

URGENT ACTION

FAMILY TO PAY LAST VISIT AFTER TOLD EXECUTION IS 'SOON'
Yong Kar Mun was convicted and sentenced to death in 2009 for discharging a firearm in the commission of an armed robbery. On 22 May, his family was informed that he will be executed "soon" and they are to pay their last visit on 23 May 2017.

Yong Kar Mun is a 48-year-old, former mineral water seller facing imminent execution by hanging in Malaysia. His family was handed a letter from the Sungai Buloh Prison authorities at 2pm on 22 May, informing them that Yong Kar Mun's death sentence will be implemented imminently and that they should pay their last visit to him on Tuesday 23 May 2017. The authorities have not indicated the exact date of his execution. However, based on existing practice, the execution is expected to take place within a week of notifying the family.

Yong Kar Mun was convicted and sentenced to the mandatory death penalty on 5 March 2009 by the Shah Alam High Court, under Section 3 of the Firearms (Increased Penalties) Act, 1971, for discharging a firearm in the commission of an armed robbery. While a man involved in the robbery was subsequently killed in a police chase, there were no casualties resulting directly from the offence.

The Court of Appeal in Putrajaya dismissed his appeal on 6 October 2011, while the Federal Court dismissed his final appeal, affirmed the decision of the Court of Appeal and handed out the final sentence on 2 August 2012.

The imposition of the mandatory death penalty is prohibited under international law, which also states that in countries where it has not yet been abolished, the imposition of the death penalty must be restricted to "the most serious crimes", meaning intentional killing.

Please write immediately in Malay, English or your own language urging the authorities to:

- Immediately take all the necessary steps to halt the execution of Yong Kar Mun;
- Immediately establish a moratorium on executions and commute all death sentences as a first step towards abolition of the death penalty;
- Move forward with legislative reforms on the mandatory death penalty and abolish this punishment from national legislation.

PLEASE SEND APPEALS BEFORE 3 JULY 2017 TO:

Prime Minister of Malaysia
 Mohd Najib Razak
 Office of The Prime Minister of Malaysia
 Main Block, Perdana Putra Building
 Federal Government Administrative
 Centre, 62502 Putrajaya,
 Malaysia
 Fax: +603-88883444 or +603-88883904
 Email: ppm@pmo.gov.my
Salutation: Dear Prime Minister

Minister in the Prime Minister's
 Department
 Azalina Othman Said
 Pejabat Menteri, Tingkat 15
 Bangunan Parlimen
 50680 Kuala Lumpur, Malaysia
 Fax: +603-20781719
 Email: through this website:
http://azalinaothmansaid.com/?page_id=57
Salutation: Dear Minister

And copies to:
Director of Sungai Buloh Prison
 Abd. Kadir Bin Rais
 Jabatan Penjara Malaysia
 Penjara Sungai Buloh
 47000 Sungai Buloh
 Selangor
 Fax: +603-603 4870

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DATO AHMAD RASIDI HAZIZI Malaysian High Commission, 45 Belgrave Square SW1X 8QT, 020 7235 8033, Fax 020 7235 5161, mwlon@btconnect.com

Please check with your section office if sending appeals after the above date.

**AMNESTY
 INTERNATIONAL**



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ADDITIONAL INFORMATION

There is very limited public information on Malaysia's use of the death penalty. The authorities usually do not provide public notification of any scheduled executions, either before or after these are carried out. Detailed information –including names of prisoners, the offences of which they were convicted, legal and clemency appeal status and dates of scheduled executions– is publicly available only for the extremely limited number of cases in which the families contacted Amnesty International or other human rights monitors, often seeking publicity against the imminent executions.

International law and standards require countries which have not yet abolished the death penalty to make publicly available information on their use of the death penalty, as well as ensure that prisoners under sentence of death and their families are given reasonable advance notice of the scheduled date and time of the executions. The laws and prison regulations of Malaysia, however, do not establish procedures for the notification of the implementation of death sentences and the families of death row prisoners are usually provided with only a few days' notice.

In Malaysia the death penalty is the mandatory punishment for 12 offences, including murder, drug trafficking, terrorism-related offences when these result in death, and some firearms offences. Judges have discretion to apply the death penalty for 10 other offences, including treason, kidnapping and rape when these result in death, and trafficking of firearms. The majority of death sentences are imposed for murder and drug trafficking. International law prohibits the mandatory death penalty and requires that the use of the death penalty be restricted to the "most serious crimes". The UN Human Rights Committee has stated that "[T]he expression 'most serious crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure." Most recently, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that the term "most serious crimes" is restricted to cases of intentional killing and has specifically underlined that "The death penalty may not be imposed for drug-related offences unless they meet this requirement."

On 20 October 2012, the then Minister of Law, Nazri Aziz, announced that the government was considering replacing the mandatory death penalty for drug-related offences with prison sentences. He also stated that as part of this legislative review, the government would implement a moratorium on executions for drug-related offences. In November 2015 Attorney General Tan Sri Apandi Ali, and the then Minister in the Prime Minister's Department, Nancy Shukri, declared that legislative reforms to review the country's mandatory death penalty would be introduced in Parliament by the end of March 2016. In June 2016 Minister Shukri said that the office of the Attorney General was going to submit recommendations to the cabinet with regard to the reforms, following the completion of a comprehensive study on the death penalty in Malaysia, which the government had commissioned. Draft legislation to that effect has not been introduced as yet and mandatory death sentences continue to be imposed and implemented, both for murder and drug trafficking.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the individual, or the method used by the state to carry out the execution. As of today, 141 countries have abolished the death penalty in law or practice; in the Asia Pacific region, 19 countries have abolished the death penalty for all crimes and a further eight are abolitionist in practice. Mongolia is poised to give effect to its new Criminal Code abolishing this punishment in July 2017.