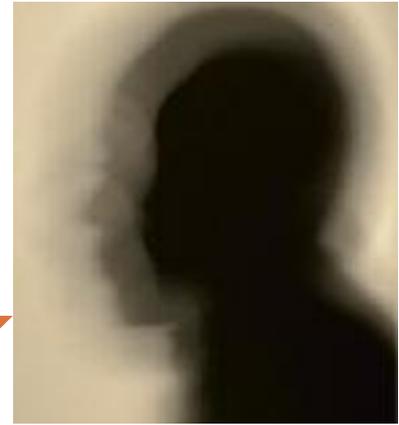


REZA MOHAMMED
SHAH BIN
AHMAD SHAH
MALAYSIA



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REZA MOHAMMED SHAH BIN AHMAD SHAH (Reza Shah) was arrested by police on the evening of 14 August 2000 in a squatter neighbourhood outside Kuala Lumpur. Police said he was carrying a plastic bag which he threw away when they called out to him.

Police located the plastic bag and said it contained almost 800g of cannabis. Reza Shah denied any knowledge of the bag's contents and stated in court that the police had beaten him to force him to reveal its location.

Following arrest, Reza Shah was held at Brickfields Police District Headquarters, a police station which has been the subject of repeated allegations of torture and other ill-treatment, in some cases leading to deaths in custody.

Reza Shah was detained pending trial for two years and finally tried in August 2002. He was found guilty by the High Court of Kuala Lumpur of possessing 795.3g of cannabis under the Dangerous Drugs Act 1952.

The Act states that any person found possessing any dangerous drug "shall, until the contrary is proved, be deemed to have been in possession" of that drug. It also holds that the person knew the nature of the drug, unless proved otherwise. And it presumes that anyone found in possession of dangerous drugs is also guilty of trafficking those drugs and imposes a mandatory death penalty.

The law thus reverses the suspect's right to be presumed innocent until proven guilty. In a number of cases, judges have handed down mandatory death sentences for drug trafficking with rulings making it clear that their decisions were based solely on the reversal of presumption of innocence in the law, rather than on the basis of the prosecution proving guilt beyond reasonable doubt.

In the case of Reza Shah, once the trial court found that he possessed drugs in the alleged quantities, the law left the court no option but to convict him of trafficking and then to hand down the mandatory death sentence, which it did.

In 2006, the Putrajaya Appeal Court overturned the trial court's verdict. It held that the prosecution had not proved that Reza Shah had knowledge of the bag's contents. It convicted Reza Shah for possession of drugs only but not of trafficking, and sentenced him to a jail term of 18 years and 10 strokes of the cane.

“It is time for Malaysia to abolish the death penalty... No criminal justice system is perfect. You take a man's life and years later, you find out that another person did the crime. What can you do?”

Nazri Abdul Aziz, Malaysian Law Minister, reported in 'The Online Citizen', 31 August 2010

MANDATORY
DEATH SENTENCES

DENIAL OF RIGHT TO BE
PRESUMED INNOCENT

In January 2009, the Federal Court overturned the Appeal Court's judgement in response to an appeal by the prosecution, concluding that Reza Shah had failed to prove that he was not guilty of drug trafficking. It reinstated the death sentence.

Reza Shah has exhausted all his legal avenues for appeal. He has since appealed to the King to commute his sentence. A decision is pending.

In April 2011, **MALAYSIA'S** Home Minister announced that 441 people had been executed since 1960 and that 696 prisoners were on death row in February 2011. The majority of those sentenced to death have been convicted under the 1952 Dangerous Drugs Act providing for a mandatory death sentence for trafficking. Murder also carries a mandatory death sentence. In 2009, Malaysia stated to the UN that it was considering reducing the maximum sentence for drug trafficking to life imprisonment. Malaysia has not ratified the International Covenant on Civil and Political Rights or the UN Convention against Torture, but is legally bound by customary international law to prohibit the arbitrary deprivation of life and torture and other ill-treatment.

ACT NOW

Appeal to the King to:

- ★ Stop the execution of Reza Shah by whatever judicial or other means are available.
- ★ Suspend all executions and the imposition of death sentences as a step towards total abolition of the death penalty.
- ★ Revise laws and change policies and practices to ensure fair trials in line with international standards, in particular laws that reverse the presumption of innocence.
- ★ Abolish mandatory death sentences.
- ★ Ratify the International Covenant on Civil and Political Rights.

Write to:

King and Supreme Head of State
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