

EXTERNAL (for general distribution)

AI Index: ASA 28/02/93

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EXTRA 41/93

Death Penalty

27 April 1993

MALAYSIA:Khairulla Khan (Pakistan national)

Shorin Khan (Pakistan national)

Hassim Escandar (Filipino)

Assidin Itting (Filipino)

Anthony Najali (Filipino)

Amnesty International has just received information that Khairulla Khan, Shorin Khan, Hassim Escandar, Assidin Itting, Anthony Najali received warrants of execution on 23 April 1993. Their executions are scheduled for the end of April and early May 1993. All of the above prisoners have been found guilty of drug trafficking under Section 39B of the Dangerous Drugs Act 1952. Under a 1983 Amendment to this act the death sentence is mandatory for drug trafficking in Malaysia.

Khairullah Khan, aged 27, and Shorin Khaita Khan, aged 44, were found guilty of trafficking in 175.8gm of heroin on 14 August 1984 by the High Court in Kota Kinabalu on 15 December 1989.

Hassim Escandar, aged 35, was convicted of trafficking in 4,453.51gm of cannabis on 25 1984 by the High Court in Kota Kinabalu on 15 December 1989.

Assidin Itting, aged 35 was found guilty of trafficking in 1,558.28gm of cannabis on 25 July 1984 by the High Court in Kota Kinabalu on 5 April 1990.

Anthony Najali, aged 33 was found guilty of trafficking in 391.6gm of cannabis in Labuan on 22 June 1986 by the High Court in Labuan on 27 September 1990.

(A previous Urgent Action was issued on these cases in 1991: UA 256/91, ASA 28/04/91 of 24 July 1991 and follow-ups ASA 28/11/91 of 25 September 1991 and ASA 28/05/92 of 4 March 1992 and ASA 28/07/92 of 3 April 1992 and ASA 28/13/92 of 30 October 1992.)

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 and degrading treatment or punishment, as enshrined in the Universal Declaration of Human Rights.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English, Malay, or in your own language:

- expressing concern that Khairullah Khan, Shorin Khan, Hassim Escandar, Assidin Itting and Anthony Najali have been issued with warrants of execution and that these executions are scheduled for the end of April and early May 1993;

- expressing grave concern at allegations that all of the above may have suffered

from language difficulties during their initial trials and urging a full investigation into these trials;

- stating Amnesty International's unconditional opposition to the death penalty;
- urging that all these death sentences be commuted and that no more death sentences be imposed.

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APPEALS TO:

1) The Head of State of Sabah
TYT Tan Sri Haji Mohamad Said bin Kernak
Istana
Kota Kinabalu
Sabag
MALAYSIA
Telegrams: Head of State, Kota Kinabalu, Sabah, Malaysia
Telexes: 80948 Dewan MA

Salutation: Your Excellency

2) Chief Minister of the State of Sabah
Datuk Joseph Pairin Kitingan
Office of the Chief Minister
Kota Kinabalu
Sabah
MALAYSIA
Telegrams: Chief Minister, Kota Kinabalu, Sabah, Malaysia

Salutation: Your Excellency

3) Prime Minister
YAB Dato' Seri Dr Mahathir bin Mohamad
Prime Minister's Office
Jalan Dato' Onn
50502 Kuala Lumpur
MALAYSIA
Telegrams: Prime Minister Mahathir, Kuala Lumpur, Malaysia
Telexes: 33099 PERMA MA; 30091 LARAS MA;
30098 EPUPM MA (for the attention of Prime Minister Mahathir)
Faxes: + 60 3 238 3784

Salutation: Dear Prime Minister

4) Minister of Justice
Syed Hamid Syed Jaafar Albar
Banguan Kuwasa
21st Floor
Jalan Raja Laut
50506 Kuala Lumpur
MALAYSIA
Telegrams: Justice Minister, Kuala Lumpur, Malaysia
Telexes: 33548

Faxes: + 60 2 293 4654

Salutation: Your Excellency

COPIES OF YOUR APPEALS TO: diplomatic representatives of Malaysia, the Philippines and Pakistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 May 1993.