

URGENT ACTION

MALAYSIAN BROTHERS TO BE EXECUTED THIS FRIDAY

Brothers Suthar Batumalai and B. Rames Batumalai whose execution was originally scheduled for 24 February 2017, have been informed that their execution has now been set for 17 March.

On 24 February, the execution of brothers **Suthar Batumalai** and **B. Rames Batumalai** did not proceed. The brothers were sentenced to the mandatory death penalty in April 2010 under section 302 of the Penal Code after they were found guilty of a murder committed on 4 February 2006. On 13 March, their family received an official letter signed by the Director of Kajang Prison, in Selangor State, informing them that they can pay the brothers a final visit, as their execution will take place on Friday, 17 March.

The brothers' lawyers submitted a new clemency petition for the consideration of the State of Negeri Sembilan's Pardon's Board on 23 February. The application requested a stay of execution, pending the hearing of this new petition. The lawyers say the clemency petition contains new evidence and documents which have not been provided to the Pardons Board on any previous occasion.

To date, the Board has not yet responded to this request for clemency. In light of the new evidence and the application to the Pardons Board remaining unheard, the execution must be halted and the brothers' application be given full consideration.

Please write immediately in Malay, English or your own language urging the authorities to:

- Immediately take all the necessary steps to halt the execution of Suthar and B. Rames Batumalai, including by accepting their new clemency appeal;
- Immediately establish a moratorium on executions and commute all death sentence as first steps towards abolition of the death penalty;
- Move forward with legislative reforms on the mandatory death penalty and abolish this punishment from national legislation.

PLEASE SEND APPEALS BEFORE 24 APRIL 2017 TO:

Prime Minister of Malaysia
Mohd Najib Razak
Office of The Prime Minister of Malaysia
Main Block, Perdana Putra Building
Federal Government Administrative
Centre, 62502 Putrajaya,
Malaysia
Fax: +603-88883444 or +603-88883904
Email: ppm@pmo.gov.my

Salutation: Dear Prime Minister

Minister in the Prime Minister's
Department
Azalina Othman Said
Pejabat Menteri, Tingkat 15
Bangunan Parlimen
50680 Kuala Lumpur, Malaysia
Fax: +603-20781719
Email: through this website:
http://azalinaothmansaid.com/?page_id=57

Salutation: Dear Minister

And copies to:

Director of Kajang Prison
Narander Singh Chand Singh
Malaysia Prisons Department
Prisons Complex, 43000 Kajang,
Selangor, Malaysia
Fax: +603-87367449
Email: narander@prison.gov.my

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 53/17. Further information:

www.amnesty.org/en/documents/asa28/5768/2017/en/

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ADDITIONAL INFORMATION

Suthar Batumalai and B. Rames Batumalai are brothers who first faced execution by hanging in Malaysia on 24 February 2017. They were sentenced to the mandatory death penalty in April 2010 under section 302 of the Penal Code after they were found guilty of a murder committed on 4 February 2006. The brothers, who were represented at trial by the same lawyer, were convicted on the basis of circumstantial evidence alone. The final sentence was handed out on 30 October 2012 by the Federal Court.

In Malaysia, the Federal Constitution provides for the King to grant a pardon for any offence committed in the Federal Territory and to the ruler or governor of a state if the offence is committed in a state. The constitution also established a Pardons Board for each of the states including the Federal Territories to advise the relevant ruler on pardon applications.

There is very limited public information on Malaysia's use of the death penalty. The authorities do not for the most part provide public notification of any scheduled executions, neither before nor after they are carried out. Detailed information –including the names of the prisoner, the offence(s) of which they were convicted, the legal and clemency appeal status and the execution date– is made public only for the extremely limited number of cases in which the families contacted Amnesty International or other human rights monitors, often seeking publicity against the imminent execution.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the individual, or the method used by the state to carry out the execution. As of today, 141 countries have abolished the death penalty in law or practice; in the Asia Pacific region, 19 countries have abolished the death penalty for all crimes and a further eight are abolitionist in practice. Mongolia is poised to give effect to its new Criminal Code abolishing this punishment in July 2017.

Name: Suthar Batumalai and B. Rames Batumalai

Gender: m

Further information on UA: 53/17 Index: ASA 28/5873/2017 Index Date: 13 March 2017