



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

2 March 2022

Mr Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Mr Gerard Quinn

Special Rapporteur on the rights of persons with disabilities

Ms Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mr Felipe González Morales

Special Rapporteur on the human rights of migrants

Mr Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ms Siobhán Mullally

Special Rapporteur on trafficking in persons, especially women and children

Ms Elina Steinerte

Chair-Rapporteur of the Working Group on Arbitrary Detention

Ms Miriam Estrada-Castillo

Vice-Chair of the Working Group on Arbitrary Detention

Dear Mr Tidball-Binz, Mr Quinn, Ms Mofokeng, Mr Morales, Mr Melzer,
Ms Mullally, Ms Steinerte, Ms Estrada-Castillo,

I refer to your Joint Urgent Appeals (“**JUAs**”) dated 29 November 2021 [Ref: UA SGP 3/2021], 20 January 2022 [Ref: UA SGP 1/2022], and 18 February 2022 [Ref: UA SGP 2/2022].

Singapore's reply to the JUA sent on 29 October 2021 [Ref: UA SGP 2/2021] regarding the case of Nagaenthran A/L K Dharmalingam ("Nagaenthran") would have addressed several of the points raised in your latest JUAs. In this reply, I will address your misconceptions about the cases of Roslan bin Bakar ("**Roslan**") and Rosman bin Abdullah ("**Rosman**"), as well as your further misperceptions about the case of Nagaenthran.

Clarifications on Cases

Intellectual Capacity of the Offenders

You expressed concern that Nagaenthran, Roslan, and Rosman did not have access to procedural accommodations during their interrogations. In fact, the Singapore Courts had considered the mental conditions of the three men at the time of their respective offences, and **found none of them to have been suffering from an abnormality of mind at the time of the offence**. In this regard, the issue of procedural accommodation would not have been a relevant consideration in their cases.

(a) Regarding **Nagaenthran**, the Singapore High Court had specifically considered whether Nagaenthran met the diagnostic criteria for intellectual disability under the Diagnostic and Statistical Manual of Mental Disorders, which included, among other things, deficits in intellectual and adaptive functioning. The High Court found that Nagaenthran was of borderline intellectual functioning, **but did not suffer from mild intellectual disability**. The High Court also considered the facts, expert evidence from four different psychiatric and psychological experts, as well as further submissions by the Public Prosecutor and Nagaenthran's Defence. In fact, **the psychiatrist called by Nagaenthran's Defence on behalf of Nagaenthran agreed in Court that Nagaenthran was not intellectually disabled**. Further details of Nagaenthran's intellectual capacity were provided in my reply to your JUA dated 29 October 2021.

(b) Regarding **Roslan**, the High Court found that he had displayed competence and comprehension of what he and his accomplice were doing when they had carried out their act of drug trafficking. The High Court also found that **Roslan's conduct showed that he was "functioning in ways no different from people with higher IQ levels in relation to the drug offences**. Significantly, Roslan was the central figure in the drug transaction. He directed the actions of the others involved and orchestrated its moving parts".

(c) As for **Rosman**, a report from the Institute of Mental Health of Singapore stated that he was not suffering from any symptoms of mental disorder at the time of committing the offence. The Singapore Court of Appeal further found that **Rosman had weighed the costs and benefits of embarking on his criminal conduct and made the conscious and informed decision to do so**, notwithstanding that he was fully apprised of the consequences of his actions.

Nagaenthran as Alleged Victim of Human Trafficking

You suggested that Nagaenthran had been a victim of trafficking in persons given the “threats” he allegedly received to traffic the drugs he was caught with, and “the abuse of a position of vulnerability by the trafficker”.

Nagaenthran’s defence of duress was fully ventilated in Court and **the High Court found that the defence was fabricated**. This was subsequently upheld by the Court of Appeal, which flatly rejected Nagaenthran’s account of being coerced under duress. **Nagaenthran himself resiled from his claim of duress** in subsequent proceedings, and accepted that he committed the offence because he needed money, as opposed to having been labouring under any threat.

Singapore’s Commitment to the CRPD

Please be assured that Singapore is fully committed to the United Nations Convention on the Rights of Persons with Disabilities (“**CRPD**”), and to ensuring that persons with disabilities have the same rights as everyone else and are treated equally with dignity and respect.

Ensuring Access to Justice

Singapore is committed to the protection of vulnerable individuals in society and has put in place measures to enable persons with disabilities to have effective access to justice on an equal basis with other persons.

There are numerous procedural accommodations that facilitate effective access to justice for persons with disabilities at all stages of legal proceedings. These include the training of law enforcement officers to identify suspects and witnesses with mental disabilities and to take steps to reduce the trauma experienced by them throughout investigations, and the training of Judicial Officers and Court Administrators to manage vulnerable court users, including persons with disabilities.

We have in place a Committee for Assisting Offenders with Mental Disabilities, chaired by a representative of the Attorney-General's Chambers, to look into safeguards for persons with disabilities in the criminal investigation process. The committee includes representatives from the Association of Criminal Lawyers of Singapore, the Singapore Police Force, the Law Society of Singapore, the Ministry of Social and Family Development, and the National Council for Social Services. An important safeguard that was adopted and implemented was the Appropriate Adult Scheme for Persons with Mental Disabilities where an "Appropriate Adult" is activated to assist persons with disabilities during law enforcement interviews.^[1]

Disability-sensitive legal proceedings have been instituted in various government agencies, and similar arrangements are in place for court proceedings. For example, under the Vulnerable Witness Support Programme, vulnerable witnesses may be accompanied by a Volunteer Support Person while giving evidence in court. The Volunteer Support Person will not only inform the witness and their parents or caregivers about the court procedures, but will also provide social, emotional and practical support to affected parties. The courts also allow the use of sign language in court and will provide a sign language interpreter where required.

Safeguarding the Right to Life

The Singapore Constitution specifically provides in Article 9 that "No person shall be deprived of his life or personal liberty save in accordance with law." In Singapore, the right to life applies with equal force to all persons, including persons with disabilities.

The use of the death penalty is provided for by law and is applied only after due process of law and with judicial safeguards. Any accused person, including one with disabilities, who faces any capital charge in any division of the Singapore Supreme Court, is eligible to be assigned counsel under the Legal Assistance Scheme for Capital Offences. If an accused is found to be of unsound mind and consequently incapable of making his defence, the criminal case must be stayed, and can only be resumed if the accused is subsequently found to be capable of making his defence.

^[1] 'Appropriate Adults' are trained volunteers who will be present during law enforcement interviews to provide support to persons with mental or intellectual disabilities, including to bridge communication gaps with law enforcement officers and provide emotional support.

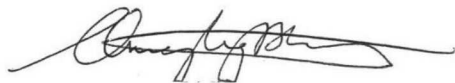
Singapore's Fight against Drugs is Effective

Singapore is one of the safest cities in the world. Our drug situation has been under control despite Singapore being situated in a region where drug abuse and trafficking are rampant and on the rise. This has been possible due to the comprehensive strategy that we have put in place to deal with drug abuse and trafficking.

The death penalty, which is but one aspect of our anti-drug strategy, deters many who would otherwise traffic drugs into Singapore. Other initiatives such as public education and the rehabilitation of drug abusers also contribute towards keeping our local drug situation under control. As a result, our society lives in peace and security, and has avoided the deaths and crimes experienced in many other societies with liberal drug laws.

We will continue to implement measures that have worked well for us in our fight against drugs.

Yours sincerely,



UMEJ BHATIA

Ambassador and Permanent Representative