

**EXTERNAL (for general distribution)**

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**EXTRA 67/91**

**Death Penalty**

**27 September 1991**

**MALAYSIA:**

**Chuah Aun Peng, aged 44**

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On 18 September 1991, the Supreme Court in Kuala Lumpur unanimously rejected an appeal against the death sentence imposed on Chuah Aun Peng, aged 44, by the High Court in Penang on 25 March 1991.

All death sentences in Malaysia are automatically reviewed by a Pardons Board. Chuah Aun Peng's case was originally heard by the High Court in Penang, his case will now be reviewed by the Pardons Board for Penang. 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 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 Chuah Aun Peng 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.

Head of State for Penang:

TYT Tan Haji Hamdan  
Sheikh Tahir  
**[Salutation: Your Excellency]**  
Istana  
Georgetown  
Pulau Pinang, Malaysia

**Telegrams: Yang di-Pertuan Negeri, Penang, Malaysia**  
**Faxes: + 60 4 618 618**  
**(please forward to the Head of State)**

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.