

SINGAPORE

Stakeholder Report for the United Nations Human Rights Council Universal Periodic Review (4th Cycle)

Submitted by Capital Punishment Justice Project, Anti-Death Penalty Asia Network, Business Leaders Against the Death Penalty, Center for Prisoners' Rights, The Advocates for Human Rights, the Australian Civil Society Committee on UN Drug Policy, the Julian Wagner Memorial Fund, and the World Coalition Against the Death Penalty

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Capital Punishment Justice Project (CPJP) is an Australian-based NGO that stands for a world without the death penalty or other forms of state-sanctioned killing. CPJP works closely with partners in Asia to support the defence of people facing the death penalty, assist local anti-death penalty civil society organisations and campaign to convince governments to abolish the death penalty. Ending the death penalty is one of the Australian Government's human rights priorities and CPJP's work is imperative to ensuring that Australia is a leading voice on abolition.

Anti-Death Penalty Asia Network (ADPAN) is the peak regional body for organisations committed to the abolition of the death penalty across the Asia-Pacific, with members from 20 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life; that it is the ultimate form of cruel, inhuman, and degrading punishment; and that the death penalty should be entirely abolished internationally.

Business Leaders Against the Death Penalty (#BizVsDP) is a global campaign launched in 2021 by the Responsible Business Initiative for Justice and Sir Richard Branson, Founder of Virgin Group. The campaign includes 500+ executives who have declared their commitment to using their voices to abolish the death penalty and advocate for a fairer, safer, and more humane world.

Center for Prisoners' Rights (CPR), founded in 1995, is Japan's first NGO focused on prison reform. It works to align prison conditions with international human rights standards and advocates for the abolition of the death penalty. CPR provides legal support to prisoners, promotes international treaty ratification, and publishes a newsletter highlighting prison litigation, overseas prison visits, and seminar reports, reaching around 5,000 readers including inmates, families, lawyers, and researchers.

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The **Australian Civil Society Committee on UN Drug Policy** is a national network of organisations and individuals working to strengthen Australia's engagement with the United Nations drug policy system through evidence-informed, rights-based, and community-led perspectives. It ensures that the voices of people who use drugs, Aboriginal and Torres Strait Islander peoples, young people, service providers, advocates and researchers are represented in global policymaking on drug-related matters.

The **Julian Wagner Memorial Fund** was established in 2016 for the charitable purpose of promoting or protecting human rights for the public benefit. It is committed to the worldwide abolition of the death penalty, including by supporting ongoing and strategic anti-death penalty campaigns.

The **World Coalition Against the Death Penalty (WCADP)**, an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

1. Executive summary

- 1.1 Thank you for the opportunity to provide input to the fourth cycle of the Universal Periodic Review (UPR) of Singapore. This submission addresses Singapore's compliance with its human rights obligations with regards to the death penalty.
- 1.2 Singapore extensively uses capital punishment, executing 37 people since resuming executions in March 2022 (following no executions in 2020 and 2021) – predominantly for drug-related offences, contrary to international law and standards. The August 2025 clemency granted to Tristan Tan Yi Rui marked the first since 1998, highlighting the exceptional rarity of such mercy.
- 1.3 This submission addresses:
 - 1.3.1 Aspects of legislation that create arbitrary outcomes in death penalty matters, such as mandatory sentencing, limitations on judicial discretion, and presumptions that reverse the burden of proof.
 - 1.3.2 Alarming developments, such as carrying out executions while court proceedings are ongoing, and the execution of persons with disabilities, despite Singapore being a signatory to the Convention on the Rights of Persons with Disabilities.
 - 1.3.3 Significant legislative changes through the introduction of the Post-appeal Applications in Capital Cases Act 2022 and amendments to the Administration of Justice (Protection) Act 2016, which further restrict access to justice for persons facing execution, while punitive cost orders can deter lawyers from acting beyond the initial trial and appeal stages.
 - 1.3.4 Severe restrictions on freedom of expression, particularly through the use of the Protection from Online Falsehoods and Manipulation Act 2019, which curtails efforts to raise awareness about the use of the death penalty in Singapore or to present information that differs from the government narrative.

