



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

16 September 2022

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Special Rapporteur on minority issues

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Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance

Mr Felipe González Morales

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Ms Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

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Special Rapporteur on the rights to freedom of peaceful assembly and of association

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Special Rapporteur on extreme poverty and human rights

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Ms Elina Steinerte, Ms Priya Gopalan, Mr Matthew Gillet
Members of the Working Group on Arbitrary Detention

Dear Special Procedures Mandate Holders,

I refer to your Joint Urgent Appeals (“**JUAs**”) dated 20 July 2022 [Ref: UA SGP 8/2022] and 3 August 2022 [Ref: UA SGP 9/2022], and your statement titled “*Singapore: UN experts call for immediate moratorium on executions for drug offences*” issued on 29 July 2022.

Singapore’s position on capital punishment and its use against drug-related offences has been reiterated on numerous occasions to the Special Procedures of the Human Rights Council. This includes our responses to most of your previous JUAs and public statements on the issue (see record of Singapore’s responses at [Annex](#)).

I would like to clarify certain facts of the cases of Nazeri bin Lajim (“**Nazeri**”) and Abdul Rahim bin Shapiee (“**Abdul Rahim**”), as well as address the serious allegations made about Singapore’s criminal justice system and the treatment of civil society activists and legal professionals in Singapore.

Clarifications on Nazeri’s Case

You cited information alleging that the statement given by Nazeri to Singapore’s Central Narcotics Bureau (“**CNB**”) during investigations “had only been made under the coercive influence of the interrogating officer”, and that “the representation provided by his trial lawyer was inaccurate or inadequate”. These allegations are false.

Nazeri’s defence was that he had ordered one bundle of heroin, and not the two bundles which were delivered to him. Nazeri also claimed that some of the heroin would be kept for his own consumption, and not for trafficking. In upholding the Singapore High Court’s decision, the Singapore Court of Appeal agreed with the High Court that Nazeri had ordered two bundles of heroin, and would not have kept the amount he claimed for his own consumption.

In Nazeri's trial and appeal, he claimed that he was pressured by CNB officers into changing his statement in relation to his heroin consumption rate. The Courts carefully considered this claim and rejected it as this was not put to any of the CNB officers during trial. The Courts also found that, based on Nazeri's own evidence such as his financial means, his claim of a higher consumption rate was unbelievable.

In 2021, Nazeri filed an application for a review of the Court of Appeal's decisions on his conviction and sentence. In the application, he rehashed his allegation that an officer from the CNB had told him to change his statement to state a lower heroin consumption rate. The Court of Appeal considered the evidence and concluded that there was no real possibility that recalling the CNB officer for further cross-examination would have made a difference to the outcome of the trial.

Nazeri also alleged that his former defence counsel provided inadequate legal assistance during his trial and appeal, thereby resulting in a miscarriage of justice. In rejecting this allegation, the Court of Appeal found that his former defence counsel had done his best to put forward Nazeri's defence based on the evidence. The Court of Appeal noted, in particular, that Nazeri had been "hopelessly inconsistent" in his evidence about his heroin consumption rate and the number of bundles of heroin he was supposed to receive, and that his former defence counsel could not have built a credible defence on such evidence.

In the same application, Nazeri also produced a fresh medical report, which you referred to in the JUA dated 20 July 2022, purporting to show that he was suffering from opioid, stimulant, cannabis, and sedative use disorder at the time of his arrest. The Court of Appeal found that the report was not "compelling" as it was based entirely on Nazeri's account to the psychiatrist, which was "neither truthful nor accurate". [REDACTED]

The Court of Appeal dismissed the application for review, finding that "all relevant evidence was tested rigorously at the trial and on appeal", and that there was no "sufficient material" to show that there was a miscarriage of justice in its earlier decision.

Clarifications on Abdul Rahim's Case

The JUA dated 3 August 2022 expressed concern about an allegation that Abdul Rahim's confession "might have been extracted under duress and subsequently used in the proceedings brought against him". This allegation is false.

