

EXTERNAL (for general distribution)

AI Index: ASA 28/08/92

Distr: UA/SC

EXTRA 50/92

Death Penalty

18 May 1992

MALAYSIA:

Michael Dennis McAuliffe

On 12 May 1992 the Supreme Court of Malaysia rejected an appeal against the death sentence imposed on Michael Dennis McAuliffe, aged 37, by the High Court in Penang in August 1991. Michael Dennis McAuliffe had been found guilty of trafficking in 141.80 grams (five ounces) of heroin in Penang in 1985.

All death sentences in Malaysia are automatically reviewed by a Pardons Board.

As Michael Dennis McAuliffe's case was originally heard by the High Court in Penang, his case will now be reviewed by the Pardons Board of Penang State.

The board will pass its recommendations to the Yang di-Pertua Negeri (Ruler) of the state 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 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 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 punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Telegrams/telexes/faxes and airmail letters:

- expressing concern that Michael Dennis McAuliffe has been sentenced to death and that the Supreme Court in Kuala Lumpur has upheld this decision;

- stating Amnesty International's unconditional opposition to the death penalty;

- urging that all sentences including that of Michael Dennis McAuliffe be commuted and that no more death sentences be imposed.

APPEALS TO:

1. Head of Penang State

TYT Tan Sri Haji Hamdan Sheikh Tahir

Istana
GEORGETOWN
Pulau Pinang
MALAYSIA
Telegrams: Head of State, Penang, Malaysia
Telexes: 31107 AGONG MA
[Salutation: Your Excellency]

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2. Chief Minister Penang State
Dr Koh Tsu Koon
Office of the Chief Minister
GEORGETOWN
Pulau Pinang
MALAYSIA
Telegrams: Chief Minister, Penang, Malaysia
[Salutation: Dear Chief Minister]

3. 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: 30098 EPUPM MA; 30091 LARAS MA; 33099 PERMA MA
Faxes: + 60 3 238 3784; + 60 3 238 7214; + 60 3 348 7215
[Salutation: Dear Prime Minister]

COPIES OF YOUR APPEALS TO:

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

Attorney General
Tan Sri Abu Talib bin Othman
Attorney General's Office
20th Floor, Bangunan Bank Rakyat
Jalan Raja 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 29 June 1992.