

Further information on the case of Syed Suhail bin Syed Zin

Syed was arrested in August 2011 and charged for possession of 38.84 grams of heroin. In January 2016, he was [sentenced](#) to death by the High Court in accordance with section 17 and the Second Schedule of the Misuse of Drugs Act. In October 2018, the Court of Appeal dismissed his appeal against his sentence.

Last week, Syed and his family were informed that his execution was scheduled for 18 September 2020. Following receipt of this notice, Syed engaged the pro bono services of his lawyer, M Ravi, to file a judicial review application before the High Court of Singapore. The court, which dismissed the application, granted an interim stay of execution pending hearing of Syed's appeal against its decision by the Court of Appeal with respect to the judicial review.

On 22 September 2020, the Court of Appeal [extended](#) the stay on his execution until further notice, pending further submissions to be filed by both the prosecution and the defence.

Syed had reportedly suffered from drug addiction after first beginning to consume heroin in 1999, and had been admitted to the State-run Drug Rehabilitation Centre twice, for 14 months the first time and 17 months the second time. Family members [noted](#) that Syed had faced difficulty reintegrating into society and had not succeeded in multiple job applications.

Notably, most of Syed's close relatives reside in Malaysia, and are currently unable to visit him due to the border closures imposed amidst the COVID-19 pandemic. In a [letter](#) to his lawyer dated 15 September 2020, Syed had stated *"I love Singapore. Everything I love is here. Being Singaporean, though, has expedited my execution. ... The insensitivity and the entirely new level of cruelty that decision makers have decided to unleash is felt more so by my loved ones even though it is directed at me."*

Information has since emerged that the Singapore Prison Service (SPS) had, between May and June 2018, forwarded five letters written by Syed to the Attorney-General's Chambers (AGC), the body in charge of prosecuting his case. Of the five letters, four included letters to Syed's uncle, and one was a letter that Syed had written to his then-defence lawyer, in the midst of his appeal to the Court of Appeal. This was referenced in a letter by the AGC to the registrar of the Supreme Court dated 18 September 2020.

Section 127A of the [Prison Regulations](#) allows prison officers to open and read letters sent by or to a prisoner, but provides that while letters can be (i) copied or (ii) withheld on the basis of "security or good order of the prison", these two provisions do not apply to "letters written by a prisoner to the prisoner's legal adviser and letters written by a prisoner's legal adviser".

The AGC has since stated that it will destroy all copies of Syed's five letters in their possession, and noted that the current Deputy Public Prosecutor working on his case "has not looked at the contents of the correspondence and is not otherwise aware of (their) contents."

Civil society members working on the death penalty in Singapore have noted other instances of forwarding of private letters from the SPS to the AGC, although this is the first instance of acknowledgment by the AGC of receipt of a letter between a client and his or her defence lawyer.

Further information on the case of Moad Fadzir bin Mostaffa

Moad Fadzir was arrested in April 2016 and charged for possession of 36.93 grams of diamorphine (also known as heroin). In February 2019, he was sentenced to death by Singapore's High Court for failure to rebut the presumption under section 17 of the [Misuse of Drugs Act](#) that possession of more than 15 grams of diamorphine amounts to drug trafficking. The Second Schedule of the Act provides a mandatory death sentence for the crime of trafficking. In November 2019, an appeal against his sentence was [dismissed](#) by Singapore's apex Court of Appeal.

On 18 September 2020, it was [confirmed](#) Moad Fadzir bin Mostaffa was scheduled to be hanged on 24 September 2020 for drug-related offences – less than a week from notice given to his mother, who has been informed to begin funeral arrangements for her son.

On 22 September 2020, Moad Fadzir's lawyer, M Ravi, filed an intervention on behalf of his client, in an attempt to stay the execution.

On 23 September 2020, M Ravi was notified that the President of Singapore would grant Fadzir a Respite Order on the Warrant of Execution. In accordance with section 313(h) of the [Criminal Procedure Code](#), "the President may, at any time before the warrant is carried out, order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution".

Misuse of Drugs Act

In 2012, [amendments](#) to the Misuse of Drugs Act were brought into force, to "enhance overall deterrence, support enforcement efforts and improve upstream intervention for young abusers".

Following the amendments, the death penalty is no longer mandatory for (i) traffickers shown to have "only played the role of courier" and who "must not have been involved in any other activity related to the supply or distribution of drugs"; and (ii) "having satisfied this first requirement, either the trafficker has cooperated with the CNB in a substantive way, or he has a mental disability which substantially impairs his appreciation of the gravity of the act".

The amendments allow for courts to have the discretion to sentence convicted individuals to "either the death penalty or life imprisonment. Those sentenced to life imprisonment will also be liable to caning of at least 15 strokes".

The ICJ has [previously](#) expressed concern that caning in Singapore violates the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment under international law.

See: ICJ, [Singapore: Court of Appeal judgment upholding caning flouts international law prohibiting ill-treatment](#), 6 March 2015

Harassment of human rights defenders

M Ravi, the lawyer acting pro bono for Moad Fadzir, Syed, and other former and current death row inmates, has been subject to legal harassment by the State for highlighting human rights issues in the country, including but not limited to his work on the death penalty regime. On 13 August 2020, in relation to a death penalty case M Ravi was defending, the Court of Appeal opined that a statement made by the AGC against the lawyer could have been "reasonably construed as intimidating".

See: ICJ, [Singapore: ICJ urges authorities to refrain from legal harassment of human rights defenders](#), 21 August 2020

In August 2017, Eugene Thuraisingam, a lawyer who has similarly acted for death row inmates, was fined S\$6,000 (approx. USD 4,423) for posting a poem about capital punishment on Facebook. He had reportedly posted the poem just before his client was hung for drug trafficking. The fine was imposed after Thuraisingam had deleted the post and posted a public apology after Singapore's Law Society notified him that his post could amount to contempt of court. Thuraisingam also faced disciplinary proceedings before the Council of the Law Society, following which he was fined S\$5,000 (approx. USD 3,664).

See: ICJ, [Dictating the Internet: Curtailing Free Expression, Opinion and Information Online in Southeast Asia](#), December 2019, p. 99