

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the independence of judges and lawyers

Ref.: UA SGP 2/2024
(Please use this reference in your reply)

19 November 2024

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 53/4, 51/8, 51/21 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **imminent execution of Mr. Rosman bin Abdullah, an individual with intellectual and psychosocial disabilities who reportedly did not receive procedural accommodations.**

The case of **Mr. Rosman bin Abdullah** was the subject of communication [UA SGP 2/2022](#). We would like to thank your Excellency's Government [for the reply](#) received on 2 March 2022 but remain concerned that Mr. Rosman bin Abdullah is scheduled to be executed on 22 November 2024. We take note of the observation that the "Institute of Mental health of Singapore stated he was not suffering from any symptoms of medical disorder at the time of committing the offence," and information on the various measures in place regarding access to justice of persons with disabilities generally. However, we note that this does not address whether any specific procedural accommodations were provided to Mr. Rosman bin Abdullah during the interrogation, trial and appeals nor concerns regarding the mandatory death penalty preventing consideration of mitigating factors.

According to the information received:

Mr. Rosman bin Abdullah

In 2010, Mr. bin Abdullah was given a mandatory death sentence for trafficking 57.43 grams of diamorphine and has been on death row ever since.

In 2011, a first appeal was dismissed and a petition for clemency was rejected.

In 2012, the Misuse of Drugs Act was amended to give the court discretion to sentence individuals to life imprisonment in lieu of the death penalty if their involvement in the offence was as a "courier" and either the Public Prosecutor had issued a certificate of substantive assistance or they were "suffering from an abnormality of mind." In all other circumstances, the death sentence remains mandatory.

The case was reheard in 2015 and dismissed by the High Court. In 2016 an appeal was dismissed. Evidence was submitted to indicate that Mr. bin Abdullah had psychosocial disabilities and had a history of drug dependence. A psychiatrist reported that he had “long-term polysubstance use history from a very young age [...] likely due to a combination of factors including underlying low IQ and learning difficulties exacerbated by undiagnosed and untreated ADHD, long-term physical abuse and neglect from early childhood, and the resulting subsequent stunted emotional and cognitive development.” The assessment notes that his underlying conditions would have contributed to the commission of the offence.

The Court of Appeal found that the report was “neutral” and that it did not support the assertion that Mr. bin Abdullah “was suffering from such abnormality of mind that impaired his mental responsibility for his crimes.” In doing so the Court of Appeal refers, amongst other things, to testimony given under cross-examination. The Court dismissed the appeal, noting that he was not found to meet the definition of a courier set out in the Misuse of Drugs Act and thus the issue of whether he had an “abnormality of the mind,” was moot. Mr. bin Abdullah did not have access to procedural accommodations, including individualized assistance, during the judicial proceedings, including interrogation or cross-examination.

On 16 February 2022, his family received information that he will be executed on 23 February 2022.

On 22 February 2022, the High Court issued a stay of execution, pending resolution of a legal case he and 12 other individuals brought in July 2021 against the Attorney General’s Chambers (AGO) and Singapore Prison Service (SPS) after inmates’ correspondence was passed to the AGO without an assessment as to whether anything in the correspondence required legal advice.

On 11 October 2024, the High Court affirmed the importance of prisoner’s ownership over their correspondence and their right, within the law to maintain confidentiality and privacy of communications. The judge noted that it was permitted for prison officials to read all correspondence to and from prisoners and make copies of any not from or to the prisoner’s legal advisor. The judge held the law did not permit the SPS to make copies of letters to or from lawyers or to give copies of any letter to anyone including the AGC. The judge upheld \$10 nominal damages to three prisoners for breach of copyright. No damages were awarded for breach of confidence.

Notification period

Mr. bin Abdullah was notified of execution on 18 November 2024 with an execution date of 22 November 2024 – a four-day period. Previously all prisoners awaiting execution were given seven days notification.

In June 2024, the Ministry of Home Affairs reviewed the practice so that if a prisoner had previously been notified of a scheduled execution and had their execution stayed or halted by respite past the halfway mark of their notification period, the prisoner would be given a reduced renotification

period.

Executions in Singapore

This year seven individuals have been executed in Singapore, of which six were for drug offenses.

We would like to express serious concern at the alleged the imminent execution for drug offences of Mr. bin Abdullah, who reportedly has intellectual and psychosocial disabilities and does not appear to have received procedural accommodations during investigations and judicial proceedings. We are also concerned by the reduction in notification period for executions where the prisoner had previously been notified of a scheduled execution and had their execution stayed or halted by respite past the halfway mark of their notification period, which appears to be aimed at discouraging legal proceedings. We are also concerned by other executions for drug offences in Singapore this year.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of the right of every individual to life, liberty and security as set out in article 3 and 9 of the Universal Declaration of Human Rights (UDHR). We remind that the right to life is a *jus cogens*, peremptory norm from which no derogation is permitted.

