

EXTERNAL (for general distribution)

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UA 372/91

Ill-treatment/Whipping

4 November 1991

MALAYSIA

Aaron Cohen Shelton

On 29 October 1991 the Supreme Court in Kuala Lumpur upheld a High Court decision not to exempt Aaron Cohen Shelton, a New Zealand national, from being whipped six times by the rotan (a large cane). Aaron Cohen Shelton aged 24, had been sentenced to life imprisonment and ordered to be whipped six times on 1 September 1987 for possession of 34.61 grams of heroin. Amnesty International does know exactly when he will be whipped but it is thought to be imminent.

BACKGROUND INFORMATION

Section 39A of the Dangerous Drugs Act 1952 provides a mandatory six strokes for those convicted.

Amnesty International opposes corporal punishment, which it considers to constitute a cruel, inhuman and degrading treatment which contravenes international human rights standards. Article 5 of the Universal Declaration of Human Rights states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. It is also prohibited under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 7 of the International Covenant on Civil and Political Rights and Principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

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

- expressing concern that Aaron Cohen Shelton's sentence has been upheld;
- stating your belief that whipping is a cruel, inhuman and degrading punishment which contravenes international human rights standards;
- urging the government to end the application of corporal punishment and to repeal the legislation which provides for whipping.

APPEALS TO

1) Prime Minister
YAB Dato' Seri Dr Mahathir bin Mohamad
Prime Minister's Department
Jalan Dato' Onn

Dear Prime Minister

50502 Kuala Lumpur
MALAYSIA

Telegrams: Prime Minister Mahathir, Kuala Lumpur, Malaysia
Telexes: 30091 LARAS MA; 30098 EPUPM MA; 33099 PERMA MA
Faxes: + 60 3 238 3784; + 60 3 238 7214; + 60 3 238 7215

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2) 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

Dear Minister

Telegrams: Minister of Justice, Kuala Lumpur, Malaysia
Telexes: 33548 HAKIM MA
Faxes: + 60 3 293 4754

3) Attorney General
Tan Sri Abu Talib bin Othman
Attorney General's Office
20th Floor
Bangunan Bank Rakyat
Jalan Raja Laut
50350 Kuala Lumpur
MALAYSIA

Dear Minister

Telegrams: Attorney General, Kuala Lumpur, Malaysia

4) Supreme Head of State
Sultan Azlan Shah
Yang di-Pertuan Agong
Istana Negara
50500 Kuala Lumpur
MALAYSIA

Your Majesty

Telegrams: His Majesty Sultan Azlan Shah, Kuala Lumpur, Malaysia
Telexes: 31107 AGONG MA
Faxes: + 60 3 230 4626

COPIES 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 16 December 1991.