



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

17 January 2025

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

Ms Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest
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Ms Heba Hagrass
Special Rapporteur on the rights of persons with disabilities
23 JAN. 2025
Recipients :SPB.....

Ms Magaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers
Enclosure

Ms Ganna Yudkivska
Vice-Chair of the Working Group on Arbitrary Detention

Dear Special Procedures Mandate Holders,

I refer to your Joint Urgent Appeal (“JUA”) dated 19 November 2024 [Ref: UA SGP 2/2024], and your statement titled “*Singapore must urgently halt execution of drug offender: UN experts*” issued on 20 November 2024.

2 Singapore’s criminal laws and procedures apply equally to all, regardless of background, nationality, education level or financial status. The capital sentence is imposed only for the most serious crimes that cause grave harm, such as intentional murder, gang robbery with murder, trafficking of significant quantities of drugs, terrorist bombing, and the use of firearms. I would like to clarify certain facts of the case of Rosman bin Abdullah (“Rosman”) and address the serious allegations against Singapore’s criminal justice system.

Clarifications

Rosman's Intellectual Capacity

3 You have alleged that Rosman “does not appear to have received procedural accommodations during investigations and judicial proceedings” given his intellectual and psychosocial disabilities. This is untrue. We reiterate that the Singapore Courts had considered the mental condition of Rosman at the time of his offence and found that he **did not suffer from any mental disorder at the time of the commission of his offence**. As such, the issue of procedural accommodation is not a relevant consideration in this case.

Rosman was accorded due process

4 Rosman had legal representation at every stage of his legal proceedings. Further, after the dismissal of Rosman's appeal against his conviction and sentence in April 2011, Rosman was an applicant and/or joint applicant in nine other legal proceedings, which have been dealt with. Due process was observed at every juncture of Rosman's legal proceedings.

5 Any accused person who faces any capital charge before the Singapore Courts, 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 is 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. There is no evidence that Rosman was of unsound mind and incapable of making his defence, nor was this point raised by his counsel.

Rosman's Execution Not Arbitrary

6 You have also alleged that Rosman's execution was conducted arbitrarily. He was fully accorded due process of law. He was able to vigorously exercise his legal rights and participated in numerous legal proceedings to challenge his execution. Rosman's execution was scheduled only upon the exhaustion of all rights of appeal, as well as the petition for clemency process.

Notification period

7 The practice of giving advance notice of the date of execution is to provide a prisoner who is awaiting capital punishment an opportunity to

attend to any final matters before the capital sentence is carried out. To facilitate these arrangements, such prisoners are given special visitation privileges and other special requests by such prisoners will be considered. Rosman had been given notice previously and had enjoyed the privileges. Thus, he was given a reduced notification period.

Capital Sentence has Deterred Serious Crimes

8 You also claimed that the “death penalty has never been proved (*sic*) to be an effective deterrent for crimes, including drug crimes”. This is untrue. In Singapore’s experience, there is strong evidence that capital sentence has had a clear deterrent effect against serious crimes. For example:

a) After the capital sentence was introduced for kidnapping in 1961, the average number of kidnapping cases fell by more than 93% from 29 cases per year from 1958 to 1960, to two or fewer cases annually.

b) After the capital sentence was introduced for firearms offences in 1973, including for the discharge of firearms for the purpose of robbery, the number of firearms robberies fell by 39%, from 174 cases in 1973 to 106 cases in 1974, and continued to decline in the subsequent years. Today, firearms offences are very rare in Singapore.

9 Our strict drug control approach has been effective with a drug prevalence rate of less than 1%, one of the lowest globally, even though Singapore is in a region flooded with drugs. The UNODC reported in 2022 that East and Southeast Asia are “literally swimming” in methamphetamine. A record 190 tonnes of methamphetamine was seized in the region last year. Singapore is also attractive to traffickers due to our strong economy. We have successfully kept the drug problem under control and have prevented major drug syndicates from establishing themselves in Singapore, while also reducing the number of drug abusers in Singapore. In the 1990s, 6,000 drug abusers were arrested each year. 30 years later today, we now arrest half that number each year.

10 There are no open drug markets and drug ghettos in Singapore, and Singapore does not have a problem of drug overdose deaths. Thousands of lives have been saved from drugs and other crimes that are associated with drug abuse, for example, homicides, sexual assaults and thefts. We have kept drug trafficking low despite being in a region flooded with drugs because traffickers who may want to traffic drugs into Singapore are aware

of the mandatory capital punishment, and this shapes their behaviour. The statistics support this.

a) In 1990, when Singapore introduced the capital sentence for trafficking more than 1.2kg of opium, the average net weight of opium trafficked decreased by 66% in the four years that followed.

b) A survey of convicted drug traffickers found that they deliberately restricted the amount of drugs they carried in order not to exceed the capital sentence threshold. They were willing to risk imprisonment, but not the capital sentence.

c) A study conducted in regions where many of our drug traffickers come from also found that the large majority of respondents believed that the capital sentence makes people not want to traffic substantial amounts of drugs into Singapore.

11 Our government must make the decisions that are right for our context and our people understand this. There is strong public support in Singapore for capital punishment.

12 Singapore, as a small country, does not have the liberty to experiment with the lives of our people, and our tough approach towards drugs, including the capital sentence, has worked for us. We have successfully kept the drug problem under control and prevented major drug syndicates from establishing themselves here.

Singapore's Commitment to the CRPD

13 You have also referred to the Concluding Observations of the Committee on the Rights of Persons with Disabilities that the “death penalty is still legal, imposed and carried out on persons with intellectual and psychosocial disabilities in Singapore”. In Singapore, if an offender is found to be of “unsound mind” or incapable of making his or her defence, the proceedings could be postponed. If an offender facing a capital charge suffers from an “abnormality of mind” that substantially diminished his or her responsibility for his acts or omissions in respect of the offence committed, the death sentence can be commuted to life imprisonment. Singapore is committed to upholding our international obligations and ensuring that persons with disabilities have the same rights as everyone else and are treated equally with dignity and respect.

Safeguarding the Right to Life

14 The right to life does not imply the prohibition of capital sentence. There is no global consensus on the abolition or retention of its use, much less any agreement that prohibition of capital sentence is part of the right to life.

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

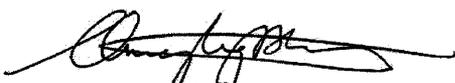
No International Consensus on Capital Sentence

16 There is no basis to assert that the imposition of capital sentence for drug offences is a breach of international law. There is no international consensus against the use of capital sentence, including mandatory capital punishment, when it is imposed according to the due process of law and with judicial safeguards. Every country has the sovereign right to determine its own criminal justice system, considering its own circumstances and in accordance with its international law obligations. This right was reaffirmed most recently by the 79th UN General Assembly and should be respected.

17 Countries should be free to choose the approach that best suits their own circumstances. Singapore will continue to implement measures that have worked well for us.

18 In light of the above, we urge you to examine the facts prior to issuing such statements.

Yours sincerely,



UMEJ BHATIA

Ambassador and Permanent Representative (UN)