



Paris, 4 March 2010

To: Yang Amat Berhormat Dato' Sri Mohd Najib Bin Tun Abdul Razak

Prime Minister of Malaysia

Dear Excellency,

Today we write to you as European citizens concerned with the impact of global drug policies, with an urgent request. We believe the death sentence that is applied to drug law offenders in Malaysia is an inappropriate measure, and would like to offer you our collaboration in identifying better solutions to the drug problems in your country.

With certain regularity, reports appear in the Malaysian press on people being sentenced to death for the possession of illegal drugs, including cannabis. The exact number of those who are actually brought to death remains unknown. Human rights organisations estimate that currently some 300 convicted prisoners await execution on death row, most of them for drug-related offences.

These sentences clearly violate international standards for a fair trial. The presumption of guilt and the mandatory death sentence in drug cases places the charge on the accused to prove his or her innocence and leaves a judge with no discretion over the sentence. Competent legal assistance is unavailable to many of those people, leaving them with little capacity to mount a defence at any stage of the proceedings.

UN human rights bodies have concluded that drug offences fail to meet the condition of “most serious crime”, under which the death penalty is allowed as an “exceptional measure”.

We are aware of the argument that drugs cause problems in Malaysian society. However, we doubt that these problems will be solved by harsh punishments, let alone executions of drug offenders. Malaysia, like any other country in the world, is not and never will be 100 % drug-free. As long as people in Malaysia want to consume drugs, other people will continue to supply them.

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Because of the fact that drugs are prohibited, drug trafficking is the core business of criminal organizations that in most cases operate internationally. The people who are occasionally caught by authorities with relatively small amounts do not have major responsibilities in this business. Killing them will not scare the drug gangs away. On the contrary: thanks to these harsh punishments, the leaders in the drug business can continue to justify extraordinary high prices for their goods,. Thus it maintains a vicious circle of violence and danger.

On the other hand, it is important to make a serious assessment of the problems that drugs may or may not cause. Cannabis for instance is a plant, a natural product, a non-lethal substance. Its consumption has been widespread around the world for thousands of years among many different cultures and people. All these people do not use cannabis because it endangers their health or wellbeing, but rather because they experience the opposite. According to increasing amounts of scientific evidence, the so-called dangerousness of cannabis has been largely exaggerated and driven by moral instead of rational considerations.

The prohibition of cannabis was installed and promoted worldwide by Western countries, especially the USA, during a period in which they dominated the world. Meanwhile, in most European countries, cannabis possession for personal consumption is not penalised anymore. In a growing number of states in the USA, major law changes are taking place that legally regulate the cultivation and distribution of cannabis to adults for medicinal purposes. It would be extremely sad to see Malaysia continue executing people found in possession of cannabis, while the countries that have installed its prohibition have come to the insight that this is a useful substance whose consumption can be perfectly integrated in society.

In Europe, during the past decades, we have been able to compare the results of different, sometimes opposing drug policies in societies that are similar in demographical, material and socio-cultural development. The conclusion is that drug policies, whether they are repressive or flexible, have a very minor impact on the drug phenomenon itself. In countries where authorities are relatively tolerant, the use of drugs may be lower than in neighboring countries where policies are more repressive.

Another conclusion is that drugs-related harms can only be reduced by effective social and health policies. Innovative strategies for reaching out to the affected population and reducing the harms related to drug use are needed. The harsh implementation of drug law enforcement is an impediment to the introduction of these strategies.

For these reasons, we are convinced that the death penalty is actually counterproductive to efforts to reduce the harm caused by drugs. We call upon your wisdom to apply principles of sound governance and let Malaysia join the majority of nations by declaring a moratorium on executions with a view to total abolition of all death sentences for drug offenses, as called for by the United Nations.

We offer you our kind co-operation in transmitting knowledge and experience of public health policies that have proven effective in addressing drug-related problems.

Sincerely yours,

Farid Ghehiouche – Foreign affairs secretary officer

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