



Singapore: Execution of Person with Intellectual Disabilities a Violation of International Law

**For Immediate Release
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The Anti-Death Penalty Asia Network (ADPAN) is gravely concerned with the imminent execution of Nagaenthran a/l K Dharmalingam in Singapore.

Nagaenthran was convicted under Singapore's Misuse of Drugs Act for trafficking 42.72 grams of Diamorphine (heroin). His I.Q. has been assessed to be 69, a level that is internationally recognised as an intellectual disability. During his trial, his defence raised evidence that he suffers from intellectual disabilities that impair his rationality and ability to assess risk. The defence was dismissed despite psychiatric assessment highlighting his inability to make judgments, decision making, impulse control and ability to assess future consequences. The assessment notes that his condition was influenced by severe alcohol use disorder, severe attention deficit hyperactivity disorder and borderline intellectual functioning.

In Nagaenthran's case, it is apparent that his mental health and intellectual disabilities have contributed to his involvement in the offence, and this factor should have been considered in his conviction and sentence. Failure to do so indicates a systemic failure in Singapore's criminal justice system to recognise the effect and impact of mental health conditions or intellectual disabilities in a person's culpability and capacity to commit a criminal offence.

International law restricts the application of the death penalty to the 'most serious crime', which is limited to intentional crimes with lethal or extremely grave consequences. Drug offences do not constitute the most serious crime, and any execution for drug offences violates international law and standards.

Furthermore, the insistence to convict, sentence and execute a person suffering from intellectual disabilities violates Singapore's obligations under the United Nations Convention on the Rights of Persons with Disabilities, which Singapore ratified in 2013. The execution of any person with mental or intellectual disabilities is extremely unconscionable and reprehensible. The person would be unlikely to have the appropriate capacity to stand trial or even appreciate the severity of their predicaments.

ADPAN calls for the commutation of the sentence against Nagaenthran a/l K Dharmalingam and for the Government of Singapore to ensure that he is given the appropriate mental health assessment and care in line with the Convention on the Rights of Persons with Disabilities.

For and on behalf of ADPAN,

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ADPAN

ADPAN is the peak regional body for organisations committed to the abolition of the death penalty across Asia-Pacific, with members from approximately 22 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life, that it is the ultimate form of cruel, inhuman and degrading punishment and that the death penalty should be entirely abolished internationally.

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