

PUBLIC

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EXTRA 43/03 **Possible imminent execution / Unfair trial**

18 September 2003

SINGAPORE **Vignes s/o Mourthi (m) aged 23, Malaysian national**

Vignes s/o Mourthi may be at risk of imminent execution, following the recent rejection of his appeal for clemency to the President of Singapore. On 12 September, his lawyer lodged a motion for a re-trial, on the grounds that there had been a miscarriage of justice and that he had not received a fair trial. However the motion was rejected. On 19 September, his lawyer is due to file another application for a retrial with the High Court. If this application is rejected, Vignes s/o Mourthi could be executed shortly afterwards.

Vignes s/o Mourthi has received very little education and comes from a poor family. He was arrested after being found in possession of a bag containing approximately 443 grams of heroin. At his trial he stated that he had been asked by a family friend to carry the bag from Malaysia to Singapore, where he travelled every day for work. He claimed he was unaware of the bag's contents. In August 2002, he was sentenced to death for drug trafficking and his sentence was confirmed in January 2003.

Amnesty International is concerned about a number of alleged irregularities during the trial proceedings. The trial judge reportedly refused to adjourn the hearing to enable Vignes s/o Mourthi to appoint a new lawyer, which he had requested as he felt he was inadequately represented. His conviction appears to have been based largely on a written record, provided by the prosecution, of an incriminating conversation which allegedly took place between him and a plain-clothed police officer. Vignes s/o Mourthi denied the alleged conversation took place. The court, however, deemed the evidence to be admissible despite the fact that no date had been recorded on it and neither Vignes s/o Mourthi nor his lawyer were aware of its existence before it was produced in court. His current lawyer believes there is a strong possibility that he is innocent.

BACKGROUND INFORMATION

Drug trafficking carries a mandatory death sentence in Singapore. Anyone over the age of 18 found in possession of more than 15 grams of heroin, 30 grams of morphine or cocaine, or 500 grams of cannabis, is presumed to be trafficking in the drug, unless the contrary can be proved, and faces a mandatory death sentence. Amnesty International is concerned that this presumption conflicts with the right to be presumed innocent until proven guilty. Prisoners under sentence of death may lodge an appeal for clemency with the President. Decisions are made on the advice of members of the Cabinet, with input from the Attorney General. It is extremely rare for clemency to be granted.

Singapore, with a population of just over four million, is believed to have one of the highest rates of executions per capita in the world. Government figures show that out of 340 people executed between 1991 and 2000, 247 had been convicted of drug trafficking. Executions are by hanging and take place on Friday mornings at dawn. Families of convicts are normally only informed of the impending execution one week beforehand. There is virtually no public debate about the use of the death penalty in the country.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment, as proclaimed in the Universal Declaration of Human Rights. The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is inflicted. Studies have shown that it is more likely to be imposed on the poorer, less educated and more vulnerable members of society. The death penalty is irrevocable, yet the risk of error in applying it is inescapable. While Amnesty International recognizes the need to combat drug trafficking, there is no convincing evidence that the death penalty deters would-be traffickers more effectively than other punishments.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the authorities to reconsider the decision to refuse clemency in the case of Vignes s/o Mourthi and urging them to commute his death sentence;
- noting that serious concerns have been expressed about the fairness of Vignes s/o Mourthi's trial and urging that he be allowed adequate time and facilities to prepare and present his motion for retrial;
- expressing your opposition to the death penalty as a violation of one of the most fundamental of human rights – the right to life.

APPEALS TO:

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COPIES TO: Diplomatic representatives of SINGAPORE accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.