

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Singapore: Imminent hanging of Malaysian national undermines death penalty reforms**

The imminent execution of Kho Jabing in Singapore tomorrow represents a retrograde step and undermines progressive moves taken by the authorities in recent years to reform its laws regulating the application of the death penalty. Amnesty International calls on the Singaporean President to reconsider his decision to reject Kho Jabing's clemency application, immediately halt plans to carry out his execution and re-impose an official moratorium on executions with a view to abolishing the death penalty.

Kho Jabing and a co-defendant were convicted of murder on 30 July 2010. At the time of his conviction, the death penalty was the mandatory punishment for murder, and both were sentenced to death. On 24 May 2011, the Court of Appeal substituted his co-defendant's conviction to "robbery with hurt" and confirmed Kho Jabing's conviction and death sentence for murder.

In 2012, Singapore introduced legislative amendments to reform the mandatory imposition of death penalty. In murder cases defendants could be spared the death penalty if they are charged with murder under sections 300(b) and 300(c) of the Penal Code and prove that they did not intend to cause death. Since 2013, at least 13 people have had their death sentence commuted after applying for resentencing.

Following the review, on 30 April 2013, the High Court resented Kho Jabing to life imprisonment and 24 strokes of the cane. However after appeal the death penalty was re-imposed with a close three-to-two majority – with no further avenue for legal appeal. Two of the five judges making the decision held that the evidence available did not prove with certainty that he had hit the victim more than twice raising serious questions about the decision.

Amnesty International urges the authorities to rethink this decision to execute Kho Jabing based on such a disputed reconstruction of facts and reached through a close three-to-two majority.

The organisation also believes the upcoming execution of Kho Jabing is contrary to steps taken to reduce the use of the death penalty in Singapore, which once possibly retained the highest execution rate in the world, relative to its population. Over the past decade there has been not more than five executions per year. In 2010, no one was reportedly executed and in 2012 an official moratorium on executions was established to allow for a review of the country's mandatory death penalty laws.

Singapore have also become much more transparent on the use of this penalty, which in the past used to be shrouded in secrecy. In 2011 the government took the welcome step of releasing

numbers of executions carried out each year from 1991 and beginning to publish figures in its Prison Service's annual reports.

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, 140 countries have abolished the death penalty in law or practice; out of 41 countries in the Asia-Pacific region, 18 have abolished the death penalty for all crimes and a further 10 are abolitionist in practice.

On 18 July 2014, Singapore carried out its first two executions since 2012. Tang Hai Liang and Foong Chee Peng were hanged after they had been convicted of and mandatorily sentenced to death under the Misuse of Drugs Act for the trafficking of 89.55g and 40.23g, respectively, of diamorphine. At least one execution has already been carried out in 2015. The authorities announced that Muhammad bin Kadar, who had been convicted of and mandatorily sentenced to death for murder in April 2009, was executed at Changi Prison Complex on 17 April 2015.

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