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Singapore: Executions since December defy global trend

Singapore, estimated to have one of the highest per capita execution rates in the world, should stop its use of the death penalty and instead join the 138 states throughout the world that have ceased executions in law or practice, said Amnesty International.

The city-state, with a population of 4.6 million, has executed at least 420 people since 1991. Singapore has condemned at least three people to die since 18 December, when the United Nations General Assembly overwhelmingly approved the "Moratorium on the use of the death penalty". Singapore strongly criticized the resolution. At least two people have been executed since then.

The media reported the execution of Singaporean Moahammed Ali Johari, on 19 December for murder. Tan Chor Jin, a Singaporean man, was hanged on 9 January for murder. On 30 December, the High Court sentenced to death Chijioke Stephen Obioha, a 20-year old Ghanaian man, for trafficking cannabis. His alleged accomplice, a Zambian woman, was not mentioned in recent media reports, but because drug trafficking carries a mandatory death sentence in Singapore, it is feared that she will be given the death penalty as well.

Amnesty International recognises the seriousness of these crimes and supports all calls for justice. Amnesty International, however, opposes the death penalty in all cases as a violation of the most fundamental human right: the right to life. It is the ultimate cruel, inhuman and degrading punishment and there is no escaping the risk of error, which can lead to the execution of an innocent person.

Most death sentences in Singapore follow convictions for drug trafficking. The Misuse of Drugs Act provides for mandatory death sentences for at least 20 different offences and contains a series of presumptions which shift the burden of proof from the prosecution to the defence.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has called for the death penalty to be eliminated for drug-related offences and has argued that the mandatory nature of the death sentence is

a violation of international legal standards.

Singapore's policies and practice bucks the solid and long-standing trend towards global abolition of the death penalty. When the Universal Declaration of Human Rights was adopted in 1948, eight countries had abolished the death penalty in law or practice. Sixty years later, the number stands at 138. Within the Asia Pacific region, Singapore is one of 9 states that retain the death penalty in law and practice. 27 states in the region have either abolished the death penalty or are holding a de facto moratorium.

As not all sentences and executions are reported publicly, it is possible that there have been more death penalty cases in the last few weeks. Amnesty International has requested that the Singapore government make public comprehensive information about the state's use of the death penalty. Singapore has yet to publicly provide the requested annual statistics covering the period from 1993 to the present day.

<http://singabloodypore.rsfblog.org/>

Hung Up on the Death Penalty

By Stanislaus Jude Chan



Death Penalty and the Right to Life

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SINGAPORE, June 18, 2010 (IPS) - "The strict laws in Singapore have been made fun of, but crime, especially serious ones like murder and drug trafficking, are no laughing matter," said Ivan Tan, a 24-year-old undergraduate.

"The death penalty might be against human rights, but it's the reason we get to live in one of the safest cities in the world," he added.

When it comes to crime and punishment, this island state of five million people has been a lightning rod for derision, mockingly called a myriad of names from "a fine city" to "Disneyland with the death penalty."

But the Singapore government has stood firm on its tough stance, and proudly parades the twin banners of economic strength and low crime rates as symbols of the success of its authoritarian rule.

After all, the country's leaders have emphasised that Singapore will not follow liberal Western ideologies, and must instead have its own brand of Asian-style democracy.

To be fair, the country has made clear its zero tolerance policy in handling crime. On all inbound flights, for example, passengers are warned that possession of drugs is a crime that carries the death penalty in Singapore.

Under the Singapore Penal Code, the death penalty is meted out on a range of offences, from unlawful discharge of firearms to murder. Any person found in possession of more than the allowed quantity of drugs also receives the mandatory death sentence.

The "mandatory" clause in the death penalty law removes judges' discretion to impose a lighter sentence.

"Nobody can claim that they don't know the rules. Since these people knowingly challenge the system and break the law, they deserve to get punished," said Irene Ng, a 53-year-old homemaker.

This bustling city boasts one of the highest levels of literacy in the world, but is surprisingly backward when it comes to discussion on issues of human rights.

Singaporeans tend to shy away from the topic, and when pressed for comments on the subject, turn conveniently to government-sanctioned answers, routinely replicated arguments against freedom of expression and other civil group concerns: that the death penalty is a necessary evil, and to succumb to international pressure in these matters is to risk destroying the fabric of society.

The mandatory death penalty for serious drug offences here is a "trade-off" the government makes to protect "thousands of lives" that may be ruined if illegal drugs were freely available, Law Minister and Second Home Affairs Minister K Shanmugam said at a dialogue session in May.

While the United Nations Commission on Human Rights adopted a resolution calling for the establishment of moratoria on executions in 2003, Singapore has been adamant in its decision to remain one of the few nations worldwide with the mandatory death penalty.

"Thousands of lives have been ruined due to the free availability of drugs" in cities such as Sydney and New York, Shanmugam said. "You save one life here, but 10 other lives will be gone. What will your choice be?"

Singapore improved from first to fifth position in the world for number of executions per capita between 2004 and 2008. The city hanged more than one per million population each year, behind Saudi Arabia, Iran, Kuwait and North Korea, with China ranking a close sixth.

According to the latest U.N. report on capital punishment released at the end of 2009, the number of executions in Singapore has dropped dramatically from 242 in 1994-1998, and 138 in 1999-2003, to 22 in 2004-2008.

But the recent case of Yong Vui Kong has brought the mandatory death penalty in Singapore back into the limelight.

The 22-year-old Malaysian was convicted in 2008 of smuggling 47 grammes of heroin into Singapore. Lawyers representing Yong argued that the mandatory death sentence violates international standards and human rights laws.

"This is a young man, only 22, who committed a non-violent offence," Saul Lehrfreund, co-founder of the Death Penalty Project, a London-based group that appeals against death sentences, told the media in May. "The court in Singapore has no choice but to impose death by hanging, regardless of the individual

circumstances of the case. In this day and age, that just seems ludicrous."

Kong, whom lawyers describe as "impoverished and vulnerable," was due to be hanged in December until lawyers obtained an emergency reprieve. The case is regarded by experts as an important challenge to the country's death penalty law and has attracted media attention across Asia, where executing people for drug offences remains controversial.

Taiwan recently abolished the mandatory death penalty. China, which continues to execute prisoners for 68 different offences including 44 non-violent crimes, allows judicial discretion in sentencing drug-related cases. In Singapore's defence, Attorney General Walter Woon has argued that parliament has the power to show mercy in individual cases.

"It can't be right that an administrative body not amenable to judicial review effectively becomes the sentencing body," said Lehrfreund. "There is a clear global trend away from sentencing people to death without taking their age, vulnerability and other powerful mitigating factors into account."

"The mandatory death penalty is barbaric. And what makes it worse in these cases involving drugs is that the accused is not presumed innocent until proven guilty. On the contrary, the burden is on lawyers of the accused to prove that he is innocent without doubt," said Joshua, a 38-year-old lawyer who was concerned about possible backlash and requested to be identified only by his first name.

"What this means is both simple and gruesome. That, sadly, considering how far we have advanced as a nation, it is still possible for an innocent man to be hanged in Singapore," he added.

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