

EXTERNAL (for general distribution)

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Death Penalty

30 March 1994

MALAYSIA

MUNIANDY N., stenographer, 54 years old

PACKIAM M., domestic helper, 41 years old

N. Muniandy and M. Packiam were sentenced to death on 15 November 1990 for trafficking in 226.33g of heroin on 21 December 1985. An appeal heard on 23 March 1994 by the Supreme Court has now upheld the sentences imposed on both men.

An appeal by a third man, Mohamed Ruslay Zakaria, was heard on the same day. He was found guilty of drug possession and his sentence commuted to 10 years' imprisonment. The High Court had sentenced him to death for drug trafficking in February 1989.

The only hope of N. Muniandy and M. Packiam for a pardon or commutation now resides with the *Yang di-Pertuan Negeri* (ruler) of the state.

BACKGROUND INFORMATION

In Malaysia, the death penalty is mandatory for a number of offences: murder, drug-trafficking, unauthorised possession of firearms and use of firearms with intention to cause injury or death.

In 1975 the Dangerous Drugs Act of 1952 was amended, making the death penalty the maximum sentence for drug-trafficking. Since April 1983 the death penalty has been mandatory for drug-trafficking on conviction of possession of 15 grams of heroin or morphine, 200 grams of cannabis, or 1,000 grams of opium.

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

- stating that 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, as proclaimed in the Universal Declaration of Human Rights;
- welcoming the commutation of Mohamed Ruslay Zakaria's sentence;
- expressing concern at the imposition of the death penalty on N. Muniandy and M. Packiam and urging that the sentences be commuted.

APPEALS TO:

Ruler of Selangor

DYMM Sultan Tunku Salahuddin

Abdul Aziz Shah Al-haj Ibni

Al-Marhum Sultan Hishamuddin Alam Shah

Al-haj

Istana

Shah Alam

Selangor

MALAYSIA

Telegrams: Ruler of Selangor, Shah Alam, Selangor, Malaysia

Telexes: 38548 SUKSEL MA; 39580 PEJIAS MA
Faxes: +60 3 331 6969
Salutation: Your Majesty

COPIES OF YOUR APPEALS TO:

Prime Minister

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

Telegrams: Prime Minister Mahathir, Kuala Lumpur, Malaysia
Telexes: 30091 LARAS MA; 30098 EPUPM MA; 33099 PERMA MA
Faxes: +60 3 238 3784; +60 3 238 7214; +60 2 238 7215

Minister of Justice:

Datuk Syed Hamid bin Syed Jaafar Albar
Ministry of Justice
Bangunan Kuwasa
21st Floor
Jalan Raja Laut
50506 Kuala Lumpur
MALAYSIA

Telegrams: Justice Minister, Kuala Lumpur, Malaysia
Telexes: 33548 HAKIM MA
Faxes: +60 3 292 4754

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 11 May 1994.