

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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SINGAPORE: FAIR TRIAL CONCERNS MUST LEAD TO URGENT REVIEW OF ALL DEATH PENALTY CASES

Amnesty International is gravely concerned by new information suggesting that officials of the Singapore Prison Service have been forwarding private communications from death row prisoners to the Attorney General's Chambers, as the judicial proceedings in the cases were ongoing. This violates the rights of the prisoners and casts another dark shadow on the flawed death penalty system in the country. Amnesty International calls for an immediate halt to all executions and a review of all cases, as first urgent steps towards abolition of the death penalty in Singapore.

The lawyer of Syed Suhail, whose execution had been scheduled for 18 September and stayed a day earlier, shared that the lead prosecutor in his case has disclosed in a letter to the Court of Appeal that the Attorney General's Chambers had been in possession of copies of four private communications from the prisoner to his family and of one letter to his then attorney, at a time when the judicial proceedings in the case were ongoing. It is alarming that private correspondence between Syed Suhail and his then lawyer was shared with the Attorney General's Chambers without any judicial orders or supervision of the process. This goes against a fundamental aspect of the right to a fair trial, which guarantees the right to defendants to maintain communications with their legal representatives within the professional relationship as confidential, as recognized among other standards under Principle 22 of the Basic Principles on the Role of Lawyers and Article 14(3) of the ICCPR.

The sharing of a prisoner's private communications with a third party without his or her consent also raises serious concerns in relation to the right to privacy, as guaranteed in Article 12 of the Universal Declaration on Human Rights and Article 17 of the International Covenant on Civil and Political Rights (ICCPR), as well as Singapore's own Prison Regulations, which for instance does not allow for copies to be made of letters sent to and from the prisoner's legal advisers.

Regardless of whether the Attorney General's Chambers (AGC) was aware of the content of the communications or used it as part of the proceeding preparations, the disclosure puts into question the fairness of the proceedings against Syed Suhail and should lead to a thorough review of his case. The revelation in Syed Suhail's case follows closely on similar complaints brought to the attention of the Court of Appeal by Datchinamurthy Kataiah, which led to clarification by the Court in August 2020 that "there was no legal basis in the form of a positive legal right [for the Singapore Prison Service] to forward copies of the same to the AGC." As such, the degree to which the Singapore Prison Service has been sharing private correspondence from prisoners with the prosecution should be the subject of an urgent independent and impartial investigation. Amnesty International calls on the Singapore authorities to immediately halt all executions and review all death penalty cases thoroughly as first critical steps towards abolition of the ultimate cruel, inhuman and degrading punishment.

Two men are known to be at risk of execution at present. The family of Syed Suhail bin Syed Zin, 44 year-old, was informed that his execution had been set for 18 September 2020 and was asked to make funeral arrangements. Syed Suhail was arrested in August 2011 and subsequently convicted of possession for the purpose of trafficking of 38.84 grams of diamorphine and sentenced to the mandatory death penalty. His execution was halted a day before it was due to be carried out, pending judicial review of appeals on his behalf. On 16 September 2020, relatives of Moad Fadzir bin Mustafa, 41 year-old, received a similar letter from the Singapore Prison Service, notifying them that his execution has been set for 24 September 2020. He was arrested in April 2016 and found in possession of 36.93g of diamorphine and later convicted of possession for the purpose of trafficking and sentenced to the mandatory death penalty.

International law and standards prohibit the imposition of mandatory death sentences as these deny judges the possibility of taking into account the mitigating circumstances in the case. Moreover, international law and standards require that the imposition of the death penalty be restricted to the "most serious crimes", meaning only intentional killing.

Singapore is one of four countries known to have carried out executions for drug-related offences in recent years. Singapore's highly repressive drug control law does not allow judges to take into consideration possible mitigating circumstances at sentencing, including drug dependence or other circumstances relevant to the case.

Amnesty International urges the Singapore authorities to immediately halt the executions of Syed Suhail and Moad Fadzir, as well as any other scheduled execution. The government must end this ill-conceived strategy of using the death penalty to address drug-related problems and instead focus on evidence-based and community-based approaches to drugs, rooted in the respect of public health and human rights. Singapore's heavy reliance on draconian laws and policies has not only failed to tackle the use and availability of drugs in the country, they give zero effective protection from drug-related harm.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.