

PUBLIC

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Death penalty

13 April 2006

**SINGAPORE** Iwuchukwu Amara Tochi (m) aged 19, Nigerian citizen  
Okele Nelson Malachy (m) aged 33, reportedly from South Africa

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Iwuchukwu Amara Tochi and Okele Nelson Malachy lost their appeal against a mandatory death sentence at the Court of Appeal on 16 March. Their only hope for clemency lies with the President.

Both men were arrested at Changi Airport on 27 November 2004, accused of transporting 727.02 grams of heroin into Singapore. They were convicted under the Misuse of Drugs Act, which carries a mandatory death sentence for anyone found guilty of trafficking in more than 15 grams of heroin.

Iwuchukwu Amara Tochi was the first to be arrested following a search of his luggage. He later identified Okele Nelson Malachy, who reportedly does not have proof of current citizenship, as being involved during a subsequent police investigation.

#### **BACKGROUND INFORMATION**

There is usually little public debate in Singapore about the death penalty, partly as a result of tight government controls on the press and civil society organisations. In his report to the United Nations Commission on Human Rights on 24 March 2006, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, remarked:

“Measures taken by the Government of Singapore suggest an attempt to suppress public debate about the death penalty in the country. For example, in April 2005, the Government denied a permit to an Amnesty International official to speak at a conference on the death penalty organized by political opposition leaders and human rights activists... If public opinion really is an important consideration for a country, then it would seem that the Government should facilitate access to the relevant information so as to make this opinion as informed as possible” .

The UN Special Rapporteur has previously called for the death penalty to be eliminated for drug-related offences and has argued that the mandatory nature of death sentence is a violation of international legal standards. However, following a national and international campaigning to appeal for clemency in the cases of Shanmugam s/o Murugesu and Van Tuong Nguyen, who were both sentenced for drug-related offences, activists in Singapore claim the debate in 2005 had been the most prominent in possibly four decades (See UA 104/05, ASA 36/001/2005, 29 April 2005 and UA 279/05, ASA 36/003/2005, 24 October 2005).

Singapore, with a population of just over four million, is believed to have the highest per capita execution rate in the world. More than 420 people have been executed since 1991, the majority for drug trafficking. The Misuse of Drugs Act provides for a mandatory death sentence for at least 20 different offences and contains a series of presumptions which shift the burden of proof from the prosecution to the defence. The Singapore government has consistently maintained that the death penalty is not a human rights issue.

Amnesty International opposes the death penalty in all cases as a violation of one of the most fundamental of human rights: the right to life. It is the ultimate cruel, inhuman and degrading punishment and there is no escaping the risk of error, which can lead to the execution of an innocent person.

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

- urging the Singapore Cabinet to recommend that the President grant clemency in the case of Iwuchukwu Amara Tochi and Okele Nelson Malachy and commute their death sentences;

- urging the authorities to impose a moratorium on executions, with a view to complete abolition, in line with the April 2005 UN Commission on Human Rights (UNCHR) resolution on the question of the death penalty;
- noting that the UNCHR has urged states which still maintain the death penalty not to impose it as a mandatory sentence, or for crimes without lethal or extremely grave consequences;
- calling on the authorities to be transparent by making full statistics related to death sentences and the background of those on death row regularly available to the public.

**APPEALS TO:**

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and to diplomatic representatives of Singapore accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**