

URGENT ACTION

NIGERIAN TO BE EXECUTED FOR DRUG TRAFFICKING

The execution of Nigerian national Chijioke Stephen Obioha has been set for 18 November. He was convicted of drug trafficking in Singapore and was given the mandatory death sentence. A new clemency application is pending before the President.

The family of **Chijioke Stephen Obioha**, a Nigerian national convicted of and given the mandatory death sentence for possession of drugs for the purpose of trafficking on 30 December 2008, have been informed that 18 November is Chijoke's new execution date. On 9 April 2007 Chijoke was found in possession of more than 2.6 kilograms of cannabis, surpassing the statutory amount of 500 grams that under Singapore law triggers the automatic presumption of trafficking. Also in his possession were keys to a room containing additional prohibited substances, leading the authorities to presume him guilty of possession and knowledge of the drugs.

Chijioke Stephen Obioha's appeal against his conviction and sentence was rejected in August 2010. Maintaining his innocence of the crime, Chijoke initially refused to make use of his right to resentencing which amendments to Singapore mandatory's death penalty laws made in 2013 allowed for. In Singapore, when there is a presumption of drug possession and trafficking, the burden of proof shifts to the defendant. This is a violation of fair trial rights, specifically the presumption of innocence.

After the rejection of his clemency appeal in April 2015, his execution was set for 15 May 2015. It was stayed a day earlier to allow him to apply for resentencing. His family were only informed on 25 October 2016 that he had resolved to withdraw his application for resentencing earlier in the year, following legal advice that he would not qualify as "courier" under the amended laws.

Consequently, the Court of Appeal lifted the stay of execution with effect from 24 October, resulting in the execution date to be set for 18 November. Chijioke Stephen Obioha appealed once again for clemency for the President, who has the power to commute his death sentence.

Please write immediately in English or your own language:

- Urging the President to immediately halt Chijioke Stephen Obioha's execution and grant him clemency;
- Calling 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;
- Reminding the authorities 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 22 DECEMBER 2016 TO:

President of Singapore

His Excellency Tony Tan Keng Yam
Office of the President of the Republic of
Singapore Orchard Road, Singapore
238823

Fax: +65 6735 3135

Email: istana_feedback@istana.gov.sg

Salutation: Your Excellency

Prime Minister of Singapore His

Excellency Lee Hsien Loong Prime
Minister's Office Istana Annexe, Orchard
Road Singapore 238823

Fax: +65 6332 8983

Email: lee_hsien_loong@pmo.gov.sg

Salutation: Your Excellency

And copies to:

Officer-in-charge Registry

Superintendent Cheong KumFoong
Changi Prison Complex
Singapore Prison Service
982 Upper Changi Road North
Singapore 507709

Fax: +65420425

Email: cheong_kum_foong@pris.gov.sg

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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Chijioke Stephen Obioha graduated in Industrial Chemistry from Benin University in Nigeria. He moved to Singapore in 2005, seeking to join a football club. His family members, who currently live in Nigeria and the United Kingdom, have been unable to travel to visit and had limited ability to assist him. Throughout the duration of the proceedings, they have received sporadic and often delayed updates, including when a legal representative was removed from the case.

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 five other people, including three for drug trafficking. At least five new mandatory death sentences were imposed in 2015, four for drug trafficking and one for murder. At least 23 people remained on death row at the end of 2015.

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. Equally, defendants found to be "couriers" can be spared the death penalty if they can prove that they are suffering from "such abnormality of mind ... [which] substantially impaired his mental responsibility for his acts and omissions". According to his current lawyer, Chijioke Stephen Obioha has not undertaken a mental health assessment and withdrew his application for resentencing under the amended laws.

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, 140 countries have abolished the death penalty in law or practice; in the Asia-Pacific region, 19 countries have abolished the death penalty for all crimes and a further eight are abolitionist in practice.