We further refer the Convention on the Rights of Persons with Disabilities (CRPD) which Singapore ratified on 18 July 2013, in particular article 10 which requires state parties to take all necessary measures to ensure the right to life of persons with disabilities on an equal basis with others and article 13 regarding equal access to justice. Further, article 12 of the CRPD emphasizes that persons with disabilities who require support in decision-making must be accommodated, throughout the entirety of the criminal justice process. The International Principles and Guidelines on Access to Justice for Persons with Disabilities further reinforce the right of all persons with disabilities, including those with intellectual and psychosocial disabilities, to procedural accommodations. Principle 5 emphasizes that procedural accommodations, when needed, must be available to all persons with disabilities, including suspects and accused persons, who require assistance to participate effectively in investigations and judicial proceedings. Principle 5 also provides that suspects or accused persons with disabilities must be provided with accessible and understandable information about their rights, including the right not to incriminate oneself and that the provision of procedural accommodations be made to persons with disabilities at the time of their arrest, including procedural adjustments and communication support.

We recall that in 2022 the Committee on the Rights of Persons with Disabilities expressed grave concern that the death penalty is still legal, imposed and carried out on persons with intellectual and psychosocial disabilities in Singapore, including for crimes not involving intentional killing. The Committee urged Singapore to abolish the death penalty for persons with intellectual and psychosocial disabilities (CRPD/C/SGP/CO/1).

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, we call upon the judiciary and all relevant organs of the Singaporean State to ensure Mr. bin Abdullah is not executed. His

execution, on the facts available to us would constitute a violation of applicable international human rights standards, and would thus be an arbitrary execution. We also urge the President to consider granting clemency in this cases.

With regard to Mr. bin Abdullah's reported intellectual and psychosocial disabilities, we note that that Singapore has recognised the importance of procedural accommodations to facilitate effective access to justice for people facing special barriers in defending themselves on an equal basis with others and put in place an Appropriate Adult Scheme in 2015. We note that this scheme was not in place when Mr. bin Abdullah was interrogated and tried and he reportedly **did not have access to any such procedural accommodations, including individualized assistance.** Moreover, we stress that the assessment of requirements for individualized procedural accommodations should not be based solely on medical evaluations but should take into consideration broader social barriers experienced by persons with disabilities.

We note that the death penalty should not be carried out against persons with psychosocial or intellectual disabilities, and this is applicable both to the situation of the individual at the time of the offence, as well as at the time of execution (see for example A/HRC/45/20, section V.B).

We furthermore would like to remind the Government that the General Assembly has consistently called upon all States to establish a moratorium on executions with a view to abolishing the death penalty since its resolution 62/149 of 18 December 2007 (para. 7) and most recently, in its resolution 77/222 of 6 January 2023 (para. 7), called upon all States to respect the safeguards guaranteeing protection of the rights of those facing the death penalty.

We also highlight that under international law, a **death sentence may only be imposed in respect of "the most serious crimes" in cases which involve intentional killing.** We also note, based on the long experience of this mandate, and a careful review of studies and evidence, that the death penalty has never been proved to be an effective deterrent for crimes, including drug crimes ([A/HRC/42/28](#), paragraph 10).

Furthermore, we would like to stress that the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health indicated that "[t]he criminalization, overuse of incarceration, arbitrary deprivation of life, unnecessary use of lethal force in drug enforcement and application of the death penalty as punishment in the name of public health have resulted in various human rights violations" and underlined "the need for States to move from a reliance on criminal law and instead take a human rights-based, evidence-based and compassionate approach to harm reduction in relation to drug use and drug use disorders" ([A/HRC/56/52](#), paras. 54 and 80).

We emphasise that **mandatory death sentences are inherently over-inclusive and unavoidably violate human rights law.** The categorical distinctions that may be drawn between offences in the criminal law are not sufficient to reflect the full range of factors relevant to determining whether a death sentence would be permissible in a capital case. In such cases, individualized sentencing by the judiciary is required in order to prevent cruel, inhuman or degrading punishment and the arbitrary deprivation of life (A/HRC/4/20, para. 4). We re-iterate our concern that in Singaporean legislation, with the exception of limited cases where the defendant is

found to be a courier and to have substantially assisted the Public Prosecutor or in cases of “abnormality of the mind,” the death sentence remains mandatory, preventing other mitigating factors from being considered.

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

We are issuing this appeal in order to safeguard the rights of abovementioned individuals 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 provide information on whether Mr. bin Abdullah, had any procedural accommodations, including individualized assistance, during his interrogation and subsequent trial proceedings and if none were available, how reliance on his testimony given without such accommodations is compliant with Singapore’s obligations under the Convention on the rights of persons with disabilities.
3. Please provide information on any measures taken to provide Mr. bin Abdullah with health services, including mental health support for his drug dependence, among others.
4. Please provide information on any efforts envisaged to remove the mandatory death penalty in Singapore at least for drug offences and/or to reduce the scope of application of the death penalty.
5. Please provide information on the number of people currently on death row in Singapore and their respective offences.
6. Please provide information on the reason for the reduction of notification period where prisoner had previously been notified of a scheduled execution and had their execution stayed or halted by respite past the halfway mark of their notification period.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the scheduled execution of Mr. bin Abdullah.

We will publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government’s to clarify the issues in question.

We would like to inform your Excellency's Government that after having transmitted this joint urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. This communication of allegations in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the urgent action procedure and the Working Group's regular procedure.

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

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

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

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

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