2. Introduction

- 2.1 Singapore retains the death penalty for crimes including murder,¹ kidnapping,² use of firearms³ and certain drug trafficking offences.⁴ Executions are carried out by hanging.
- 2.2 Since March 2022, Singapore has executed 37 people, all of whom were sentenced to the mandatory death penalty:⁵
 - 2.2.1 In 2022, all 11 executions were for drug-related offences;⁶
 - 2.2.2 In 2023, all five executions were for drug-related offences including the first woman to be executed in almost 20 years;⁷
 - 2.2.3 In 2024, eight of the nine executions were for drug-related offences⁸ and one was for murder;⁹ and
 - 2.2.4 In 2025, 10 of the 12 executions carried out to date¹⁰ were for drug-related offences.¹¹ Two were for murder.¹²

- 2.3 On 14 August 2025, following advice from Cabinet, the President of Singapore, Tharman Shanmugaratnam, granted clemency to Tristan Tan Yi Rui, a 33-year-old Singaporean male sentenced to death in February 2023 for trafficking 337.6 grams of methamphetamine,¹³ 87.6 grams above the legislative threshold for a mandatory death sentence.¹⁴
- 2.4 The Ministry for Home Affairs said the grant of clemency reduced the disparity in sentencing outcomes between Tan and his co-accused.¹⁵ However, his co-accused was not charged with the same offence as Tan, and was never eligible for the same sentence.¹⁶ This is the first grant of clemency made in Singapore since 1998, with, to date, at least 252 executions taking place since then.¹⁷ Civil society organisations noted this was long overdue given the UN Human Rights Committee requires all clemency applications must be “meaningfully considered.”¹⁸
- 2.5 In stark contrast, in September 2025, Datchinamurthy a/l Kataiah (Datch), a 39-year-old Malaysian male was executed having spent over a decade on death row for drug offences following being mandatorily sentenced to death.¹⁹
- 2.5.1 On 13 September 2025, a clemency appeal was submitted on behalf of Datch.²⁰
- 2.5.2 On 20 September 2025, the notice of execution was received.²¹
- 2.5.3 The execution was scheduled to take place at 6.00am on 25 September 2025. The family were advised around five hours prior to the scheduled time that the execution was put on hold as the President of Singapore was considering granting clemency. The clemency appeal had been submitted 12 days prior.
- 2.5.4 At around 1.40pm that same day, the family were notified that clemency had been rejected and by 3.00pm they were asked to identify Datch’s body at the prison.²²
- 2.5.5 They were not afforded the chance to see or speak to Datch during this time.²³ N. Surendran, a Malaysian lawyer representing Datch’s family, noted that: “This is an act of cruelty....To pretend to give a reprieve to Datch, raise his hopes and his family’s hopes, and then to plunge them into horror and despair again, is unforgivable and uncivilized.”²⁴
- 2.6 Worldwide in 2024, “Amnesty International and Harm Reduction International recorded over 600 drug-related executions, which constituted around 40% of total executions globally (1,518) and a 25% increase on the known total executions for these offences in 2023 (508 out of 1,153), making 2024 the deadliest year on record since 2015.”²⁵
- 2.7 Despite such significant numbers, executions for drug-related offences are carried out by a very small group of countries, including Singapore:

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| 2022 | China, Iran, Saudi Arabia, and Singapore ²⁶ |
| 2023 | China, Iran, Kuwait, Saudi Arabia, and Singapore ²⁷ |
| 2024 | China, Iran, Saudi Arabia, and Singapore ²⁸ |

2.8 While Singapore is not a signatory to the International Covenant on Civil and Political Rights (**ICCPR**), executing for drug-related offences breaches international law. The United Nations (**UN**) Human Rights Committee states that Article 6(2)'s 'most serious crimes' threshold:²⁹

"[M]ust be read restrictively and appertain only to crimes of extreme gravity involving intentional killing. Crimes not resulting directly and intentionally in death, such as... drug... offences, although serious in nature, can never serve as the basis, within the framework of article 6, for the imposition of the death penalty."³⁰

2.9 UN bodies have called for states to abolish the death penalty for drug-related offences.³¹ Notably, the three UN Drug Conventions do not make any reference to the death penalty, while several UN human rights and drug control bodies have reiterated their total opposition to the death penalty, including for drug-related offences.³²

