

PUBLIC

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Imminent execution

29 April 2005

SINGAPORE

Shanmugam s/o Murugesu (m), aged 38, former taxi-driver and window cleaner

Shanmugam s/o Murugesu is facing imminent execution, following the rejection of his appeal for clemency to the President of Singapore. He was arrested when immigration officers found 1029.8 grams of cannabis in his motorcycle carrier box as he entered Singapore from Malaysia. It is thought likely he will be hanged at dawn on 13 May.

In April 2004, Shanmugam s/o Murugesu was sentenced to death under the Misuse of Drugs Act, which carries a mandatory death sentence for anyone found guilty of trafficking in more than 500 grams of cannabis. In January 2005 the Court of Appeal rejected his appeal against the death sentence. He has no previous criminal record, has reportedly expressed deep regret for his actions and has asked for the opportunity to be rehabilitated. Following his divorce in 2002 he was granted custody of his twin 14-year-old sons. The twins have lost contact with their mother and are currently being cared for by their grandmother who is in frail health. In their clemency appeal to the President of Singapore, the twins wrote: "Now that he is going to be executed we will become orphans. We cannot imagine our lives without him and if he is not with us, we don't have the strength to take it... We beg you to spare his life".

There is very little public debate about the death penalty in Singapore due to controls imposed by the government on the press and civil society organizations. However, on 16 April 2005, local activists organized a rare public forum to highlight Shanmugam's case. Participants at the forum described the cruel and inhuman nature of the death penalty and its impact on the families of those on death row. They also described the risk of miscarriages of justice and expressed serious concerns about the Singapore government's justification of the death penalty as an effective deterrent against drug trafficking and other crimes. An Amnesty International representative who attended the forum was refused permission by the authorities to address the meeting. Local activists plan to hold a vigil for Shanmugam on 6 May.

BACKGROUND INFORMATION

Singapore, with a population of just over four million, has the highest *per capita* execution rate in the world. At least 420 people have been executed since 1991, the majority for drug trafficking. The Singapore government has consistently maintained that the death penalty is not a human rights issue.

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 accused. Such presumptions erode the right to a fair trial, increasing the risk that an innocent person may be executed, and conflicting with the universally guaranteed right to be presumed innocent until proven guilty. Prisoners facing execution may be granted clemency by the President, on the advice of the Cabinet, but it is extremely rare for clemency to be given.

Amnesty International opposes the death penalty worldwide 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 is imposed disproportionately on the poorest, least educated and most vulnerable members of society. It takes the lives of offenders who might otherwise have been rehabilitated. There is no escaping the risk of error which can lead to the execution of an innocent person. In April 2005 the UN Commission on Human Rights renewed calls upon all states which still maintain the death penalty to abolish it completely and, in the meantime, to establish a moratorium on executions.

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

- urging the authorities to reconsider the decision to refuse clemency in the case of Shanmugam s/o Murugesu and urging them to commute his death sentence;
- urging the authorities 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:

Minister of Law

Prof. S. Jayakumar
Ministry of Law
100 High Street
The Treasury #08-02
Singapore 179434

Fax: +65 6332 8842

Salutation: Dear Minister

Attorney General

Chan Sek Keong
Attorney General's Chambers
1 Coleman Street #10-00
Singapore 179803

Fax: +65 6332 5984

Salutation: Dear Attorney General

Chief Justice

Yong Pung How
Supreme Court
Supreme Court Building
St Andrew's Road
Singapore 178957

Fax: +65 6337 9450

Salutation: Dear Chief Justice

COPIES TO: Diplomatic representatives of SINGAPORE accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. All appeals must arrive by 13 May 2005.