

URGENT ACTION

23 YEAR OLD MALAYSIAN MAN FACES EXECUTION

Yong Vui Kong, a 23-year-old Malaysian man, has exhausted his appeals against a mandatory death sentence in Singapore. He is at immediate risk of execution unless the Malaysian authorities and others press Singapore's President to grant clemency.

On Monday 17 January, Singapore's Court of Appeal reserved judgment on **Yong Vui Kong's** case. His counsel had appealed for his execution to be stayed on the grounds that he had been denied a fair clemency process.

In Singapore the decision for clemency rests with the President, on the advice of the Cabinet. In December 2009 the President rejected Yong Vui Kong's petition for clemency. Later that month, the High Court postponed the execution to allow the Court of Appeals time to hear an application for a stay. The refusal of the Court of Appeal to grant a stay has given a green light for Yong Vui Kong to be hanged.

Last July, Malaysian officials called on Singapore to spare Yong Vui Kong's life. Malaysia's foreign minister, Anifah Aman, announced, "I will be writing to the government of Singapore to plead for his clemency." Malaysian legislators have also called for clemency.

Yong Vui Kong was sentenced to death in January 2009 for trafficking 47 grams of diamorphine (heroin), a crime committed when he was 19 years old. Singapore's Misuse of Drugs Act makes the death penalty mandatory for trafficking more than 30 grams of heroin, leaving judges no discretion to hand down alternative sentences.

Singapore's law also presumes trafficking in all cases involving the possession of over 2 grams of heroin, which shifts the burden of proving that no trafficking was involved from the prosecution to the defendant. This violates the core human right to be presumed innocent of a crime until proven guilty.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging Singapore's President to reconsider Yong Vui Kong's clemency petition and commute his death sentence, which was mandatorily imposed
- Urging Malaysian Foreign Minister Anifah to press Singaporean President Nathan to reconsider Yong Vui Kong's clemency petition and commute his death sentence;
- Reminding Malaysia Foreign Minister's Anifah of his commitment to call for clemency for Yong Vui Kong, a Malaysian who is also a native of Anifah's home state of Sabah.

PLEASE SEND APPEALS BEFORE 4 MARCH 2011 TO:

Foreign Minister of Malaysia

His Excellency Datuk Seri Anifah Amam
Ministry of Foreign Affairs
Wisma Putra
NO 1 Jalan Wisam Putra, Precinct 2
62602 Putrajaya, Malaysia
Fax: +60 3 8889 1717
Email: anifah@kln.gov.my

Salutation: Your Excellency

President of Singapore

His Excellency SR Nathan
Office of the President
Orchard Rd
Istana
Singapore 0922
Fax: +65 6735 3135
Email: s_r_nathan@istana.gov.sg

Salutation: Your Excellency

And copies to:

Editor-in-Chief

The Star
Menara Star
15 Jalan 16/11
46350 Petaling Jaya
Singapore
Fax: +60 03 7955 4039
Email: editor@thestar.com.my

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<http://www.amnesty.org/en/library/info/ASA36/005/2009/en>; <http://www.amnesty.org/en/library/info/ASA36/007/2009/en>

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ADDITIONAL INFORMATION

In a 2007 drug-trafficking case, Singapore executed a young Nigerian, Iwuchukwu Amara Tochi. UN Special Rapporteur on Extrajudicial Executions, Philip Alston, condemned the sentence on human rights grounds: "Singapore's decision to make the death penalty mandatory keeps judges from considering all of the factors relevant to determining whether a death sentence would be permissible in a capital case."

Amnesty International opposes the imposition of the death penalty in all circumstances and irrespective of claims of utility; the organization considers the death penalty a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

FU UA: 296/10 Index: ASA 36/001/2011 Issue Date: 24 January 2011

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