Abdul Rahim raised two allegations related to this matter. First, he alleged that one of his statements was made based on a threat made by a CNB officer to bring Abdul Rahim [REDACTED] down to the station ("**threat allegation**"). Second, he alleged that another CNB officer refused to allow him to call [REDACTED] until all the statements were completed, resulting in Abdul Rahim fearing for [REDACTED] and the same CNB officer had forced Abdul Rahim to cooperate ("**fear allegation**"). Both issues were considered by the Courts.

Regarding the threat allegation, the High Court said there was no suggestion that the CNB officer had threatened to prosecute Abdul Rahim [REDACTED] or to harm [REDACTED] in any way. The High Court also found that Abdul Rahim's fears were self-induced and did not emanate from a threat. In fact, Abdul Rahim conceded in cross-examination that his worries about [REDACTED] were "self-perceived". Abdul Rahim also conceded that he had known, before his first statement was recorded, that [REDACTED] would be brought to the police station. On the fear allegation, the High Court found that it had no merit, and that the words uttered by the CNB officer did not amount to a threat, inducement or promise. There was no suggestion that the CNB officer had demanded that Abdul Rahim confess before he would let Abdul Rahim speak [REDACTED]. The High Court also said it was difficult to believe that Abdul Rahim would have willingly admitted to a capital charge in exchange for an opportunity to speak with [REDACTED].

Finally, the High Court noted that Abdul Rahim was inconsistent with respect to the voluntariness of his statements. He initially accepted in cross-examination that he had actually given four statements voluntarily but changed his evidence, and challenged the admissibility of those statements, after conferring with his counsel on the second day of the ancillary hearing.

Singapore's Criminal Justice System is Fair and Impartial

You repeated the allegation that "persons belonging to ethnic minorities, are over-represented in Singapore's criminal justice system, especially among those sentenced to the mandatory death penalty under the Misuse of Drugs Act."

I had addressed this allegation in a reply of 16 May 2022 to your earlier JUA [Ref: UA SGP 05/2022]. Singapore's laws apply equally to all, regardless of race or nationality. Both attributes play no part in the professional discharge of duties by our law enforcement agencies, in the prosecutorial decisions of the Public Prosecutor, nor in the decisions of the Judiciary. Those who break our laws will not receive differentiated treatment based on race or nationality, or any other demographic characteristics.

We note that the JUA on Abdul Rahim was conspicuously silent about his [REDACTED] on whom capital punishment was also imposed for drug trafficking. We regret that the Special Procedures' presentation of the issue has not been accurate, balanced or objective, and has cast unfair aspersions on the impartiality of Singapore's criminal justice system. We also note with surprise that a copy of the JUA was conveyed to the Government of Malaysia and would like to highlight that Abdul Rahim was a Singapore national.

Treatment of Civil Society Activists and Legal Professionals

The allegations that the Singapore Government has been “increasingly exerting pressure and intimidation tactics to silence activists, journalists, legal professionals, and human rights defenders” advocating against capital punishment are also false.

Singapore fully respects the fundamental human rights enshrined in the United Nations Charter and the Universal Declaration of Human Rights (“UDHR”). Vigorous debates on a wide range of issues, including capital punishment, take place openly in Singapore.

However, while the rights to freedom of speech and expression and freedom of peaceful assembly are protected under Singapore's Constitution, these rights are not unfettered. This is in line with international law, such as the UDHR, which provides that these rights can be subject to certain restrictions as necessary, and as provided for by law.

Under Singapore's Public Order Act, those organising or participating in a public assembly or procession require a permit from the Police. This ensures that individuals can exercise their right of peaceful assembly and political expression, while preserving public order in our delicately balanced multi-racial, multi-religious, and densely populated city-state.

The police investigations you referred to were initiated in connection with several public assemblies that were conducted outside Singapore's Changi Prison Complex without a Police permit. The Police's investigations into those assemblies are ongoing.

