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## CPJP Responds to Minister Shanmugan's Attempts to Justify Singapore's Ongoing Killing Spree

Capital Punishment Justice Project calls on Singapore to cease its current spate of executions, which has seen 10 people executed since 30 March this year.

Those executed have included **Abdul Kahar bin Othman**, a 68 year old man who lived with an addiction to drugs since he was aged 16 and was convicted of trafficking 66.77 grams of heroin into Singapore, before spending a decade on death row; **Nagaenthran K Dharmalingam**, a 33 year old male convicted of importing 42.72 grams of heroin and found to have an IQ of 69, a level that is internationally recognised as an intellectual disability and **Nazeri Lajim**, aged 64, who started using drugs at age 14 when his father died and spent much of his life in prison or rehabilitation until 2017 when he was convicted of possession 33.39 grams of heroin and placed on death row.

Notably, of the 10 persons executed, 5 appeared self-represented in applications before the Court to stay their executions in the days prior to their execution and Nagaenthran's mother appeared on her sons' behalf. This demonstrates that capital defence lawyers appearing pro bono in Singapore, no longer, feel able to appear on behalf of individuals on death row at hearings once an execution warrant has been issued, due to the practice of Courts to impose fines on lawyers who appear. CPJP calls on Singapore to ensure that the Constitutional and international right to counsel is upheld from the start of a police investigation, until a condemned person is led to the gallows.

In an [interview](#) with journalist, Chris Barrett, of the *Sydney Morning Herald* and *The Age* published today, Singapore's Law and Home Affairs Minister, K. Shanmugan, referred to the 'overwhelming support' for the death penalty in Singapore as a justification for this ongoing practice. We call on Singapore to allow for independent scenario based surveying, adhering to [best empirical surveying practice](#), including full access to data for transparency, to be conducted to assess the public's opinion of this practice in 2022.

We also note that Minister Shanmugan says that Singapore continues its 'tough on traffickers' policy but that he also concedes that Singapore is not detaining the 'kingpins': "[..if I say I don't catch traffickers and wait for the kingpins, basically my drug policy will be out the window...the big guys don't come into Singapore for good reasons](#)".

Whilst it has long been established that drug offences do not meet the 'most serious crime' threshold set out in Article 6 of the [International Covenant for Civil and Political Rights](#), this admission that those being executed are not those directing the illicit drug industry, shows that Singapore's tough drug policy is not capturing those it was set up to target.

In 2012, when the Misuse of Drugs Act was being amended to allow for discretion for offenders at the lower end of the drug syndicate, the then-Deputy Prime Minister and Home Affairs Minister, Mr Teo

Chee Hean, stated “[In particular, the mandatory death penalty will continue to apply to all those who manufacture or traffic in drugs – the kingpins, producers, distributors, retailers – and also those who fund, organise or abet these activities.](#)”. Any analysis of the 10 people executed this year, alone, would show that their roles were far from those who directed and stood to significantly profit from the illicit drug transactions. More to the point, the reliance on this policy as a demonstration of effective deterrence is not based on empirical evidence, as there [is no evidence that the death penalty has any unique deterrent effect on drug offending.](#)

Finally, we note the Law Minister’s reference to the case of **Nagaenthran K Dharmalingam**. While the threshold for ‘intellectual disability’ is not defined in domestic or international law, the medical profession defines intellectual disability as being characterised by [‘significant cognitive deficits’ involving an IQ score below 70 \(that is, two standard deviations below the average IQ of 100\), and by ‘significant deficits in function.](#)

In practice, however, courts have disregarded medical expertise in favour of their own discretion, as the US cases referred to by Minister Shanmugan demonstrate.

We note that Singapore ratified the UN Convention of Rights of Persons with Disabilities in 2013, with Article 12(4) stating [“States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law”.](#)

A psychiatrist from Australia and a psychologist from the UK raised concerns regarding the state of Nagaenthran’s mental health in November 2021, at the time he was initially scheduled to be executed. Minister Shanmugam is correct that neither expert had the opportunity to examine Nagaenthran. Unfortunately, even though these concerns were raised and the execution of Nagaenthran did not take place until 27 April 2022, no independent assessment of Nagaenthran was conducted. Accordingly, it is unknown whether there was a further decline in his mental capacity since his last assessment by [Dr Yap on 1 February 2017.](#)

Singapore continues to risk its reputation as leader in arbitration in the region through its use of the death penalty, primarily, for drug offences which goes against the overwhelming global trend towards abolition of the death penalty and its reputation as a jurisdiction committed to upholding the fair trial guarantee.

Capital Punishment Justice Project calls on Singapore, immediately, to halt executions and to step in line with the global trend to abolish the death penalty.

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