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Singapore: Scheduled execution for drug trafficking must be halted

Amnesty International today called on the Singapore authorities to halt the execution of a Singaporean man scheduled for Friday 19 May 2017 and to immediately re-establish a moratorium on all executions with a view to abolishing the death penalty.

Muhammad Ridzuan Bin Md Ali, a 32 year old-Singaporean national, was sentenced to death on 10 April 2013 after he was convicted of trafficking diamorphine under the Misuse of Drugs Act. His four subsequent appeals were rejected, most recently in December 2016. His family learned of the rejection of his clemency application on 15 May 2017.

In 2013 the High Court judge found that Muhammad Ridzuan Bin Md Ali's involvement was restricted to that of a "courier". Since November 2012, the courts of Singapore have had the discretion not to impose the death penalty in certain circumstances. In drug trafficking cases, defendants may be spared the death penalty if they are found to have been involved only in transporting, sending or delivering a prohibited substance, or only offered to commit these acts (as "couriers") and if the Public Prosecutor can certify that they cooperated with the Central Narcotics Bureau to disrupt further drug-related activities. Both conditions must be met in order for judges to have the discretion to impose a sentence of life imprisonment with caning or death.

However, the Attorney General refused to issue a certificate of cooperation in Muhammad Ridzuan Bin Md Ali's case and he was therefore sentenced to the mandatory death penalty. Mohammad Ridzuan Bin Md Ali's co-defendant, who was also convicted of drug trafficking and found to be a "courier" at the same trial in 2013, was instead issued with a certificate of cooperation by the prosecution and was sentenced to life imprisonment and 15 strokes of the cane.

International human rights law requires that the use of the death penalty be restricted to the "most serious crimes". The UN Human Rights Committee has on numerous occasions found that drug-related offences do not meet the criterion of "most serious crimes", a finding reiterated by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The mandatory imposition of the death penalty is against international human rights law. The UN Human Rights Committee has said that "the automatic imposition of the death penalty

constitutes an arbitrary deprivation of life, in violation of article 6, paragraph 1, of the International Covenant on Civil and Political Rights, in circumstances where the death penalty is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence". Furthermore, under Singaporean law, when there is a presumption of drug possession for the aim of trafficking, the burden of proof shifts from the prosecutor to the defendant. This violates the right to a fair trial and the presumption of innocence.

Amnesty International calls on the authorities of Singapore to immediately halt the execution of Muhammad Ridzuan Bin Md Ali and any other prisoners and swiftly move to abolish the death penalty once and for all.

Background

The authorities of Singapore introduced a moratorium on executions in July 2012, to allow the Parliament to review the country's mandatory death penalty laws. Since executions resumed in 2014, the authorities of Singapore have executed at least 11 people, including eight convicted of drug trafficking and three of murder. At least seven new mandatory death sentences were imposed for drug trafficking in 2016 and at least 38 people were on death row at the end of the year.

Amnesty International opposes the death penalty unconditionally as a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment. As of today, 141 countries have abolished the death penalty in law or practice; in the Asia Pacific region, 19 countries have abolished the death penalty for all crimes and a further eight are abolitionist in practice. There is no evidence that the death penalty has a unique deterrent effect on crime.