

EXTERNAL (for general distribution)

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EXTRA 69/91

Death Penalty

27 September 1991

MALAYSIA:

**Ismail Mohamad, aged 23
Kok Kwai Pok, aged 35**

On 17 September 1991, the Supreme Court in Kuala Lumpur unanimously rejected an appeal against the death sentence imposed on Ismail Mohamad, aged 23, by the High Court in Kuala Lumpur on September 13 1990. He was found guilty of trafficking in 384.17 gm of marijuana.

On 18 September 1991, the Supreme Court in Kuala Lumpur unanimously rejected an appeal against the death sentence imposed on Kok Kwai Pok, aged 35, by the High Court in Kuala Lumpur on 1 November 1990. He was found guilty of trafficking in 75.4 gm of heroin.

All death sentences in Malaysia are automatically reviewed by a Pardons Board. As Ismail Mohamad's and Kok Kwai Pok's cases were originally heard by the High Court in Kuala Lumpur his case will now be reviewed by the Pardons Board for the Federal Territory. The board will pass its recommendations to the Yang di-Pertuan Agong (King) who has the authority to grant pardon, suspend or commute the sentence. 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 provide 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 opposes 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 Ismail Mohamad and Kok Kwai Pok have 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 sentences be commuted and that no more death sentences be imposed.

APPEALS TO: (up to 15 per section)

1.

Yang di-Pertuan Agong (King): King of Malaysia and Supreme Head of State:

[Salutation: Your Majesty]

DYMM Sultan Azlan Muhibbudin
Shah ibni al-Marhum Sultan
Yussuf Izzruddin
Ghafarulahu-lahu Shah
Istana Negara
50500 Kuala Lumpur, Malaysia

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

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.