

URGENT ACTION

MALAYSIAN MAN FACING EXECUTION IN SINGAPORE

Yong Vui Kong was sentenced to death for drug trafficking in January 2009. He had exhausted his appeals by October, and can now escape execution only if the president grants clemency.

Yong Vui Kong was arrested in June 2007, when he was 19, by officers from the Central Narcotics Bureau. He was charged with trafficking 42.27 grams of heroin, and then sentenced to death in January 2009.

He had been working as a messenger for a man in Malaysia who often asked him to collect money from debtors or deliver packages as "gifts" to people in Singapore and Malaysia. At his trial, Yong Vui Kong said he had not known what was in the packages, and when he asked, he had simply been told not to open them. The judge, however, ruled that Yong must have been aware of their contents, saying in his written summation, "I found that the accused had failed to rebut the presumption against him. I am of the view that the prosecution had proved its case against the accused beyond reasonable doubt, and I therefore found the accused guilty as charged and sentenced him to suffer death."

Yong was convicted under the Misuse of Drugs Act, which provides that anyone found guilty of illegally importing, exporting or trafficking more than 15 grams of heroin will automatically receive a mandatory death sentence.

Governments need to address crimes, including drug trafficking, but there is no clear evidence that the death penalty deters crime more effectively than other forms of punishment. The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated in his 2005 report that the "mandatory death penalty, which precludes the possibility of a lesser sentence being imposed regardless of the circumstances, is inconsistent with the prohibition of cruel, inhuman or degrading treatment or punishment." To date, 139 countries have abolished death penalty in law or practice.

PLEASE WRITE IMMEDIATELY in English, Mandarin or your own language:

- Urging the president to grant clemency to Yong Vui Kong and commute his death sentence;
- Expressing concern that because the death penalty is mandatory for drug-trafficking cases, the court had no discretion to sentence Yong Vui Kong to an alternative punishment;
- Calling on the president to introduce a moratorium on executions, with a view to complete abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 15 DECEMBER 2009 TO:

President

His Excellency SR Nathan
Office of the President
Istana, Orchard Road
Singapore 0922

Fax: +65 6735 3135

Email: s_r_nathan@istana.gov.sg

Salutation: Your Excellency

And copies to:

Newspaper

Editor-in-Chief
The Straits Times
1000 Toa Payoh North
News Centre,
Singapore 318994
Fax: +65 6319 8282
Email: stonline@sph.com.sg

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The authorities in Singapore do not release any information about the use of the death penalty in the country. At least one person is known to have been hanged so far in 2009, and at least three sentenced to death; in 2008, at least one person was hanged and five sentenced to death. The true figures are likely to be higher. The government has always maintained that the death penalty is not a human rights issue, and consistently lobbied other nations against the abolition of the death penalty.

All capital cases are tried by the High Court; convicted prisoners can appeal, and if they are unsuccessful they can apply to the president for clemency. President Nathan, who has been in power since 1999, is not known to have granted clemency to any condemned prisoner.

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