AI Index: ASA 28/17/91

Distr: UA/SC

11 December 1991

EXTRA 86/91 Death Penalty

MALAYSIA

Wang Bok Yu

On 5 November 1991, the Supreme Court in Kuala Lumpur rejected an appeal against the death sentence imposed on Wang Bok Yu, by the Kuala Trengganu High Court on 3 January 1989. Wang, a typewriter repairer, had been found guilty of trafficking in 36.7gm of heroin in Kuala Trengganu on 21 February 1984.

All death sentences in Malaysia are automatically reviewed by a Pardons Board. As Wang Bok Yu's case was originally heard by the High Court in Kuala Trengannu, his case will now be reviewed by the Pardons Board for Kuala Trengganu. The board will pass its recommendations to the Yang di-Pertuan Negeri (ruler) of the state who has the authority to grant pardon, suspend or commute the sentence. 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 sentence.

BACKGROUND INFORMATION: (Note for translators: this is the same as Extra 69/91 of September 91, Index ASA 28/14/91)

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 Wang Bok Yu 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:

1) Head of State for Trengannu
DYMM Sultan Mahmud Shah
Istana
Kuala Trengganu
Trengannu
MALAYSIA

Telegrams: Head of State, Trengannu, Malaysia

Telex: 51398 SUKTR MA

[Salutation: Your Majesty]

2) Prime Minister

YAB Dato' Seri Dr Mahathir bin Mohamad Prime Minister' Department Jalan Dato' Onn 50502 Kuala Lumpur MALAYSIA

Telegrams: Prime Minister Mahathir Kuala Lumpur, MALAYSIA

Telex: 30098 EPUPM MA; 30091 LARAS MA;

33099 PERMA MA

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

+ 60 3 238 7215

[Salutation: Your Majesty]

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

The Attorney General

Tan Sri Abu Talib bin Othman Attorney General'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 22 January 1992.