

## Singapore: Imminent Execution of Rosman Abdullah

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Kuala Lumpur Malaysia

The Anti-Death Penalty Asia Network (ADPAN) is concerned with yet another execution scheduled in Singapore. Rosman bin Abdullah has been scheduled for execution on 23 February 2022 for the offence of drug trafficking.

The number of executions scheduled by Singapore in recent months is highly concerning as prior cases were all identified to be problematic in nature. Nagaenthran a/l Dharmalingam, Roslan bin Bakar and Pausi bin Jefredin were all identified to be of low IQ, and yet Singapore has consistently refused to acknowledge the implication of their conditions in relation to the crime they are convicted of.

A medical assessment of Rosman noted that he was likely to suffer from Attention Deficit Hyperactivity Disorder (ADHD) and had prior drug dependence on amphetamines. The assessment notes that while Rosman was of sound mind during the time of his offence, his underlying conditions likely contributed to the commission of the offence. Unfortunately, Singapore's present legal framework does not provide automatic consideration for individuals who suffer from mental and psychosocial disabilities, and it does not recognise the impact of such disabilities on a person's actions leading to the commission of an offence. The defence of 'abnormality of the mind' is only open to accused persons who are said to have played a minor 'courier' role in offending; proper consideration of an accused person's mental and psychosocial profile should not be limited based on the role in an offence they are alleged to have undertaken. This position is discordant with Singapore's obligations to uphold Article 12 of the Conventions on the Rights of Persons with Disabilities<sup>1</sup>.

Furthermore, the Rosman case also reveals the inconsistency and subjectivity behind the issuances of the certificate of assistance by the public prosecutor. In his statement, Rosman revealed the nature of his role in the commission of the offence and information relating to the buyer, the seller and the process of procurement for the drugs in question. Despite his testimony, the relevant authorities have chosen not to issue the certificate.

The court in his case ruled that while Rosman may subjectively believe that he rendered substantive assistance, this would not be adequate if the public prosecutor deemed that there was no substantive assistance rendered. This is a highly problematic process of certification that relies solely on the subjective will of the public prosecutor with no need for any form of transparency nor recognisable and objective standards. The lack of objective standards places excessive power in the hands of the public prosecution as they would be, in effect, accountable to no one in the issuance of the certificate. Given the courts are the ultimate adjudicators in criminal trials, the decision whether or not an accused person's level of cooperation amounts to 'substantive assistance' should lie with the judiciary in order for transparency, accountability and consistency to apply.

During the parliamentary debate on the matter, the Minister of Law suggested that the latitude afforded to the public prosecutor was to encourage the provision of useful assistance that falls out of the statutory definition of assistance. However, the present state of how the certificate of assistance is issued, especially in other cases similar to Rosman when the convicted person has provided

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<sup>1</sup> Equal recognition before the law -

<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#12>

substantial information to the relevant authorities but fail to obtain the certificate, would undermine the *raison d'etre* of the certificate of assistance.

The current method of implementation, and lack of transparency, supports the perception that the certificate of assistance is unreachable for most convicted, despite their best efforts to assist. In the long run, this would gradually discourage assistance and cooperation by accused and convicted persons as they would find it pointless and irrelevant for them to give any form of cooperation when their final destination would be the gallows despite their willingness to repent and cooperate with authorities.

Recognising the existing flaws in the foundation and implementation of the Misuse of Drug Act and the international norm where drug offences do not constitute the 'most serious crimes' which the capital punishment can be meted out suggests that Singapore ought to suspend further executions and review its law and policy on the death penalty.

To this end, ADPAN calls on the Government of Singapore to call off the scheduled execution and implement a moratorium on further executions.

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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.