

PUBLIC

AI Index: ASA 36/001/2008

11 February 2008

UA 35/08 Death Penalty

SINGAPORE Tan Chor Jin (m), aged 41

Tan Chor Jin is facing execution after his final appeal against his sentence of death at Singapore's High Court, was rejected on 30 January. He was sentenced to death on 22 May 2007 after a trial which his lawyer claims was unfair. Tan Chor Jin is now appealing to the President for clemency.

Tan Chor Jin, who is said to be a former gang leader, was sentenced to death for the murder of a man who allegedly owed him money. Murder carries a mandatory death sentence in Singapore. Leading UN human rights bodies and experts have stated that under no circumstances should death sentences be mandatory by law, regardless of the charges involved, and that that mandatory death sentences constitute an arbitrary deprivation of life.

Before his trial, Tan Chor Jin was in solitary confinement for 220 days at the Medical Centre in Changi Prison, for psychiatric evaluation. The conditions of detention were reportedly 'oppressive', and could have affected Tan's ability to prepare his defence. Amnesty International is concerned that 220 days exceeds the time reasonably needed for a psychiatric assessment and that his detention in such conditions may have constituted cruel, inhuman or degrading treatment.

Tan chose not to have legal representation during his trial, after dismissing his lawyer before the preliminary hearing. His appeal lawyer has called for a retrial claiming that the trial was unfair, as Tan had requested a lawyer at the end of his trial and was denied one.

BACKGROUND INFORMATION

There has been very little public debate about the death penalty in Singapore, partly as a result of tight government controls on the media, in violation of the right to freedom of expression. Singapore has one of the highest execution rates per capita in the world. However, the UN Special Rapporteur on Extrajudicial, summary or arbitrary executions, Philip Alston, has noted that legal safeguards in Singapore do not meet international human rights standards. The Special Rapporteur echoed the concerns of many lawyers and activists when he argued that the mandatory penalty denies the judiciary the necessary discretion to sentence people fairly and appropriately.

Amnesty International opposes the death penalty unreservedly in all cases, and supports the global trend turning away from the use of the death penalty, powerfully expressed in the UN General Assembly's resolution calling for a worldwide moratorium on executions on 18 December 2007.

Amnesty International recognizes the need to address serious crime, including murder, but there is no clear evidence that the death penalty deters crime any more effectively than other forms of punishment. Today 135 countries have abolished the death penalty in law or practice.

Under international human rights law, defendants have the right to adequate time and facilities to prepare a defence, and the right to free legal assistance if they are unable to pay for it. In cases of capital punishment, the death sentence may only be given where all safeguards were in place to ensure a fair trial.

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

- urging the President to commute Tan Chor Jin's death sentence immediately;
- calling for an investigation to be carried out into reports that Tan Chor Jin was held arbitrarily in prolonged solitary confinement, which could constitute, cruel, inhuman or degrading treatment;
- expressing concern that the death penalty is mandatory for murder and other offences in Singapore, and calling on the authorities to take steps to restrict the death penalty and introduce a moratorium, as called for in the resolution passed by the United Nations General Assembly in December 2007.

APPEALS TO:

President Sellapan Rama Nathan
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Orchard Road
Singapore 238823

Fax: +65 6737 5522
Email: s_r_nathan@istana.gov.sg
Salutation: Dear President

COPIES TO:

Prime Minister

Lee Hsien Loong
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Singapore 0923

Fax: + 65 6835 6621
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Salutation: Dear Prime Minister

Minister of Law

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The Treasury 08-02
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Salutation: Dear Minister

and 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 24 March 2008.