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16/02/2022

Statement on Singapore Executions

Ensemble contre la peine de mort (ECPM), Responsible Business Initiative for Justice, Eleos Justice, Capital Punishment Justice Project (CPJP) and Anti-Death Penalty Asia Network (ADPAN) are dismayed that Singapore has scheduled two executions for Wednesday, 16th February.

Executions have been on hold for the past two years in Singapore due to litigation, some of which arose on account of the impact of Covid-19 related restrictions. In November 2021, Singapore scheduled the execution of an intellectually disabled and mentally ill man, Nagaenthran a/l Dharmalingam, only to face legal challenges and international condemnation. Nagaenthran's execution has been halted while he mounts a further legal challenge before the Supreme Court, which has been scheduled for 1 March 2022.

As with Nagaenthran's case, the cases of Roslan bin Bakar and Pausi bin Jefridin offer a window into the deep and systemic injustices that plague the death penalty in Singapore.

Intellectual disability and the death penalty

Our organisations oppose the death penalty in all circumstances for all people, and note that there is a global trend towards ending the practice for the intellectually disabled and mentally ill.¹

Singapore has ratified the UN Convention on the Rights of Persons with Disabilities, which states at Article 10:

¹ IBAHRI Condemns Federal Executions in the United States, 21 Dec 2020, <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=360439C0-98BB-47A7-AE63-8FB0FBC0F893>; Wilson, Richard J., The Death Penalty and Mental Illness in International Human Rights Law: Toward Abolition, 73 Wash. & Lee L. Rev. 1469 (2016), <https://scholarlycommons.law.wlu.edu/wlulr/vol73/iss3/13>, p. 1494



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“Every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”

The UN General Assembly in Resolutions 71/187 of 2 February 2017; 73/185 of 17 December 2018; 75/183 of 16 December 2020 has *“call[ed] upon States ... not to impose capital punishment ... on persons with mental or intellectual disabilities.”*

In 2017, the High Court of Singapore acknowledged that both Roslan and Pausi had IQ levels of lower than 70 at the time of the alleged commission of the offence. This indicates a significant impairment in the intellectual functioning of both individuals.²

Neither Roslan nor Pausi have had an independent psychiatric or medical assessment in recent years, and it is not possible to know how severe their intellectual disabilities are at this point, or whether they have become mentally ill while on death row. However, it is well accepted that without appropriate psychosocial support, intellectual disability may worsen over time.

At minimum, Singapore must facilitate access to independent psychiatrists and medical practitioners in order to assess the psychiatric and physiological conditions of those on its death row and to provide them with an appropriate standard of care. Surely if Singapore’s Court of Appeal is unwilling to execute a person afflicted with Covid-19 then that same ‘sense of logic, common sense and humanity’ that Justice Andrew Phang spoke of in November in Nagaenthran’s hearing ought to apply to those with intellectual disabilities or severe mental illness.

² See American Psychiatric Association, <https://www.psychiatry.org/patients-families/intellectual-disability/what-is-intellectual-disability>.