

PUBLIC

AI Index: ASA 36/004/2006

19 April 2006

UA 94/06 Death Penalty

SINGAPORE Took Leng How (m) aged 22, Malaysian citizen

Malaysian citizen Took Leng How, who was sentenced to death in August 2005, has had his final appeal rejected by the Court of Appeal. The President still has the power to grant clemency. Took Leng How's lawyers are currently preparing a clemency appeal: for maximum impact they have asked that all UA network appeals should arrive by 11 May, before they submit the appeal to the President.

Took Leng How was sentenced to death for the October 2004 murder of an eight-year-old girl, Huang Na. In Singapore a murder conviction carries a mandatory death sentence.

A panel of three Court of Appeal judges rejected his appeal by two votes to one, in late January. The judge who voted against execution, Kan Ting Chiu, wrote in his dissenting opinion that there was "reasonable doubt whether the appellant caused the deceased's death by smothering her mouth and nose, or whether she died as a result of a fit." He concluded that Took Leng How "should be convicted for an offence of voluntarily causing hurt".

Took Leng How's family have reportedly gathered more than 30,000 signatures on a petition for clemency.

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. However, activists in the country claim the debate on the death penalty in 2005 was possibly the most prominent in four decades, after national and international campaigning for clemency for two men facing execution for drug-related offences, Shanmugam s/o Murugesu and Van Tuong Nguyen. (See UA 104/05, ASA 36/001/2005, 29 April 2005 and UA 279/05, ASA 36/003/2005, 24 October 2005, and follow-ups).

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, observed:

"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 argued that the mandatory nature of the death sentence is a violation of international legal standards.

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 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 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 President to grant clemency to Took Leng How and commute his death sentence;
- 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;
- calling on the authorities to be transparent by making full statistics on death sentences and the background of those on death row regularly available to the public.

APPEALS TO:

President

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and to diplomatic representatives of Singapore accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 11 May 2006.