

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Ref.: UA SGP 9/2022
(Please use this reference in your reply)

3 August 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 44/5, 42/22, 44/8, 43/6, 43/8 and 43/36.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. Abdul Rahim bin Shapiee, a Singaporean national and member of the Malay minority, convicted and sentenced to death for drug possession for the purpose of trafficking, who is scheduled to be executed on 5 August 2022. Please note that a copy of the present urgent appeal will be sent to the Government of Malaysia.

Once again, we cannot but recall that we have expressed our concerns at the increase of executions being carried out in Singapore on different occasions¹. We have also repeatedly publicly urged your Excellency's Government to establish a moratorium on the use of the death penalty, with a view to fully abolishing it, because the continued use of capital punishment for drug-related offences runs contrary to international law².

- ¹ See, for instance: UA SGP 8/2022; UA SGP 7/2022; UA SGP 5/2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27250> and the Government's reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36955>; UA SGP 4/2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27224> and the Government's reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36912>; UA SGP 3/2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27176> and the Government's reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36877>; UA SGP 1/2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26982> and the Government's reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36843>; UA SGP /2021: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26870> and the Government's reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36844>; and UA SGP 2/2021: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26795>; and the Government's reply: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36622>.
- ² See Singapore: UN experts call for immediate moratorium on executions for drug offences: <https://www.ohchr.org/en/press-releases/2022/07/singapore-un-experts-call-immediate-moratorium-executions-drug-offences>; and Singapore: UN human rights experts urge immediate death penalty moratorium: <https://www.ohchr.org/en/press-releases/2022/05/singapore-un-human-rights-experts-urge-immediate-death-penalty-moratorium>

We are appalled that our appeals have gone unheard and deeply regret that, thus far, the Government of Singapore has remained insensitive to our calls.

We nevertheless wish to reiterate that States should refrain from using the death penalty for crimes not involving intentional killing, such as drug-related offences; and that the mandatory use of the death penalty constitutes an arbitrary deprivation of life, where it is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence. Mandatory death sentences are arbitrary in nature and not compatible with the limitation of capital punishment to the 'most serious crimes'³.

According to the information received:

On 3 August 2015, at about 10 am, officers of the Central Narcotics Bureau ("CNB") raided unit #06-45 of Block 175C, in Yung Kuang Road ("the Yung Kuang Unit"), in Singapore, where Mr. Abdul Rahim bin Shapiee was residing at the time.

He was found packing granular powdery substances and was arrested together with another individual. CNB officers seized fourteen packets, three straws of granular/powdery substance as well as several weighing scales, empty cut straws, glass tubes, empty plastic packets and other paraphernalia. Mr. bin Shapiee admitted to ownership and possession of the various exhibits seized.

He reportedly knew that the various packets contained heroin. He, however, maintained that some of the drugs (10.34 grams) found in his possession were for personal use while, for the remaining quantity (29.53 grams), he was only a courier, who had to deliver the drugs to two other individuals. This latter statement, which was reportedly interpreted by the court as an admission that Mr. bin Shapiee was in possession of the drug for the purpose of trafficking, was allegedly obtained from Mr. bin Shapiee by the police as a result of threats addressed to him involving his family.

Mr. bin Shapiee was convicted of drug trafficking. Upon conviction, and based on national legislation, he submitted that he should avoid the death penalty because his involvement in the drug trafficking had been limited to the role of a courier and he had actually helped the CNB to disrupting it (in fact, Mr. bin Shapiee had been granted a certificate of substantive assistance confirming this circumstance).

On 6 April 2018, the Court, however, found that Mr. bin Shapiee's role in the trafficking operation had exceeded that of a simple courier and sentenced him to death. The sentence was upheld by the Court of Appeal in 2020.

In 2021, Mr. bin Shapiee and sixteen other death row prisoners of the Malay minority, filed an application with the High Court of Singapore alleging that

³ *Ibid.*

Malay persons in Singapore are victims of racial discrimination and, as a result, are disproportionately punished with the death penalty for drug offences when compared to offenders of other minorities. The Court rejected the application and, having found that the lawsuit was “improper, unreasonable and negligent”, held that the two lawyers representing the plaintiffs had to pay ten thousand dollars each for the costs of the proceedings.

While we do not wish to prejudge the accuracy of these allegations, we emphasize that, if carried out in the circumstances of the present case, the enforcement of the death sentence imposed on Mr. Abdul Rahim bin Shapiee would amount to an arbitrary deprivation of life, in violation of Article 3 of the Universal Declaration of Human Rights (UDHR).

We also express our concern at the allegation that the confession of Mr. bin Shapiee might have been extracted under duress and subsequently used in the proceedings brought against him, in violation of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, provided for in Article 5 of the UDHR.

We therefore respectfully call on the Government of Singapore **to halt the execution of Mr. Abdul Rahim bin Shapiee and to ensure that the death sentence imposed against him is commuted in compliance with international human rights norms and standards.**

In light of the reported escalation in the enforcement of death sentences in the country, **we also express alarm for the fate of those who remain on death row and respectfully urge the Government of Singapore to halt all pending executions.**

We respectfully call again on the Government of Singapore **to review, as a first step and without delay, the scope of the death penalty, as currently applied, to ensure that its imposition and implementation are strictly limited to cases involving intentional killing⁴.**

Together with the United Nations Secretary-General, we share the view of the United Nations Human Rights Committee that the death penalty cannot be reconciled with full respect for the right to life. Its abolition is therefore both desirable and necessary for the enhancement and the progressive development of human rights⁵.

Accordingly, we respectfully call again on the Government of Singapore **to consider abolishing the death penalty and reiterate our readiness to support and assist all the relevant authorities in any effort in this regard.**

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

⁴ See footnote n. 2 above

⁵ See footnote n. 3 above

We are issuing this appeal in order to safeguard the rights of Mr. bin Shapiee from irreparable harm and without prejudicing any eventual legal determination.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please explain whether the imposition of the death penalty in the present case is compatible with the obligations that the Government of Singapore has under international law, particularly to respect and ensure the right to life of all individuals, without discrimination of any kind.
3. Please provide information on whether there has been any investigation on the allegation that Mr. bin Shapiee was forced to confess as a result of threats addressed to him against his family. If no investigation was conducted, please explain how is this compatible with the obligations that the Government of Singapore has under international law, particularly in relation to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.
4. Please provide full and accurate data on the number of executions carried out in the past five years, disaggregated by gender, age, nationality, ethnic origin and other relevant demographics.

In view of the urgency of the matter, we would appreciate an urgent response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

We are considering to publicly expressing our concerns in the near future as we are of the view that the information at hand is sufficiently reliable to indicate a matter warranting immediate attention. Any public expression of concern on our part will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We would also like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond

separately to the allegation letter and the regular procedure.

Please accept, Excellency, the assurances of our highest consideration.

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

Mumba Malila
Vice-Chair of the Working Group on Arbitrary Detention

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

Felipe González Morales
Special Rapporteur on the human rights of migrants

Fernand de Varennes
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E. Tendayi Achiume
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xenophobia and related intolerance