

# URGENT ACTION

## HALT RESUMPTION OF UNLAWFUL EXECUTIONS

The authorities of Singapore are poised to resume hangings, after a two-year hiatus linked to pending appeals and the COVID-19 pandemic. In violation of international law and standards, several people who were sentenced to the mandatory death penalty for drug-related offenses are facing imminent execution, and more executions may follow. The Supreme Court has been petitioned to halt the executions and there are concerns on the use of the death penalty on those with mental and intellectual disabilities. The government of Singapore must halt all scheduled executions, commute these sentences and establish an official moratorium on all executions as a first step towards full abolition of the death penalty.

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

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Dear Prime Minister,

*I urge you to immediately halt the resumption of executions in Singapore. If these executions go ahead, they would constitute violations of international human rights law and standards, which would render them unlawful.*

*In the past weeks, in violation of international law and standards, numerous people who have been sentenced to the mandatory death penalty have received notices of execution.*

*As you will be aware, international law and standards set out restrictions on the use of the death penalty to protect against the arbitrary deprivation of life. These include the prohibition against imposing this punishment as a mandatory sentence; for offences that do not meet the threshold of the "most serious crimes" involving intentional killing; and after proceedings that do not meet the highest standards for a fair trial. Violations of all of these safeguards appear present in all these recent cases.*

*The Singapore government must build on the two-year hiatus of executions and take steps to reform the death penalty, instead of pursuing new 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 highly repressive drug control law, judges are not allowed 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 scheduled executions, commute these men's sentences 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, and is currently set to take place in March.

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”. The Court of Appeal dismissed the concern, stating that “[h]is alleged deficiency in assessing risks might have made him more prone to engage in risky behaviour; that, however, does not in any way diminish his culpability.” 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.

Amnesty International received information that at least two executions were scheduled to take place on Wednesday, 16 February. One of these executions was that of Roslan bin Bakar, a Singaporean, who was arrested in 2008 and subsequently charged with trafficking in 96.07 grams of diamorphine and 76.37 grams of methamphetamine. He was found guilty and sentenced to death on 22 April 2010. During their trial, lawyers for both Roslan and the second case raised concerns about low IQ in their cases. After last-minute appeals by lawyers, both men received from the President a postponement letter of their execution; however, they remain at risk pending litigation on 28 February.

Rosman bin Abdullah, a Singaporean, was due to face execution set for on Wednesday 23 February 2022. His lawyers filed an appeal petitioning the High Court to halt the execution and review Singapore’s death penalty laws, which has delayed his hearing to 28 February. Rosman was convicted and sentenced to death for importing 57.43 grams of diamorphine in 2010.

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 known execution in Singapore 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 is concerned that more executions are set to follow the above cases.

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:** 23 April 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), Roslan bin Bakar (he/his), Rosman bin Abdullah (he/his)