You also made references to "threats of contempt of court proceedings, extremely high-cost orders and shortened court deadlines" against lawyers representing persons awaiting capital punishment.

We do not and will not take action against lawyers because they represent persons awaiting capital punishment or any other persons. This would run contrary to the rule of law, which is a fundamental principle that Singapore upholds. Singapore was ranked 17th out of 139 countries and jurisdictions for our strong adherence to the rule of law in the World Justice Project Rule of Law Index 2021.

Singapore's laws apply to all lawyers equally, regardless of who they represent. Lawyers who are found to have acted improperly will be held accountable under the relevant laws, in accordance with due process, while those who have not have nothing to fear. Cost orders against lawyers, in particular, may only be imposed by the courts if the proceedings were brought or conducted with some impropriety, such as where they were frivolous, vexatious or an abuse of process. It cannot be conceived that any right of access to justice would include a right to bring improper applications or appeals. Singapore's approach safeguards the quality of legal services, the proper functioning of the justice system, and the rule of law.

No Customary International Law against Capital Punishment

The true picture is that international law does not prohibit capital punishment. There is no international consensus against the use of capital punishment when it is imposed in accordance with the due process of law and judicial safeguards. There is also no international consensus that capital punishment amounts to torture or cruel, inhuman, or degrading treatment or punishment.

The use of capital punishment is an issue that every country has the sovereign right to decide for itself. This right is to be respected.

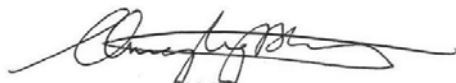
Singapore's Approach against Drugs is Effective

Capital punishment in Singapore is only applied to the most serious crimes which cause grave harm to others and to society. This includes the trafficking of large amounts of drugs, which causes immense harm to drug abusers, their families and society.

Singapore is one of the few countries where the drug menace has been contained. As a key global transportation, logistics and financial hub, Singapore is a natural front for drugs to enter on a large scale. For highly lucrative crimes like drug trafficking, the upside to potential traffickers is extremely high. Capital punishment is effective in making these activities risky, and thus significantly less rewarding to potential traffickers. We recognise that it is impossible to deter all would-be offenders, but every offender deterred amounts to lives saved, families protected, and anguish avoided. Singapore, being a small city-state, cannot afford to abolish capital punishment, and risk having our peoples' lives and families destroyed and our society undermined by the scourge of drugs.

Countries are free to choose the approach that best suits their own circumstances, and we shall continue to implement measures that have worked well for us in our fight against drugs.

Yours sincerely,



UMEJ BHATIA

Ambassador and Permanent Representative

ANNEX – Record of Singapore’s Responses to UN Special Procedures’ JUAs and Public Statement on Capital Punishment Cases

Responses to Special Procedures’ JUAs on Capital Punishment Cases

JUA Reference No.	Weblink to Singapore’s Response
UA SGP 2/2021	https://www.mfa.gov.sg/Overseas-Mission/Geneva/Speeches-and-Statements--Permanent-Mission-to-the-UN/2021/11/Spore-Reply-to-joint-urgent-appeal-from-SP 11 November 2021
UA SGP 3/2021	http://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gid=36834
UA SGP 1/2022	2 March 2022
UA SGP 2/2022	
UA SGP 3/2022	http://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gid=36877 5 April 2022
UA SGP 4/2022	http://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gid=36912 26 April 2022
UA SGP 5/2022	http://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gid=36955 16 May 2022

Response to Special Procedures' Public Statements on Capital Punishment Cases

Public Statement Title	Weblink to Singapore's Response
"Singapore: UN human rights experts urge immediate death penalty moratorium" Date: 12 May 2022	https://www.mfa.gov.sg/Overseas-Mission/Geneva/Speeches-and-Statements--Permanent-Mission-to-the-UN/2022/05/Statement-by-PM-Singapore-UN-SPMH-on-the-Death-Penalty-in-Singapore 24 May 2022