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AI – Amnesty International

Malaysia: Caning of four men is a terrible warning to LGBTI people, while more await trial

Four men were caned today after being convicted of ‘attempt of sexual intercourse against the order of nature’, said Amnesty International Malaysia, in signs of an increasing crackdown on LGBTI people in the country.

Another six individuals are due to face trial on the same charges tomorrow. Amnesty International calls on authorities to drop the charges immediately.

"These vicious punishments against LGBTI people are the actual crimes being committed here," said Executive Director of Amnesty International Malaysia, Shamini Darshni Kaliemuthu.

"The Religious Police used more than 50 officers to ensnare these men in a sting operation – all to bring hateful charges and inflict cruel, degrading punishments. The whole affair is a scandal and a judicial travesty."

The case began after eleven men were charged with ‘attempt of sexual intercourse against the order of nature’ following a raid and arbitrary arrests made at a private event held last year. A director from the Malaysian religious department, JAIS, said that after monitoring the men on messaging app WeChat, its officials conducted a sting operation involving more than 50 law enforcement officers.

On 7 November, the case against five of the men who pleaded guilty to the charge was heard by the Selangor Syariah (Sharia) High Court. Four individuals were sentenced to an RM4,800 fine, six months’ imprisonment and six strokes of the cane. Another was sentenced to a RM4,900 fine, seven months’ imprisonment and six strokes of the cane.

Of the five, four were caned today and then released, pending appeal of their jail sentence. A fifth man was not caned as he is seeking to appeal his entire sentence, including the caning. The remaining six individuals who are pleading not guilty will face trial on 19 November.

"Authorities should drop charges against the six other men before they suffer the same unjustifiable treatment," said Shamini Darshni Kaliemuthu.

"Same-sex relations are not a crime. Yet the Malaysian authorities are going to terrible lengths to vilify LGBTI people by exacting these cruel punishments."

LGBTI people in Malaysia face discrimination and criminalisation under existing laws. Both common law and Syariah law systems criminalise same-sex relationships. Under the current government, LGBTI people have faced growing discrimination and persecution.

In September 2018, two women were given six strokes of the cane on the orders of the Terengganu Syariah High Court for ‘sexual relations between women’, sparking international outcry. Caning is a form of cruel, inhuman and degrading punishment, which is prohibited absolutely under international law, and may amount to torture.

“Malaysia should be creating an environment in which LGBTI people are free from discrimination, not ensnaring and beating innocent people,” said Shamini Darshni Kaliemuthu. “The Malaysian authorities must repeal all repressive laws against LGBTI people, outlaw cruel punishments, and ratify the UN Convention against Torture.”

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4 men sentenced to caning for "sexual intercourse against the order of nature"



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