

URGENT ACTION

MALAYSIAN NATIONAL FACES IMMINENT EXECUTION

Prabakaran Srivijayan, a Malaysian national, was convicted and sentenced to the mandatory death penalty on 22 July 2012 in Singapore. The execution could take place as early as next week.

Prabakaran Srivijayan, a 29 year old Malaysian national, is accused of attempting to smuggle 22.24g of diamorphine into Singapore in April 2012 and was convicted and sentenced to the mandatory death penalty on 22 July 2012. The date of execution has not yet been set, however, according to one of his lawyers, it could take place as early as next week.

Prabakaran Srivijayan has consistently maintained his innocence and insists that he had no knowledge of the drugs that were found in the arm rest of a borrowed car. Under Singaporean law, prohibited substances found in a vehicle are automatically presumed to be in the possession of the driver at that time. The burden of proof is therefore shifted onto the defendant, violating the presumption of innocence and fair trial rights.

Additional fair trial concerns have been raised by the lawyer, including the failure of Singaporean authorities to investigate leads and call upon two witnesses that Prabakaran Srivijayan claims could corroborate his innocence.

Please write immediately in English or your own language:

- Urging the President to immediately halt any plans to carry out Prabakaran Srivijayan's execution and grant him clemency;
- Calling on the authorities to immediately re-impose an official moratorium on all executions with a view to abolishing the death penalty, and commute all existing death sentences;
- Reminding the authorities that drug-related offences do not meet the threshold of the "most serious crimes" to which the use of the death penalty must be restricted under international law, and that the imposition of the death penalty as a mandatory punishment is also prohibited.

PLEASE SEND APPEALS BEFORE 24 FEBRUARY 2017 TO:

President of Singapore

His Excellency Tony Tan Keng Yam
Office of the President of the Republic of
Singapore Orchard Road, 238823
Singapore
Fax: +65 6735 3135
Email: istana_feedback@istana.gov.sg
Twitter: @govsingapore
Salutation: Your Excellency

Prime Minister

Lee Hsien Loong
Prime Minister's Office
Orchard Road
Istana, 238823
Singapore
Fax: +65 6835 6621
Email: pmo_hq@pmo.gov.sg
Twitter: @leehsienloong
Salutation: Dear Prime Minister

And copies to:

Minister of Foreign Affairs of Malaysia
His Excellency Dato' Sri Anifah Aman
Ministry of Foreign Affairs of Malaysia
No. 1, Jalan Wisma Putra Precinct 2
Federal Government Administrative
Centre 62602 Putrajaya
Malaysia
Fax: +603 8889 1717
Email: anifah@kln.gov.my

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

On 18 July 2014, Singapore carried out its first two executions since 2012, when two men were hanged after they had been convicted of and mandatorily sentenced to death for drug trafficking. Their executions ended a moratorium on the implementation of death sentences established in July 2012 to allow the Parliament to review the country's mandatory death penalty laws. Since then, the authorities of Singapore have executed at least nine other people, including seven for drug trafficking. At least five new mandatory death sentences were imposed in 2015, four for drug trafficking and one for murder. At least 23 people remained on death row at the end of 2015.

The mandatory imposition of the death penalty is against international law. The UN Human Rights Committee has said that "the automatic imposition of the death penalty constitutes an arbitrary deprivation of life, in violation of article 6, paragraph 1, of the International Covenant on Civil and Political Rights, in circumstances where the death penalty is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence".

Following the adoption of the Misuse of Drugs (Amendment) Act 2012 and the Penal Code (Amendment) Act 2012 on 14 November 2014, the courts of Singapore are now given the discretion not to impose the death penalty in certain circumstances. In drug-related cases, defendants may now be spared the death penalty if they are found to have been involved only in transporting, sending or delivering a prohibited substance, or only offered to commit these acts (as "couriers") and if the Public Prosecutor can certify that they cooperated with the Central Narcotics Bureau to disrupt further drug-related activities.

International law requires that the use of the death penalty be restricted to the "most serious crimes". The UN Human Rights Committee has on numerous occasions found that drug-related offences do not meet the criterion of "most serious crimes", a finding reiterated by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Amnesty International believes that the death penalty is the ultimate cruel, inhuman and degrading punishment, and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights. Amnesty International supports calls, included in five resolutions adopted by the UN General Assembly since 2007, for the establishment of a moratorium on executions with a view to abolishing the death penalty. As of today, 141 countries have abolished the death penalty in law or practice; in the Asia-Pacific region, 19 countries have abolished the death penalty for all crimes and a further eight are abolitionist in practice.

Name: Prabakaran Srivijayan

Gender m/f: m

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