

EXTERNAL

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Fear of imminent execution

4 November 1997

**MALAYSIA** Wong Chee Leong, lorry attendant, aged 25  
Zainuzzaman Mohamad Jasadi, aged 29

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Wong Chee Leong is facing imminent execution following the rejection of his appeal against his death sentence by the Federal Court in the capital, Kuala Lumpur, on 2 October 1997. He was sentenced to death in August 1992 for drug trafficking after being found in possession of a mixture of heroin and monoacetylmorphine weighing 49.99 grams

Zainuzzaman Mohamad Jasadi is also facing imminent execution following the rejection of his appeal against the death sentence by the Federal Court on 30 September 1997. He was sentenced to death in August 1992 for the killing of 12-year-old Intan Yusniza Mohamad Yunos.

The only hope for commutation of their sentences now lies with the *Yang di-Pertuan Agong* (the King of Malaysia and Supreme Head of State).

Since the beginning of the year there has been a series of confirmations of death sentences in Malaysia. Amnesty International believes that at least 11 other prisoners are currently at risk of imminent execution following the rejection of their appeals against their death sentences.

#### BACKGROUND INFORMATION

Until recently Amnesty International was unaware of the true number of executions in Malaysia as official statistics were not made public. However, the authorities revealed last year that between 1970 and March 1996, a total of 349 people were executed. Since 1993 Amnesty International has recorded at least 50 new death sentences though the real figure may be higher. According to the government, the number of people under sentence of death in July 1996 was 245. Execution is by hanging.

The death penalty is mandatory in Malaysia for murder, certain firearms offences and trafficking in a number of specified drugs.

According to the Dangerous Drugs Act, any person found in possession of at least 15 grams of heroin, 1,000 grams of opium or 200 grams of cannabis is presumed, unless the contrary can be proven, to be trafficking the drug. Amnesty International has criticized the Dangerous Drugs Act because it places the onus on the accused to prove their innocence, rather than on the state to prove their guilt. This contravenes a basic principle of Malaysian jurisprudence, as well as international legal safeguards, which stipulate that the accused has the right to be presumed innocent until proven guilty.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights.

The death penalty is an inherently unjust and arbitrary punishment however heinous the crime for which it is passed down. Studies have shown that it is more likely to be imposed on those who are poorer and less educated than average. The risk of error in applying the death penalty is inescapable, yet it is irrevocable. Furthermore, there is no convincing evidence that the death penalty deters crime more effectively than other punishments.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:**

- urging the King to commute the death sentence passed on Wong Chee Leong and Zainuzzaman Mohamad Jasadi;
- calling on him to grant clemency in all other pending death sentences;
- expressing unconditional opposition to the death penalty as a violation of one of the most fundamental of human rights - the right to life;
- recognizing the need to combat drug offences and other serious crime, but emphasizing that there is no proof that the death penalty deters crime more effectively than other punishments, and appealing to the authorities to find a more humane form of punishment for those convicted of serious offences.

**APPEALS TO:**

King of Malaysia

Yang di-Pertuan Agong  
DYMM Tuanku Jaafar Ibni  
Al-Marhum Tuanku Abdul Rahman  
Istana Negara  
50500 Kuala Lumpur  
Malaysia

**Telegrams: Yang di-Pertuan Agong, Kuala Lumpur, Malaysia**

**Faxes: + 603 230 4646**

**Salutation: Your Majesty**

**COPIES TO:**

Prime Minister

Dato' Seri Anwar Ibrahim  
Acting Prime Minister  
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and to diplomatic representatives of Malaysia accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**