

Singapore: Impending executions must be stopped

23 September 2020

Bangkok, Thailand --- Singapore's authorities should immediately halt the impending executions of Syed Suhail bin Syed Zin ('Syed') and Moad Fadzir bin Mostaffa ('Fadzir'), and should place a moratorium on further executions in the country, said the International Commission of Jurists (ICJ) today. The ICJ further underscored the lack of transparency and procedural violations relating to the authorities' handling of Syed's and other death penalty cases.

Syed's execution had initially been scheduled for last Friday, 18 September 2020, for a drug-related offence. Syed would have already been executed if not for an urgent intervention by his lawyer, acting pro bono, to the High Court, which resulted in a stay on his execution that was extended following a hearing yesterday, 22 September, before the Court of Appeal.

On 24 September, Fadzir was due to be hanged for drug-related offences – less than a week from notice given to his mother, who was informed that she should begin funeral arrangements for her son. Today, however, his lawyer noted that the President of Singapore had granted Fadzir a Respite Order putting on hold his execution. In accordance with section 313(h) of the Criminal Procedure Code, "the President may, at any time before the warrant (of execution) is carried out, order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution".

"These temporary stays must be made permanent. If carried out, the executions of Syed Suhail bin Syed Zin and Moad Fadzir bin Mostaffa will constitute a violation of the right to life and the absolute prohibition of cruel, inhuman or punishment," said Ian Seiderman, the ICJ's Legal and Policy Director.

"While the ICJ opposes the death penalty under any circumstances, international law and standards are clear that for those few countries that still carry out the death penalty, it may never be applied to drug-related offences."

Syed was arrested in August 2011 and charged for possession of 38.84 grams of diamorphine (also known as heroin). In 2016, he was sentenced to the mandatory death penalty prescribed under the Misuse of Drugs Act for drug trafficking. In 2018, the Court of Appeal – Singapore's apex court – dismissed his appeal against his sentence. Fadzir was arrested in April 2016 and charged for possession of 36.93g of diamorphine. In February 2019, he was similarly sentenced to death under the Misuse of Drugs Act for drug trafficking. In November 2019, the Court of Appeal dismissed his appeal against his sentence.

Information has since emerged that the Singapore Prison Service (SPS) had, in 2018, forwarded a private letter written by Syed to his then-defence lawyer to the Attorney-General's Chambers (AGC), the body in charge of prosecuting his case, in the midst of his appeal to the Court of Appeal. This breach of lawyer-client confidentiality raises serious concerns about procedural impropriety and fair trial violations and the possibility that similar breaches may have occurred, and may continue to take place in similar cases.

This concern is especially pertinent within the context of a lack of transparency from the authorities regarding death penalty-related cases. The ICJ has [previously](#) noted that authorities often give very tight notice of execution to death row inmates or their families – about five days to a week's notice, as in Syed's and Fadzir's cases – impacting on their ability to file last-

minute appeals. Public information on death row inmates or regarding their cases is also not available – including the estimated more than 50 inmates currently on death row.

“Syed’s case is further aggravated by a lack of transparency and other procedural concerns apparent from the authorities’ handling of his and other death penalty cases,” said Seiderman.

“By hastening executions, failing to provide adequate public information about cases relating to the death penalty, and apparently failing to comply with fundamental fair trial requirements, Singapore’s authorities are only compounding the devastating human rights consequences inherent in any application of the death penalty. ”

Background

The UN Office of the High Commissioner for Human Rights [notes](#) that “some 170 Members States of the United Nations with a variety of legal systems, traditions, cultures and religious backgrounds, have either abolished the death penalty or do not practice it.” The UN Secretary-General has further noted this global trend in moving away from capital punishment and stated that “(t)he death penalty has no place in the 21st century.”

In July 2011, during its first Universal Periodic Review (UPR), Singapore [accepted](#) the recommendation of the Working Group on the UPR to make available statistics and other factual information on the use of the death penalty. Despite this commitment, lack of transparency of statistics and data pertaining to death penalty cases remains.

Ahead of Singapore’s UPR before the UN Human Rights Council due in April 2021, the Government of Singapore is urged to comply with its earlier commitment and also impose a moratorium on the death penalty, to bring its regime in line with worldwide efforts towards abolishing capital punishment. The UN General Assembly by overwhelming majorities of States, has repeatedly adopted [resolutions](#) calling for a global moratorium on the death penalty with a view to abolition.

The ICJ opposes the death penalty in any circumstance as violation of the right to life and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Further relevant information is also available [here](#).

See also

[Singapore: halt impending execution of Hishamrudin bin Mohd](#), 15 March 2018

[Singapore must be transparent in implementation of executions](#), 18 November 2016

[Singapore: Court of Appeal decision upholding Kho Jabing’s death sentence a serious blow to human rights](#), 5 April 2016