3. Arbitrary use of the death penalty

3.1 Mandatory sentences are inherently arbitrary, leaving no judicial discretion to consider an offender's particular circumstances or whether the offence warrants death.³³ This inability of courts to consider case-specific circumstances exacerbates inherent biases in criminal justice systems, undermining the principle of equality before the law. Without judicial discretion to weigh individual factors, sentencing outcomes can be determined by "structural and systemic challenges embedded in the criminal justice system itself – turning the death penalty inevitably into a 'lethal lottery'."³⁴

3.2 Accordingly, there is an over-representation of racial minorities on death row in Singapore.³⁵ In 2022, UN experts corroborated that a "disproportionate number of minority persons were being sentenced to the mandatory death penalty in Singapore."³⁶

3.3 In January 2013, mandatory death penalty provisions were removed in relation to certain drug offences, allowing courts the discretion to impose either the death penalty or life imprisonment and 15 strokes of the cane³⁷ where:

3.3.1 The defendant is acting as a 'courier';³⁸ and

3.3.2 The Public Prosecutor certifies that the defendant has "substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore";³⁹ or

3.3.3 The defendant was suffering from an abnormality of the mind which substantially impaired their mental responsibility for their acts and omissions in relation to their offending.⁴⁰

3.4 While allowing discretion in sentencing was a positive step, the requirement that a Certificate of Substantive Assistance (**Certificate**) be granted at the sole discretion of the Public Prosecutor is highly problematic, as:

3.4.1 A courier is highly unlikely to have sufficient information to disrupt drug trafficking activities by the very nature of their lower degree of culpability and involvement in trafficking drugs;

- 3.4.2 Even if the defendant can furnish sufficient information, they will not be granted a Certificate if that information was already in the prosecution's possession;⁴¹ and
 - 3.4.3 The process gives the Public Prosecutor an inordinate degree of influence over the sentencing, effectively transferring fact-finding and sentencing powers from the judiciary to the executive. This compromises the principle of separation of power and undermines the right to a fair trial.⁴²
- 3.5 The Misuse of Drugs Act 1973 allows for:
- 3.5.1 the legal presumption of trafficking, based on the amount of drugs a person is found with;⁴³ and
 - 3.5.2 the legal presumption of possession and knowledge, based on having a controlled drug or psychoactive substance in one's possession.⁴⁴
- 3.6 These provisions require the defendant to provide evidence to rebut the presumption that they intended to traffic drugs on the 'balance of probabilities', undermining the presumption of innocence which is a peremptory norm of customary international law.⁴⁵ This shifts the burden of proof from the prosecution, weakening fair trial guarantees at international law.⁴⁶ Ultimately, death sentences are mandatorily imposed following convictions where the evidentiary standards do not meet fair trial guarantees under international law.

4. Executing persons while court proceedings are ongoing

- 4.1 Alarming, since August 2024 a number of executions have taken place in Singapore while ongoing court proceedings, including civil applications, were on foot.
- 4.2 In August 2024, Singapore executed two men, despite both being parties to a pending civil action and one having a pending criminal review application.⁴⁷
- 4.3 Mohammad Azwan bin Bohari was executed on 4 October 2024 despite being party to a civil application to review the constitutionality of provisions of the Post-appeal Applications in Capital Cases Act (**PACC Act**).⁴⁸ Sulaiman bin Jumari was executed on 16 October 2024 and was also party to that same proceeding.⁴⁹ Both individuals raised this point when seeking permission to file a post-appeal application once they received their execution notices – neither had legal representation and both applications were dismissed without an oral hearing.⁵⁰
- 4.4 On 16 February 2025, Pannir Selvam Pranthaman received notice that his execution was scheduled for 20 February 2025.⁵¹ On 19 February 2025, he applied for permission to make a post-appeal application, with one of the grounds being that he had filed a complaint to the Law Society of Singapore against his former lawyer, Ong Ying Ping, that was yet to be determined. A stay of execution was granted to allow him to make the application.⁵²
- 4.5 In March 2025, the Law Council of Australia noted “this complaint may have compromised Mr Pannir’s right to challenge his conviction and sentence,” and “urged the Law Society [of Singapore] to seek a stay of execution until the complaint could be properly investigated and adjudicated.”⁵³
- 4.6 On 5 September 2025, the Court of Appeal dismissed Pannir’s application, distinguishing between the types of court proceedings that would prevent an execution notice from being

