

# **News Release, 10<sup>th</sup> December 2009**

## **“Reform of the Death Penalty in Singapore – A Glimmer of Hope”**

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Mr Yong Vui Kong, a twenty-one year old Malaysian was due to be executed in Singapore this Friday, following the denial of clemency by the President. Mr Kong has been convicted of drug trafficking in the High Court of Singapore and was sentenced to death. He had admitted at trial that he was a drug courier and was convicted of trafficking 47.27 grams of diamorphine. He was 19 years old at the time he was charged and had no previous criminal record. The mandatory death penalty in Singapore is imposed on anyone involved in the trafficking of more than 15 grams of prohibited narcotics.

Nevertheless, yesterday, in an unprecedented move, the Court of Appeal of Singapore granted Mr Kong leave to appeal out of time on the basis of special circumstances. Mr Kong had originally withdrawn his appeal against conviction but had not appealed against the mandatory sentence of death.

In an application heard by the Court of Appeal on 8<sup>th</sup> December 2009, Mr Kong sought leave to appeal against his sentence on the grounds that the mandatory death penalty for drug trafficking is unconstitutional as it violates both the right not to be deprived of life arbitrarily, and the right not to be subjected to cruel or inhuman punishment, and does not allow an opportunity to advance mitigation to the sentencing judge on the basis of individual circumstances. Furthermore, it is contended that international law restricts the death penalty to the “most serious crimes” involving intentional homicide, which should preclude the imposition of the death sentence in a case such as this.

The Court of Appeal granted the application and the case will now be heard and the important constitutional issues determined in early 2010. Mr Kong was represented in the Court of Appeal by Mr M Ravi Madasamy, Attorney at Law in Singapore. Mr Ravi had contacted the Death Penalty Project for assistance. The Death Penalty

Project with the invaluable assistance of Edward Fitzgerald QC and John Jones of Doughty Street Chambers has assisted Mr Ravi throughout.

Saul Lehrfreund MBE and Parvais Jabbar, Human Rights Lawyers and Executive Directors of the Death Penalty Project state:

*"We are extremely relieved and absolutely delighted that the Court of Appeal have recognised the importance of the issues raised in this case which go to the heart of respect for the rule of law and the separation of powers. Mr Kong who was due to be executed this Friday, will now have the opportunity to put his case before the Courts.*

*This case has wide ranging implications for every prisoner under sentence of death in Singapore and it is only right that no executions are carried out by the State until the Court of Appeal have ruled on the issues raised in Mr Kong's case. Any execution pending the Court of Appeals judgment would be unlawful and contrary to basic international human right principles."*

### **Notes to Editors**

1. The Death Penalty Project is an international human rights organisation housed in the offices of Soho legal firm Simons Muirhead & Burton, providing free legal representation to many individuals still facing the death penalty in the Commonwealth. The organisation receives generous support from the Sigrid Rausing Trust, the Oak Foundation, the UK Foreign & Commonwealth Office and by a grant from the Foundation of the Open Society Institute.
2. Edward Fitzgerald QC and John Jones, Barristers at Doughty Street Chambers were instructed and advised *pro bono*.
3. For further information please contact Saul Lehrfreund or Parvais Jabbar, Executive Directors of the Death Penalty Project at Simons Muirhead & Burton.

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