in Malaysia illegally. Amnesty International is concerned that hundreds of undocumented workers and asylum seekers are at risk of being whipped.

Various human rights groups have condemned the crackdown saying that undocumented workers are ignorant of procedures and are themselves often victims of deceit at the hands of migrant worker traffickers or unscrupulous employers. Malaysians and others who employ more than five undocumented workers are now also liable to mandatory whipping and up to five years in jail.

The law came into force after a four-month amnesty ended on 31 July 2002 during which time an estimated 300,000 undocumented workers left Malaysia.

Over a dozen more cases will reportedly be brought to court next week, and scores of other cases are being investigated. Amnesty International urges the Malaysian authorities not to carry out the caning, to ensure that no further caning sentences are handed down, and to abolish corporal punishment in law.

"Caning as a punishment is unnecessary and is unlikely to deter economic migrants or asylum seekers," the organization said.

Background

Caning is used in Malaysia as a supplementary punishment for at least 40 crimes even though it contravenes international human rights standards.

A Malaysian human rights group, SUARAM, reported that from January to November last year, thirteen people were sentenced to whipping by courts for various crimes ranging from rape cases, sexual abuses and drug possession. SUARAM reported that this represented a significant decrease from 53 people in 2000.

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