

URGENT ACTION

YOUNG MALAYSIAN AT IMMINENT RISK OF EXECUTION

Yong Vui Kong, a 23-year-old Malaysian man, has lost his final judicial appeal against a mandatory death sentence. He is now at imminent risk of execution. Appeals are urgently needed to pressure Singapore's President to spare his life.

On 4 April 2011, the Singapore Court of Appeal, Singapore's highest court, dismissed **Yong Vui Kong's** appeal. He was sentenced to death in January 2009 for trafficking 47 grams of heroin, a crime committed when he was 19 years old.

Yong Vui Kong is now at imminent risk of execution unless Singapore President S.R. Nathan grants clemency, a request that the President had previously rejected. The case has also generated widespread concern in Yong Vui Kong's native Malaysia.

Amnesty International has called on Malaysian officials to intensify their diplomatic efforts to ask Singapore for clemency. In July 2010, Malaysian Foreign Minister Anifah Aman announced, "I will be writing to the government of Singapore to plead for his clemency." At the time, Malaysian legislators also called for clemency.

Under Singapore's drug laws, a defendant is automatically presumed guilty of drug trafficking in cases where possession of heroin exceeds two grams. This provision violates the defendant's right to be presumed innocent of a crime until proven guilty.

Singaporean law makes the death penalty mandatory for trafficking more than 30 grams of heroin. In 2007, UN Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston said, "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."

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

PLEASE SEND APPEALS BEFORE 16 MAY 2011 TO:

Foreign Minister of Malaysia:

His Excellency Datuk Seri Anifah Aman
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
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Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the fifth update of UA 296/09. Further information: <http://www.amnesty.org/en/library/info/ASA36/001/2011/en>

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ADDITIONAL INFORMATION

The mandatory imposition of the death penalty with no consideration of the defendant's personal circumstances or the circumstances of the particular offence has been recognized by the UN Human Rights Committee to constitute an arbitrary deprivation of life.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston said in 2007 that the fact that Singapore law makes the death penalty mandatory for drug trafficking was inconsistent with international human rights standards. "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. He also said that, "It is a fundamental human right to be presumed innocent until proven guilty."

In resolution 2005/59, adopted on 20 April 2005, the UN Commission on Human Rights urged all states that still maintain the death penalty "to ensure... that the death penalty is not imposed... as a mandatory sentence".

Amnesty International opposes the death penalty in all cases and under any circumstances as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Further information on UA: 296/09 Index: ASA 36/002/2011 Issue Date: 05 April 2011

