

PUBLIC

AI Index: ASA 36/003/2005

24 October 2005

UA 279/05

Imminent Execution

SINGAPORE

Van Tuong NGUYEN (m), aged 25, Australian national

Australian national Van Tuong Nguyen, who has been condemned to death in Singapore, had his appeal for clemency rejected by the President on 21 October, and is now facing imminent execution. A date has not yet been announced, although the hanging is likely to be carried out within weeks.

An Australian of Vietnamese origin, Van Tuong Nguyen was arrested at Singapore's Changi airport in transit from Cambodia to Australia in December 2002, after police found a package of heroin strapped to his back and a second package in his backpack.

In March 2004 Van Tuong Nguyen, a former salesman, was sentenced to death for importing 396.2 grams of heroin into Singapore. He was 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. In October 2004 the Court of Appeal rejected his appeal against the death sentence.

Van Tuong Nguyen, who had no previous criminal record, was born in a refugee camp in Thailand and moved to Australia with his mother and twin brother when he was six months old. He told investigating officers that he had agreed to carry the drugs in order to pay off debts owed by his twin brother. He said he did not know how much he was being paid for the trip. It was his first trip outside Australia. Since his arrest he has shown remorse and cooperated fully with the authorities. The Australian Federal Police have confirmed that, while in custody, Van Tuong Nguyen assisted their investigation into the international drugs syndicate for which he had worked.

BACKGROUND INFORMATION

There is usually very little public debate in Singapore about the death penalty, partly as a result of tight government controls on the press and civil society organisations. However, the case earlier this year of Shanmugam s/o Murugesu, who was sentenced to death after he was found in possession of just over one kilogram of cannabis, sparked unprecedented public discussion. In April and May, local activists organised a public forum, petitions, vigils and other events to campaign for Shanmugam's life to be spared, and to raise awareness in Singapore about the cruel and arbitrary nature of the death penalty. The authorities refused to allow an Amnesty International representative who attended the public forum to address the meeting. Shanmugam was hanged on 13 May. His lawyer was reportedly subjected to attacks on his character in government-controlled newspapers over his work on the case.

In April, the Singapore Law Society Gazette published a commentary on Van Tuong Nguyen's Appeal Court decision, arguing that there was "light on the path" because "it is now open to an accused to show ... that a mandatory death sentence is cruel and inhuman punishment under customary international law".

Singapore, with a population of just over four million, has the highest per capita execution rate in the world. More than 420 people have been executed since 1991, the majority for drug trafficking. The Singapore government has consistently maintained that the death penalty is not a human rights issue. 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. Prisoners facing execution may be granted clemency by the President, but this is extremely rare.

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. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has called for the death penalty to be eliminated for drug-related offences. In April 2005, the UN Commission on Human Rights (UNCHR) renewed calls upon all states that retain the death penalty to abolish it completely and, in the meantime, to establish a moratorium on executions.

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 Van Tuong Nguyen, and commute his death sentence;
- urging them 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.

APPEALS TO

Prime Minister

LEE Hsien Loong
Prime Minister's Office
Istana, Orchard Rd
Singapore 238823

Fax: + 65 6332 8983
Email: lee_hsien_loong@pmo.gov.sg
Salutation: Dear Prime Minister

Minister of Law

Prof. S. Jayakumar
Ministry of Law
100 High Street
The Treasury #08-02
Singapore 179434

Fax: + 65 6332 8842
Email: jayakumar_s@mfa.gov.sg
Salutation: Dear Minister

Attorney General

Chan Sek Keong
Attorney General's Chambers
1 Coleman Street #10-00
Singapore 179803

Fax: + 65 6332 5984
Email: agc@agc.gov.sg
Salutation: Dear Attorney General

COPIES TO: diplomatic representatives of Singapore accredited to your country.

PLEASE SEND YOUR APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 December 2005.