



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

5 April 2022

Mr Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Dear Mr Tidball-Binz, Mr Melzer,

I refer to your Joint Urgent Appeal (“**JUA**”) dated 28 March 2021 [Ref: UA SGP 3/2022], and would like to provide clarifications relating to the execution of Abdul Kahar bin Othman (“**Kahar**”).

Clarifications on Alleged Coerced Confession

In your appeal, you stated that you had received information alleging that Kahar had “found himself under duress to admit his crime”, and that his confession to Singapore’s Central Narcotics Bureau (“**CNB**”) made during his arrest were “the result of threats, inducements, and promises [...] made under coercion”. The information also claimed that the contents of Kahar’s statement to the CNB was “reportedly falsified”.

The information you received is not true. Kahar had made these allegations during his trial in the Singapore High Court and the High Court judge had rejected these claims when deciding the admissibility of the statements given by Kahar to the CNB during the investigations, as evidence.

The High Court judge noted that Kahar had contradicted himself in his evidence:

- a. Kahar first claimed that the admissions in his statements were induced by threats that [REDACTED] would be implicated if he did not admit to the offences.
- b. Kahar subsequently changed his narrative and claimed that the statements were fabricated by the CNB officer who had recorded his statement and the interpreter.
- c. Towards the end of the cross-examination during the ancillary hearing to decide the admissibility of the statements, Kahar changed his narrative yet again, and eventually said that the statements consist of his answers to the questions posed to him by the CNB officer who had recorded his statement.

The High Court judge observed that the statements made by Kahar were interspersed with specific details about his family which could only have come from him and not the CNB officer who had recorded his statement. **The High Court judge therefore disbelieved Kahar's claims, and ruled that the statements had been given voluntarily by Kahar and were thus admissible as evidence.**

During Kahar's appeal against his conviction, **the Singapore Court of Appeal found that the High Court judge was "more than justified" in his conclusions, and agreed that the statements were rightly admitted as evidence.** In particular, the Court of Appeal made the following observations regarding Kahar's evidence:

- a. Kahar's evidence on the inadmissibility of his statements was [REDACTED], and his explanations highly improbable. These two factors, apart from undermining the veracity of his account of the recording of the statements, combined to detract from Kahar's overall reliability and credibility as a witness.
- b. The cumulative picture that emerged from Kahar's testimony on the recording of his statements was that he was making broad, unfocused, and [REDACTED] assertions to support his position that his statements had been given involuntarily. Kahar's evidence was inconsistent and shifting, and the final position that Kahar had settled on was difficult to accept.

Clarifications on the Death Penalty

The use of the death penalty in Singapore is provided for by law and is applied only after due process of law and with judicial safeguards. Kahar was accorded full due process under the law and had access to legal counsel throughout the process. His petitions to the President of Singapore for clemency were unsuccessful.

I wish to reiterate that there is no international consensus on the use of the death penalty when it is imposed according to the due process of the law and with judicial safeguards.

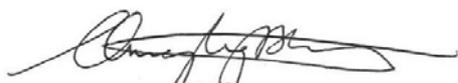
Every country has the sovereign right to determine its own criminal justice system, based on its circumstances and in accordance with its international law obligations. This right was reaffirmed most recently, and for the third consecutive time, by a significant number of UN Member States voting in support of the sovereignty amendment in the 75th UN General Assembly resolution on a “Moratorium on the use of the death penalty”. This right should be respected.

Singapore’s Approach against Drugs is Effective

In Singapore, the death penalty is only applied to the most serious crimes, including drug trafficking, which cause grave harm to others and to society. The death penalty has deterred drug trafficking and kept our domestic drug situation under control. Consequently, we have avoided the deaths and crimes that many other societies with liberal drug laws have had to endure, and continue to endure.

Singapore consistently tops international rankings on safety and security and the rule of law. There is a high level of trust and confidence in our criminal justice system. Singaporeans and foreign nationals and companies value the high level of personal safety they enjoy in Singapore. Countries should be free to choose for themselves the approach that best suits their individual circumstances.

Yours sincerely,



UMEJ BHATIA

Ambassador and Permanent Representative