

## European Civil Society Forum on Drugs

### Subject: Urgent action to halt imminent execution for drug trafficking in Singapore

The Civil Society Forum on Drugs in the EU urges European Union (EU) authorities to take urgent action through all available channels, calling on Singapore to halt the imminent execution for drug trafficking of Nagaenthran K Dharmalingam.

Nagaenthran, a 32 years' old Malaysian citizen, was arrested in 2009, and sentenced to death in 2011 for importing with intent of trafficking 42.72 grams of diamorphine. The Singapore Court of Appeal upheld the sentence in November 2011, and further re-sentencing applications were dismissed. On October 26<sup>th</sup>, Nagaenthran's family was informed that his execution was scheduled for November 10<sup>th</sup>, and advised to start making travel and funeral arrangements (for more details on the case, see the brief attached).

Nagaenthran, who was reportedly pushed to import drugs in exchange of RM500 (USD 120) needed to pay for his father's upcoming heart surgery, also experiences mental health issues and has an intellectual disability: he was diagnosed with mild ADHD, his I.Q. of 69 meets the international standard for intellectual disability,<sup>1</sup> and his functioning skills (including verbal fluency, abstract reasoning, and problem solving) are impaired. Nevertheless, judges concluded that his impairment was not sufficient to grant re-sentencing, and in 2017 upheld his death sentence.

Nagaenthran's siblings and mother live in Malaysia, and - in addition to the extraordinary mental and emotional toll – are facing significant financial and logistical challenges to travel to Singapore, particularly in light of COVID-19 requirements and restrictions.<sup>2</sup>

[Research by CSFD member Harm Reduction International](#) shows Singapore is one of few countries that regularly sentence individuals to death for drug offences. The last execution for a drug offence was carried out in 2019 – when two people were hanged for drug trafficking.<sup>3</sup> No executions took place in 2020, for the first time in seven years. Although official figures on death row population are not available, independent report indicate that around 27 people are awaiting capital punishment for a drug offence, some of which have exhausted all legal remedies, and are thus at imminent risk of execution.

Death sentences and executions for drug offences contravene both international human rights and international drug control standards, as they do not meet the threshold of 'most serious crimes' to which the International Covenant on Civil and Political Rights mandates that capital punishment be restricted to, in retentionist countries. This has been reiterated, among others, by the [UN High Commissioner for Human Rights](#), the [Human Rights Council](#), and the [International Narcotics Control Board](#) (INCB).

Furthermore, the imposition of capital punishment against persons with mental or intellectual disabilities is prohibited by international law and a violation of the Convention on the Rights of Persons with Disabilities, which Singapore ratified.

Under the EU Drugs Strategy 2021-2025, the protection and promotion of human rights is one of the specific objectives of the EU external action on drugs, with a particular emphasis on the death penalty for drug offences, which the EU opposes 'at all times and under all circumstances'<sup>4</sup>. Additionally, under the EU Action Plan on Human Rights and Democracy 2020-24 the first priority of EU external action

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<sup>1</sup> See: <https://www.ncbi.nlm.nih.gov/books/NBK332877/>

<sup>2</sup> For more details, see: <https://www.wethecitizens.net/death-by-bureaucracy/>; see also letter of the Singapore Prison Service, attached.

<sup>3</sup> See: [https://www.hri.global/files/2020/02/28/HRI\\_DeathPenaltyReport2019.pdf](https://www.hri.global/files/2020/02/28/HRI_DeathPenaltyReport2019.pdf)

<sup>4</sup> See: <https://data.consilium.europa.eu/doc/document/ST-14178-2020-INIT/en/pdf>, para. 9.7.

on human rights is to 'work towards the worldwide abolition of the death penalty' and, where the death penalty still exists, to 'insist on the respect of minimum standards and work towards a moratorium'.<sup>5</sup>

In view of the imminent risk of execution which the Nagaenthran is faced with, we urge EU authorities to issue a high-level public statement urging the government of Singapore to commute his death sentence, and to introduce a moratorium on executions for drug offences; and to engage in an urgent dialogue with the government of Singapore towards achieving these objectives. In that regard, we respectfully ask you to share this letter with your relevant colleagues at the European Commission, the Council of the EU, and the European External Action Services.

We look forward to your urgent action, and we stand ready to support you on this important matter.

With assurances of our highest consideration,

Laurène Collard  
**Chair**  
**Civil Society Forum on Drugs in the EU**

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<sup>5</sup> See: <https://www.consilium.europa.eu/media/46838/st12848-en20.pdf>, para. 1.1.