issued, i.e., proceedings that may affect conviction and/or sentence and those “ordinarily not regarded as relevant”.⁵⁴ The Court noted the Ministry of Home Affairs’ policy that “non-State-brought proceedings” are not regarded as “relevant proceedings” and, therefore, do not prevent an execution notice from being issued “even if they require a PACP’s [prisoner awaiting capital punishment] testimony.”⁵⁵ The Court reasoned that “[t]he principle of finality...requires nothing less.”⁵⁶ Noting the practical implications of executing a person prior to them giving evidence, the Court advised that “it may be necessary for the Law Society to expedite these proceedings or to take steps to record or otherwise preserve the evidence of the PACP before he is executed.”⁵⁷

- 4.7 Two other persons on death row filed similar complaints regarding the same set of circumstances as Pannir, yet were executed while their complaints were also on foot.⁵⁸ One other had highlighted their intention to bring a complaint against the solicitor when bringing an application for stay of execution.⁵⁹ None of their testimony was ‘preserved’ in advance.
- 4.8 Human rights organisations emphasise prioritising fair trial rights over finality:

“Pannir’s involvement – to instruct counsel, give testimony and respond to any evidence raised by his former lawyer – is the only way to ensure a fair outcome in his complaint lodged with the Law Society of Singapore. This is especially critical given that the complaint includes a direct conversation involving Pannir and his former lawyer and that several other persons on death row who had also filed complaints against this same lawyer have already been executed before their testimonies could be heard.”⁶⁰
- 4.9 On 4 October 2025, Pannir was notified his execution had been scheduled with a shortened notification period. Despite calls to halt his execution, including from the UN Special Rapporteur on extrajudicial, summary or arbitrary executions,⁶¹ the Malaysian Bar⁶² and the Commonwealth Lawyers Association,⁶³ Pannir was hanged on 8 October 2025.⁶⁴
- 4.10 Prior to his execution, the Law Society of Singapore did not meet with Pannir to preserve his testimony.
- 4.11 The Government of Singapore should ensure the highest standards of natural justice and fair trial guarantees are adhered to – executing individuals before their proceedings are concluded is an affront to natural justice. The distinction between types of proceedings on foot is nonsensical and undermines international law standards. Safeguard No. 8 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty states that “[c]apital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.”⁶⁵ Additionally, General Comment No. 32 of the UN Human Rights Committee emphasises that the right to appeal conviction and sentence should have a procedure that “allows for due consideration of the nature of the case,” in accordance with Article 14(5) of the ICCPR.⁶⁶

5. Executing persons living with disabilities

- 5.1 On 27 April 2022, Nagaenthran a/l K Dharmalingam was executed following his conviction for trafficking 42.72 grams of diamorphine, which attracted a mandatory death sentence.⁶⁷

Despite being found to have borderline intellectual functioning,⁶⁸ a Full Scale Intelligence Quotient score of 69⁶⁹ and a diagnosis of Attention-Deficit/Hyperactivity Disorder (**ADHD**),⁷⁰ he was not found to be suffering from an ‘abnormality of mind’⁷¹ and, so, was not eligible to be re-sentenced to life imprisonment.

- 5.2 In November 2021, We Who Witness,⁷² noted that Nagaenthran had “difficulties with attention, verbal fluency, set-shifting, abstract reasoning, strategy formation and problem solving, and may have had difficulties in knowing who to trust.”⁷³ Even if he did not meet the legal threshold for ‘abnormality of mind’, the reality was that Nagaenthran lived with disabilities.⁷⁴
- 5.3 In 2017, Roslan Bin Baker and Pausi Bin Jefridin were assessed by psychiatrists to have intellectual and psychosocial disabilities,⁷⁵ while Rosman bin Abdullah was assessed by a psychiatrist as likely to have ADHD.⁷⁶ Roslan and Pausi were executed on 15 November 2024 and Rosman was executed on 22 November 2024.⁷⁷
- 5.4 The Government of Singapore signed the Convention on the Rights of Persons with Disabilities (**CRPD**) in July 2013, although they are yet to implement it into domestic legislation. In March 2022, at Nagaenthran’s final hearing, the Court of Appeal noted:

