

EXTERNAL (for general distribution)

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EXTRA 68/91

Death Penalty

27 September 1991

MALAYSIA:

Saad Othman, aged 42

On 18 September 1991, the Supreme Court in Kuala Lumpur unanimously rejected an appeal against the death sentence imposed on Saad Othman, aged 42, by the High Court in Ipoh on 30 May 1990. He was found guilty of trafficking 1,446 gm of cannabis.

All death sentences in Malaysia are automatically reviewed by a Pardons Board. As Saad Othman's case was originally heard by the High Court in Ipoh, his case will now be reviewed by the Pardons board of Perak. The board will pass its recommendations to the Yang di-Pertuan Negeri (ruler) of the state. Only the Yang di-Pertuan Agong (King) of Malaysia or the head of one of the 13 individual states has the power to grant pardons or to commute sentences. In this matter the Yang di-Pertuan Agong or Yang di-Pertuan Negeri acts on the advice of the respective Pardons Board. This is the last avenue of appeal for clemency. To Amnesty International's knowledge, there have been only two occasions when a Pardons Board has commuted a death sentence.

BACKGROUND INFORMATION

The death penalty is provided for under a variety of laws in Malaysia and is mandatory for some firearms offences, murder, and for certain drugs offences. From 1985 to the end of December 1990, 84 executions took place to Amnesty International's knowledge.

Amnesty International is opposed to 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 or punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Telegrams/telexes/faxes and airmail letters:

- expressing concern that Saad Othman has been sentenced to death and that the Supreme Court has upheld this decision;
- stating Amnesty International's unconditional opposition to the death penalty;
- urging that the sentence be commuted and that no more death sentences be imposed.

APPEALS TO: (up to 15 per section)

1.

Ruler of Perak:

HRH Raja Nezrin

[Salutation: Your Highness]

Istana

Kuala Kangsar

Perak, Malaysia

**Telegrams: HRH Raja Nezrin, Kuala Kangsar
Perak State, Malaysia**

2.

Prime Minister

YAB Dato'Seri Dr Mahathir bin Mohamad

[Salutation: Dear Prime Minister]

Prime Minister's Department

Jalan Dato' Onn

50502 Kuala Lumpur, Malaysia

**Telegrams: Prime Minister Mahathir
Kuala Lumpur, Malaysia**

**Telexes: 30098 EPUPM MA; 30091 LARAS MA;
33099 PERMA MA**

**Faxes: + 60 3 238 3784; + 60 2 238 7214;
+ 60 3 238 7215**

COPIES TO:

The Minister of Justice

YB Datuk Syed Hamid bin Syed Jaafar Albar

Ministry of Justice

21st Floor

Bangunan Kuwasa

Jalan Raja Laut

50506 Kuala Lumpur, Malaysia

Faxes: + 60 3 293 4754

The Attorney General

Tan Sri Abu Talib bin Othman

Attorney Generals's Office

20th Floor, Bangunan Bank Laut

50350 Kuala Lumpur, Malaysia

and to diplomatic representatives of Malaysia in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 November 1991.