

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers

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(Please use this reference in your reply)

17 February 2025

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 and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 53/4, 51/8 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 mandatory death sentence against Mr. Pannir Selvam Pranthaman, a Malaysian national, on drug trafficking charges in Singapore.**

According to the information received:

On 3 September 2014, Mr. Pannir Selvam Pranthaman, a Malaysian national was arrested with no less than 51.8 grams of diamorphine at a border checkpoint.

Under s18(2) of the Misuse of Drugs Act, knowledge of the drugs is presumed and it is up to the defendant to prove that they were unaware of the nature of the drugs on the balance of probabilities.

Mr. Pranthaman provided information about the Singapore - Johor cross-border drug syndicate activities including information relating to another individual who was subsequently arrested and convicted. However, the Prosecution declined to issue a certificate of substantive assistance.

On 2 May 2017, he was convicted and sentenced to the death penalty. The judge found that Mr. Pranthaman had not rebutted the burden of proof regarding the nature of the drugs ([2017] SGHC 144). The judge found that Mr. Pranthaman did fall within the definition of a courier but without a certificate of substantive assistance, the death penalty was mandatory and no discretion on the sentence is given to the judge.

On 9 February 2018, the Court of Appeal rejected his ordinary appeal. The decision was not published.

On 17 May 2019, Mr. Pranthaman was informed that the President declined to grant clemency.

On 23 May 2019, Mr. Pranthaman's execution was halted, one day before it was scheduled to take place after the Court of Appeal permitted consideration of

extra-ordinary appeals on the rejection of his clemency petition and the Public Prosecutor's refusal to issue a certificate of substantive assistance.

On 24 April 2020, the High Court rejected an appeal relating to the decision by the Prosecution not to issue a certificate of substantive assistance and the rejected requests to interview the other individual who was arrested based on the information provided by Mr. Pranthaman. The court noted it was only able to review the legality of the decision not to grant a certificate of substantive assistance rather than the merits.

On 21 April 2022, the Court of Appeal rejected the appeal on the same grounds. Several subsequent appeals have been dismissed, most recently on 11 October 2024.

On 16 February 2025, Mr. Pranthaman received an execution notice for 20 February 2025 at dawn.

Mr. Pranthaman is a talented musician and has written poems and songs on death row.

Since 1 October 2024, eight people have been executed on drug charges in Singapore.

While we do not wish to prejudge the accuracy of these allegations, we would like to express serious concern at the mandatory death sentence against Mr. Pannir Selvam Pranthaman for drug offences, which do not meet the "most serious crimes" threshold which limits application of the death penalty to cases which involve intentional killing.

With regards to **consular assistance**, we would like to recall that under international law and human rights standards, foreign nationals are entitled to communicate with consular or diplomatic authorities of their states of origin, when they are arrested or committed to prison or custody pending trial or detained in any other manner. In this regard, we would like to refer your Excellency's Government to article 36 of the 1963 Vienna Convention on Consular Relations, acceded to by Malaysia on 1 October 1991 and Singapore on 1 April 2005, which provides that the receiving state shall without delay inform the consulate of the arrested/detained individual and provide them with an opportunity to communicate with and arrange legal representation for the detainee.

We would like to highlight that the Secretary-General in his 2017 report on capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty ([A/HRC/36/26](#)) noted that persons facing the death penalty abroad can be disproportionately affected by the death penalty and that access to consular assistance, as provided for in the Vienna Convention on Consular Relations, is an important aspect for their protection (section III B).

We would further like to recall that the direct responsibilities that other States have with respect to the protection of the right to life of their nationals to intervene via consular services implies a duty of due diligence with respect to nationals potentially

facing the death penalty overseas (Report of the Special Rapporteur on extrajudicial, summary or arbitrary execution, [A/70/304](#), paras. 112-120).

We would additionally like to refer your Excellency's Government to the report of the previous Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on application of the death penalty to foreign nationals and the provision of consular assistance by the home State ([A/74/318](#)), which includes guidelines for adequate consular assistance in the context of the death penalty (section III).

We would also like to highlight that, as we have conveyed to the Government of Singapore, **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).

We emphasize 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. Furthermore, the decision on whether to issue a Certificate of Substantial Assistance rests with the Prosecution, placing upon them the decision as to whether the death sentence will be mandatory, in violation of the right to fair trial.

We are also concerned that under s18(2) of the Misuse of Drugs Act, knowledge of drugs is presumed and it is up to the defendant to prove that they were unaware of the nature of the drugs on the balance of probabilities, in violation of the presumption of innocence and the right to a fair trial. We note that only full respect for stringent due process guarantees distinguishes capital punishment from arbitrary execution.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, we call upon the Malaysian authorities to take any steps available to them to ensure Mr. Pannir Selvam Pranthaman 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.

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

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 any consular assistance provided to Mr. Pannir Selvam Pranthaman.
3. Please provide information on any efforts undertaken by Malaysia to ensure Mr. Pannir Selvam Pranthaman is not executed.

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.

Further, we would 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 present communication and the regular procedure.

We may 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 issue/s in question.

We would like to inform your Excellency's Government that a letter on this case has also been sent to the Government of Singapore.

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

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

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

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers