

URGENT ACTION

EXECUTIONS RESUME – MORE MAY FOLLOW

Hangings have resumed in Singapore for drug related offenses, after Abdul Kahar bin Othman was executed on 30 March. The previous day, the appeal for Malaysian national Nagaenthran Dharmalingam was rejected, and he is believed to be at risk of having his execution reset imminently. As several others have had their appeals rejected, it is feared that, several other hangings will follow. The government of Singapore must halt all executions, commute all existing death sentences and review national legislation to bring its use of the death penalty in line with international law and standards as urgent first steps towards full abolition of the death penalty.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Lee Hsien Loong
Prime Minister of Singapore
Office of the Prime Minister
Orchard Road
Istana
Singapore 238823

Email: pmo_hq@pmo.gov.sg; lee_hsien_loong@pmo.gov.sg

Dear Prime Minister,

I deeply regret the resumption of executions in Singapore after more than two years without any. I urge you to immediately halt any plans to carry out any further executions and review national legislation to bring it in line with international human rights law and standards, as first urgent steps towards abolition.

I am astonished by Singapore's continued resort to the death penalty for drug-related offences and as mandatory punishment, which are practices not only prohibited under international law and standards, but abandoned by the majority of the world's countries. Against Singapore's international commitments undertaken as a state party to the Convention on the Rights of Persons with Disabilities, people with intellectual and mental disabilities have been placed at risk of execution. Several concerns on the fairness of the proceedings have tainted the use of the death penalty against those convicted of drug trafficking.

International law and standards set out restrictions on the use of the death penalty to protect against the arbitrary deprivation of life.

I urge the Singapore government to take urgent steps to reform the death penalty laws, instead of pursuing further executions. Singapore is one of four countries known to have carried out executions for drug-related offences in recent years. Due to the country's drug control law, judges are very limited in their ability to take into consideration possible mitigating circumstances at sentencing, including drug dependence or other circumstances relevant to the case. Unfortunately, Singapore's highly punitive drug policies have failed not only to tackle the use and availability of drugs in the country, but also to offer effective protection from drug-related harm.

I urge you to immediately halt all executions, commute the sentences for those currently on death row, and establish an official moratorium on all executions as first step towards full abolition of the death penalty.

Yours sincerely,

ADDITIONAL INFORMATION

Nagaenthran K Dharmalingam, a Malaysian, was convicted and sentenced to the mandatory death penalty on 22 November 2010 for importing into Singapore 42.72 grams of diamorphine (heroin) in April 2009. His conviction and death sentence were upheld by the Court of Appeal in July 2011. Singapore authorities set his execution in November 2021. Amid international outcry, his last-minute appeal hearing was postponed several times. On 29 March, he lost his appeal, and his execution could be scheduled imminently.

Medical experts who assessed Nagaenthran K Dharmalingam in 2013, 2016 and 2017 found that he has borderline functioning intelligence and concurrent cognitive deficits, which “may have contributed toward his misdirected loyalty and poor assessment of the risks in agreeing to carry out the offence”. In the ruling of his final appeal on 29 March 2022, the court rejected arguments about the decline of his mental state, and they have similarly dismissed challenges based on his intellectual ability. The treaty bodies for the Convention on the Rights of Persons with Disabilities (CRPD), to which Singapore is a party, and the International Covenant on Civil and Political Rights have clarified that these treaties prohibit the imposition of the death penalty on people whose mental and intellectual disabilities have impeded their effective defence.

Abdul Kahar bin Othman was convicted of drug trafficking and sentenced to the mandatory death penalty in 2015. His family were provided notice and asked to make arrangements for last visits in a letter dated 23 March, prior to his execution on 30 March.

International law and standards prohibit the imposition of mandatory death sentences as these deny judges the possibility of taking into account the mitigating circumstances in the case. Moreover, international law and standards require that the imposition of the death penalty be restricted to the “most serious crimes” involving intentional killing. Of additional concern remains the possible reliance by the prosecution on legal presumptions under Singapore’s Misuse of Drugs Act, meaning that any person who is proved to have in their possession certain amounts of prohibited substances can be presumed to have knowledge of the substance contained in the package and its quantity, and to have had that drug in their possession for the purpose of trafficking, unless they can prove differently, in contravention of the right to the presumption of innocence.

Following amendments to the Misuse of Drugs Act effective from 2013, judges in Singapore have some sentencing discretion in cases where the role of the defendant was limited to transporting drugs (“courier”) provided that the public prosecutor issue a certificate of substantive assistance with the authorities, or defendants are found to have mental or intellectual disabilities that substantially impaired their mental responsibility for their acts and omissions in relation to the offence. Alarming, if the prosecution does not provide a certificate of assistance after a defendant is found to be a “courier”, the court is deprived of any discretionary powers and must sentence the accused to death, shifting the sentencing decision in practice to the prosecution.

The last execution before March 2022 was carried out in November 2019, prior to the Covid-19 pandemic. The authorities set further executions in 2020 and 2021, but these were eventually stayed because of pending appeals. Amnesty International fears that Abdul Kahar bin Othman’s execution is the first in a new wave of hangings. The High Court dismissed the applications in respect of Roslan bin Bakar, Rosman bin Abdullah and another man on 9 and 16 March – all convicted of drug-related offences. Amnesty International opposes the death penalty in all cases without exception. As of today, 108 countries have abolished the death penalty for all crimes and more than two-thirds are abolitionist in law or practice.

PREFERRED LANGUAGE TO ADDRESS TARGET: English.
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 2 June 2022
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Nagaenthran Dharmalingam (he/his), Abdul Kahar bin Othman (he/his), Roslan bin Bakar (he/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa36/5264/2022/en/>