

28 April 2022

Statement on the execution of Nagaenthran K Dharmalingam

The [Capital Punishment Justice Project](https://cpjp.org.au) (CPJP) strongly condemns the execution of Nagaenthran K Dharmalingam by the Singaporean government yesterday morning.

In 2009, aged 21, Nagaenthran - a Malaysian citizen - was arrested as he entered Singapore with 42.72 grams of heroin - three tablespoons - saying he was coerced to carry in order to pay off a debt. He was tried and convicted of drug trafficking and sentenced to the mandatory death penalty in 2010.

Yesterday, after 12 years on death row at Changi prison in solitary confinement, Nagaenthran was hanged by the State.

In 2017, the High Court of Singapore found that Nagaenthran “suffered from borderline intellectual functioning” and ADHD; however these impairments did not negate his culpability for the offending. His IQ was measured at 69. Whilst the Court did not agree, this level is recognised internationally as an intellectual disability.

In 2012, Singapore signed the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)*. Article 12 obliges Singapore to “take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity”.

In November 2021, following the issuing of an execution warrant, legitimate concerns were raised by Nagaenthran’s family and, subsequently, by expert witnesses, that Nagaenthran’s mental health had deteriorated since his last assessment. Despite these concerns and Singapore’s commitment to the *CRPD*, no steps were taken to provide Nagaenthran with an independent psychiatric assessment.

To provide such an assessment would not have prejudiced the State. Rather, it would have demonstrated that the State does not want to execute persons with an intellectual or psychosocial disability. Singapore’s flagrant disregard of its responsibilities under the *CRPD* has proven to be deadly. That an execution could proceed in these circumstances reveals a deeply flawed criminal justice system.

Furthermore, there is no evidence that the death penalty is a uniquely effective deterrent for drug trafficking. Indeed, international law prohibits the application of the death penalty in cases of drug trafficking, and the execution of low-level couriers is clearly inconsistent with applicable international law. Not surprisingly, however, there is significant evidence that many of those on Singapore’s death row facing imminent execution are highly vulnerable people, largely from ethnic-minority communities and poor.

CPJP calls for an immediate moratorium on executions in Singapore. The cruelty of this abhorrent practice has no place in any country in 2022.

Capital Punishment Justice Project

Twitter: @cpjp_org_au

Facebook: @capitalpunishmentjusticeproject

Linked In: capital-punishment-justice-project