

PUBLIC

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Further Information on UA 90/06 (ASA 36/003/2006, 13 April 2006) – Death Penalty and new concern: Imminent Execution

SINGAPORE **Iwuchukwu amara Tochi (m) aged 21, Nigerian citizen**
Okele Nelson Malachy (m) aged 33, reportedly from South Africa

Iwuchukwu Amara Tochi is now scheduled to be executed by hanging on 26 January.

He was arrested at Changi Airport on 27 November 2004, and was charged under the Misuse of Drugs Act with transporting 727.02 grams of heroin into Singapore. A death sentence is mandatory for anyone convicted of trafficking in more than 15 grams of heroin.

The judge who convicted Tochi appears to have accepted that he might not have realised the substance he was carrying was heroin. The verdict stated that, "There was no direct evidence that he knew the capsules contained diamorphine [heroin]. There was nothing to suggest that [Mr] Smith (who gave Tochi the pills to transport) had told him they contained diamorphine, or that [Tochi] had found that out of [*sic*] his own."

Tochi lost his appeal against a mandatory death sentence at the Court of Appeal on 16 March 2006, and the President is reported to have rejected a clemency appeal.

Okele Nelson Malachy, who was convicted with him, has not yet had a date set for his execution.

BACKGROUND INFORMATION

There is usually little public debate in Singapore about the death penalty, partly as a result of tight government controls on the press and civil society organisations. In his report to the United Nations Commission on Human Rights on 24 March 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, wrote that:

"Measures taken by the Government of Singapore suggest an attempt to suppress public debate about the death penalty in the country. For example, in April 2005, the Government denied a permit to an Amnesty International official to speak at a conference on the death penalty organized by political opposition leaders and human rights activists... If public opinion really is an important consideration for a country, then it would seem that the Government should facilitate access to the relevant information so as to make this opinion as informed as possible."

The UN Special Rapporteur has previously called for the death penalty to be abolished for drug-related offences and has argued that the fact that the death sentence in these cases is mandatory is a violation of international legal standards. However, following a national and international campaign for clemency for Shanmugam s/o Murugesu and Van Tuong Nguyen, who had both been sentenced to death for drug-related offences, activists in Singapore claim the debate in 2005 had been the most prominent in possibly four decades (See UA 104/05, ASA 36/001/2005, 29 April 2005 and UA 279/05, ASA 36/003/2005, 24 October 2005).

Singapore, with a population of just over four million, is believed to have the highest per capita execution rate in the world. More than 420 people have been executed since 1991, the majority for drug trafficking. The Misuse of Drugs Act provides for a mandatory death sentence 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 Singapore

government has consistently maintained that the death penalty is not a human rights issue.

Amnesty International opposes the death penalty in all cases as a violation of one of the most fundamental of human rights: 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 innocent people.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the authorities to reconsider granting clemency in the case of Iwuchukwu Amara Tochi, and commute his death sentence;
- urging them to impose a moratorium on executions, with a view to complete abolition, in line with the April 2005 UN Commission on Human Rights (UNCHR) resolution on the question of the death penalty;
- noting that the UNCHR has urged states which still maintain the death penalty not to impose it as a mandatory sentence, or for crimes without lethal or extremely grave consequences.

APPEALS TO

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COPIES TO: diplomatic representatives of Singapore accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 January 2007.