

EXTERNAL

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Fear of imminent execution

1 March 1996

MALAYSIAMohamed Yusof Said, aged 33, labourer

Mohamed Yusof Said, sentenced to death in January 1992 for trafficking 1.3 kilograms of cannabis, is facing imminent execution. Amnesty International has just learned that the Federal Court in Kuala Lumpur rejected his appeal on 9 February 1996. His only hope for commutation now lies with the *Yang di-Pertuan Agong* (the King of Malaysia and Supreme Head of State).

BACKGROUND INFORMATION

Over 150 people are believed to have been executed for drug offences in recent years, but, given the lack of official statistics, the exact figures are not known. At least three prisoners have been executed for drug trafficking since the beginning of 1996.

Under Malaysia's strict anti-drug laws the death penalty is mandatory for trafficking in a number of specified drugs. According to the Dangerous Drugs Act, any person found in possession of at least 15 grams of heroin, 1,000 grams of opium or 200 grams of cannabis is presumed, unless the contrary can be proved, to be trafficking in the drug. Amnesty International has criticized the Dangerous Drugs Act because it places the onus on the accused to prove their innocence rather than on the State to prove their guilt. This contravenes a basic principle of Malaysian jurisprudence as well as international legal safeguards which stipulate that the accused has the right to be presumed innocent until proven guilty.

Despite the anti-drug laws, the authorities have conceded that the number of addicts continues to grow. While Amnesty International recognizes the need to combat increasing drug abuse, there is no convincing evidence that the death penalty deters would-be traffickers more effectively than other punishments.

Furthermore, there is always a risk that minor traffickers or even drug abusers will be executed, while those behind the crimes evade arrest and punishment.

The death penalty is also mandatory in Malaysia for murder and certain firearms offences.

Amnesty International opposes the death penalty in all cases as the ultimate form of cruel, inhuman and degrading punishment and a violation of the most fundamental of human rights - the right to life. The death penalty is inherently unjust and arbitrary, however heinous the crime for which it is provided. It is often imposed on those with fewer resources available for their defence, or whose social status has made them vulnerable to unfair conviction. The risk of error in applying the death penalty is inescapable, yet the penalty is irrevocable. Moreover, studies have overwhelmingly concluded that there is no reliable evidence that the death penalty has a deterrent effect on crime.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- urging the King to commute the sentence passed on Mohamed Yusof Said;
- expressing unconditional opposition to the death penalty as a violation of the most fundamental of human rights - the right to life;
- calling for all other death sentences to be commuted;

- recognizing the need to combat drug abuse, but emphasizing that the death penalty has no known deterrent effect and appealing to the authorities to find a more humane way of tackling this crime.

APPEALS TO:

Yang di-Pertuan Agong (King of Malaysia)
DYMM Tuanku Jaafar Ibni
Al-Marhum Tuanku Abdul Rahman
Istana Negara
50500 Kuala Lumpur
Malaysia

Faxes: +603 230 4646

Telegrams: Yang di-Pertuan Agong, Kuala Lumpur, Malaysia

Salutation: Your Majesty

COPIES TO:

Prime Minister
Dato' Seri Dr Mahatir bin Mohamad
Prime Minister's Department
Jalan Dato' Onn
50502 Kuala Lumpur
Malaysia

Faxes: +603 298 4172

and to diplomatic representatives of Malaysia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 April 1996.