

URGENT ACTION

SINGAPORE SETS EXECUTION OF MALAYSIAN MAN

The family of Prabakaran Srivijayan, a Malaysian national, have been informed that his execution has been scheduled in Singapore for 14 July 2017. Against international law and standards, he was convicted of and sentenced to the mandatory death penalty in 2012 for drug-related offences. He has an appeal pending before the courts of Malaysia.

The family of **Prabakaran Srivijayan** in Malaysia have received a letter from the authorities of Singapore dated 6 July 2017 informing them that his execution has been scheduled at Changi Prison Complex for a week later, 14 July. A 29 year-old Malaysian national, Prabakaran Srivijayan was convicted of and sentenced to the mandatory death penalty on 22 July 2012 for attempting to import 22.24g of diamorphine into Singapore.

Prabakaran Srivijayan has consistently maintained his innocence. He holds that he had no knowledge of the drugs that were found in the arm rest of a car he borrowed. Under Singaporean law, prohibited substances found in a vehicle are automatically presumed to be in the possession of the driver at that time. In these circumstances, the burden of proof is therefore shifted onto the defendant, violating the presumption of innocence and the right to a fair trial. Additional fair trial concerns have been raised by his lawyer, including the failure of Singaporean authorities to investigate leads and call upon two witnesses that Prabakaran Srivijayan claims could corroborate his innocence.

In an effort to seek remedy for these violations, his legal representatives launched a case in Malaysia in March 2017 to urge the country to seek the intervention of the International Court of Justice. An appeal on the matter is still pending and the authorities of Singapore have been made aware of the ongoing litigation. International safeguards guaranteeing protection of the rights of those facing the death penalty clearly state that the death penalty must not be carried out while appeals or other recourse procedures are pending.

Please write immediately in English or your own language to:

- Urge the authorities of Singapore to immediately halt plans to execute Prabakaran Srivijayan and grant him clemency, while reminding them that international safeguards guaranteeing protection of the rights of those facing the death penalty unequivocally state that the death penalty must not be carried out while appeals are pending, and that litigation in his case is still ongoing in Malaysia, his country of origin;
- Call on the authorities to immediately re-impose an official moratorium on all executions with a view to abolishing the death penalty, and commute all existing death sentences;
- Recall that drug-related offences do not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law, and that the imposition of the death penalty as a mandatory punishment is also prohibited.

PLEASE SEND APPEALS BEFORE 14 JULY 2017 TO:

President of Singapore
His Excellency Tony Tan Keng Yam
Office of the President of the Republic of
Singapore Orchard Road, 238823
Singapore
Fax: +65 6735 3135
Email: istana_feedback@istana.gov.sg
Twitter: @govsingapore
Salutation: Your Excellency

Deputy Superintendent of Prisons
Mr. Woon Wei Khoon
Changi Prison Complex
Singapore Prison Service
982 Upper Changi Road North
Singapore 507799
Fax: (65) 65469208
Email: woon_wei_khoon@pris.gov.sg
**Salutation: Dear Deputy
Superintendent**

And copies to:
Minister of Foreign Affairs of Malaysia
His Excellency Dato' Sri Anifah Aman
Ministry of Foreign Affairs of Malaysia
No. 1, Jalan Wisma Putra Precinct 2
Federal Government Administrative
Centre 62602 Putrajaya Malaysia
Fax: +603 8889 1717
Email: anifah@kln.gov.my

Also send copies to diplomatic representatives accredited to your country. HER EXCELLENCY MS FOO CHI HSIA, High Commission for the Republic of Singapore 9 Wilton Crescent, London SW1X 8SP, Tel: 020 7235 8315, singhc_lon@mfa.sg

Please check with your section office if sending appeals after the above date. This is the first update of UA 12/17. Further information:

<https://www.amnesty.org/en/documents/asa36/5481/2017/en/>

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ADDITIONAL INFORMATION

On 18 July 2014, Singapore carried out its first two executions since 2012, when two men were hanged after they had been convicted of and mandatorily sentenced to death for drug trafficking. Their executions ended a moratorium on the implementation of death sentences established in July 2012 to allow the Parliament to review the country's mandatory death penalty laws. Since then, the authorities of Singapore have executed at least ten other people, including seven for drug trafficking. At least seven new mandatory death sentences were imposed in 2016 for drug trafficking. At least 38 people remained on death row at the end of 2016.

The mandatory imposition of the death penalty is against international law. The UN Human Rights Committee has said that "the automatic imposition of the death penalty constitutes an arbitrary deprivation of life, in violation of article 6, paragraph 1, of the International Covenant on Civil and Political Rights, in circumstances where the death penalty is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence".

Following the adoption of the Misuse of Drugs (Amendment) Act 2012 and the Penal Code (Amendment) Act 2012 on 14 November 2014, the courts of Singapore are now given the discretion not to impose the death penalty in certain circumstances. In drug-related cases, defendants may now be spared the death penalty if they are found to have been involved only in transporting, sending or delivering a prohibited substance, or only offered to commit these acts (as "couriers") and if the Public Prosecutor can certify that they cooperated with the Central Narcotics Bureau to disrupt further drug-related activities. However, in other circumstances the punishment remains mandatory.

International law requires that the use of the death penalty be restricted to the "most serious crimes". The UN Human Rights Committee has on numerous occasions found that drug-related offences do not meet the criterion of "most serious crimes", a finding reiterated by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Amnesty International believes that the death penalty is the ultimate cruel, inhuman and degrading punishment, and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights. Amnesty International supports calls, included in five resolutions adopted by the UN General Assembly since 2007, for the establishment of a moratorium on executions with a view to abolishing the death penalty. As of today, 141 countries have abolished the death penalty in law or practice; in the Asia-Pacific region, 20 countries have abolished the death penalty for all crimes and a further seven are abolitionist in practice.

Following the country's second Universal Periodic Review at the UN Human Rights Council in January 2016, the delegation of Singapore did not support recommendations made by several countries, including Argentina, Namibia, Sierra Leone, South Africa, Spain and Sweden, to re-establish a moratorium on executions, as well as take steps to restrict the use of the death penalty and move towards its abolition.

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