

URGENT ACTION

STAY OF EXECUTION FOR YONG VUI KONG

Yong Vui Kong has received a stay of execution, after lawyers argued that his earlier withdrawal of an appeal was void due to his poor mental health. His appeal will now be heard by the Court of Appeal early in 2010: if it is unsuccessful, he may then be executed.

On 2 December the High Court postponed his 4 December execution to allow the Court of Appeal time to hear an application for a stay. On 8 December the Court of Appeal ruled that Yong Vui Kong's appeal should be heard, nullifying an earlier withdrawal of his appeal.

Yong Vui Kong's lawyers argued that the earlier withdrawal was due to his poor mental state after 20 months of "isolation." The Court accepted that Yong had withdrawn his appeal under "misapprehension" and allowed him to file an appeal against the conviction and death sentence. The Appeal hearing could be held as early as January 2010, and if it is unsuccessful he may then be executed.

His lawyers are appealing on the grounds that the mandatory death sentence for drug-trafficking, which is set out in the Misuse of Drugs Act, is unconstitutional, and that his case should therefore be referred back to the trial judge.

The President of Singapore rejected Yong Vui Kong's petition for clemency on 1 December.

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

- Urging the president to reconsider Yong Vui Kong's clemency petition and commute his death sentence;
- Expressing concern that because the death penalty is mandatory for drug-trafficking offences, the court that sentenced Yong Vui Kong to death had no discretion to sentence him 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 20 JANUARY 2010 TO:

President

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Office of the President
Orchard Road, Istana
Singapore 0922
Fax: +65 6735 3135
Email: s_r_nathan@istana.gov.sg
Salutation: Your Excellency

Prime Minister

His Excellency Lee Hsien Loong
Prime Minister's Office
Orchard Road, Istana
Singapore 238823
Fax: 68356621
Email: pmo_hq@pmo.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. This is the second update of UA 296/09. Further information: www.amnesty.org/en/library/info/ASA36/004/2009/en

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ADDITIONAL INFORMATION

At least one person is known to have been hanged in Singapore 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 authorities do not release any information about the use of the death penalty in the country, however, and 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.

Further information on UA: 296/09 Index: ASA 36/007/2009 Issue Date: 09 December 2009

