

AI Index: PRE 01/368/2010
05 November 2010

Malaysia must ensure fair trial for Georgian women

Amnesty International calls on the Malaysian authorities to ensure that two Georgian women accused of drug trafficking receive fair trials that meet international standards.

Darejan Kokhtashvili and Babutsa Gordadze, who were detained on 26 October in Penang and Sabah respectively, face the death penalty under Malaysian law.

Babutsa Gordadze, aged 26, whose pre-trial hearing was held on 4 November, was not provided either with a lawyer or translation, according to news reports. The preliminary hearing for Darejan Kokhtashvili, 32, is to be held on 8 November. Both trials are expected to begin next week.

“The Malaysian authorities must ensure legal representation for the two Georgian women who face the death penalty,” said Lance Lattig, researcher on Malaysia at Amnesty International. “These women must have an interpreter to translate the proceedings into a language they can understand.”

Gordadze has been charged under Section 39B of the Dangerous Drugs Act 1952, which imposes mandatory death by hanging. Moreover, this provision flouts international human rights standards by presuming the defendant to be guilty unless she can prove her innocence.

Both defendants are mothers of young children.

“These women deserve a fair trial. Regardless of the trial’s outcome, they must be spared the death sentence.”

Background

Sixteen countries in Asia apply the death penalty for drug-related offences. Since many countries in the region do not make information on the death penalty available, it is impossible to calculate exactly how many drug-related death sentences are imposed.

However, in Indonesia, Malaysia, Singapore and Thailand, reports indicate that a high proportion of death sentences are imposed upon those convicted of drug offences.

Despite these executions in Asia, there is no clear evidence of a decline in drug-trafficking that could be attributed to the threat or use of the death penalty. There is no credible evidence that the death penalty deters serious crime in general more effectively than other punishments.