

**ANTI  
DEATH  
PENALTY  
ASIA  
NETWORK**



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### **Singapore: Nagaenthran Deserves Clemency. Stop the Execution of a Disabled Man.**

The Anti-Death Penalty Asia Network (ADPAN) and Transformative Justice Collective (TJC) are alarmed by the scheduled execution of Nagaenthran K Dharmalingam by the Singapore government on 27th April 2022, during the holy month of Ramadhan observed by the Muslim communities in Malaysia and 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.

His last legal challenge was dismissed on 29 March 2022, leaving him with no further legal avenue to challenge the scheduled execution. During the hearing, the Public Prosecutor alluded that the issue of fitness to execute is an issue that should be addressed through the clemency process as opposed to legal process. On 1 June 2020, the President's office rejected Nagaenthran's clemency application. On 3 December 2021, a further clemency petition was submitted by Nagaenthran's mother and family; on 31 March 2022 - after Nagaenthran's final court hearing - the President's office advised that it had not shifted its position and that the sentence of death remained in place.

Under Article 22P of the Singapore Constitution, the clemency process is not a discretionary power afforded to the President, but a layered process where the trial judge, the appeal judges, and the Attorney-General provide their respective opinions and feedback to the Cabinet before an advice is made to the President.

The timeframe in which Nagaenthran's legal challenge was dismissed and his clemency application was dismissed raises substantial questions as to whether the clemency process outlined under Article 22P(2) of the Singapore constitution was complied with. If the process was complied with, there is a question as to what was the opinion provided by all the stakeholders involved, particularly in relation to the information that arose during Nagaenthran's legal challenge regarding the possibility that he suffered from declining mental health including psychosis during his detention.

The opaque nature of the clemency process leaves little to no room for Nagaenthran or his lawyers to ascertain whether due process was complied with inline with Article 22P(2). This

potentially deprives Nagaenthran a fair opportunity to pursue clemency in light of his present circumstance.

To date, the Singapore government has not provided Nagaenthran with any independent psychiatric assessment and has dismissed the issue of psychosis based solely on the statement and feedback from the Singapore Prison Services. To provide Nagaenthran with an independent psychiatric assessment at this stage would cause no prejudice to the State; rather it would demonstrate that Singapore takes its obligations under Article 12 of the *United Nations Convention on the Rights of Persons with Disabilities*, namely that they “[take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity](#)”.

ADPAN and TJC calls for the Singapore government to halt the execution and conform with international human rights law on executing persons with intellectual or psychosocial disabilities. We reiterate the call for Singapore to abolish the death penalty and impose a moratorium on executions pending abolition of the death penalty.

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