“Further, there is no basis for holding that Declaration 6 of the UN Declaration on the Rights of Mentally Retarded Persons or Art 15 of the [CRPD] have the force of law in Singapore absent the adoption of these principles and provisions into the domestic legislative framework.”⁷⁸
- 5.5 While the Court of Appeal found these disabilities did not amount to the ‘abnormality of mind’ threshold to allow discretion regarding sentencing, they still ought to have triggered access to procedural accommodations to comply with the CRPD’s intentions.
- 5.6 Noting that Roslan was self-represented on his application for permission to lodge a post-appeal application,⁷⁹ there should also have been efforts by Singapore to “take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.”⁸⁰

6. Access to justice

- 6.1 The Government of Singapore has implemented several legislative and policy changes raising the legal threshold and limiting the access of persons on death row to review of their cases once a clemency application has been determined.
- 6.2 After the Court of Appeal has upheld a conviction and sentence, the only legal avenues open are a post-appeal review or application for stay of execution. The very limited legislative scope to re-open an application,⁸¹ combined with the strict judicial approach to such cases, means that an applicant has scant prospects for a successful application.⁸²
- 6.3 Punitive cost orders have forced persons on death row to represent themselves in legal proceedings, obstructing their right to a fair trial. In 2022, the Court of Appeal made personal cost orders against two lawyers for acting “improperly, unreasonably or negligently” while representing a person on death row in appeal proceedings.⁸³
- 6.4 In August 2022, 24 persons on death row filed a lawsuit without legal representation, claiming that the use of prohibitive cost orders on Counsel was deterring lawyers and

obstructing their constitutional right to access to justice.⁸⁴ Such punitive cost orders violate Principle 16 of the UN Basic Principles on the Role of Lawyers, which requires they be able to perform their professional functions without intimidation, hindrance, harassment or improper interference.⁸⁵

- 6.5 In May 2024, the High Court struck out an application by 36 persons on death row who filed a lawsuit – also without legal representation – challenging the policy of the Legal Aid Scheme for Capital Offenses (**LASCO**) to not assign legal counsel to persons on death row seeking to make a post-appeal application.⁸⁶ An appeal was dismissed on 9 September 2024.⁸⁷
- 6.6 The PACC Act came into effect on 28 June 2024, further limiting the legal avenues open to persons on death row. The PACC Act creates a number of hurdles, including:
 - 6.6.1 An application to stay an execution requires prior approval from a judge of the Court of Appeal before being filed and heard.⁸⁸ Ostensibly this prevents the misuse of judicial resources through ‘last-minute’ applications. In determining whether to grant approval, the judge must take into account the quality, relevance and recency of the evidence presented, as well as the prospects of the application’s success.⁸⁹
 - 6.6.2 An individual must first apply for permission from a Court of Appeal judge, through a written submission.⁹⁰ Applicants cannot speak to their submissions, or respond to allegations of facts or legal arguments levelled against them.
 - 6.6.3 As a PACC application is initiated in the Court of Appeal, there is no right to appeal decisions,⁹¹ even where a judge has made a clear error of law.
 - 6.6.4 If an applicant has previously made unsuccessful applications and has been deemed to have committed an abuse of process, the requirements become even more stringent.⁹² Two additional barriers will be imposed, namely, whether the applicant is relying on new evidence that could not have been presented earlier, even with reasonable diligence, and whether the application is delayed.⁹³ There are no legislative provisions identifying what is considered a delay. Alarming, an applicant who has previously been deemed to have abused the process of court may be executed despite there being an ongoing application for permission.⁹⁴
 - 6.6.5 The judiciary can act against individuals or lawyers who are alleged to have “abused the process of the court”,⁹⁵ including those who file late-stage applications that could delay executions. The Court of Appeal, the Public Prosecutor, or the Attorney-General can all raise concerns about a lawyer’s conduct.⁹⁶
- 6.7 Since the PACC Act came into effect, at least ten individuals have made post-appeal applications.⁹⁷ All but one were dismissed summarily⁹⁸ and only one applicant had legal representation at the time of filing the application.⁹⁹
- 6.8 On 8 May 2024, then Minister for Law and Home Affairs, K Shanmugam, delivered a speech on Singapore’s National Drug Control Policy in Parliament. He announced the PACC Act was to come into force and noted:

“We are now considering what else needs to be done to make sure this new legislation can be properly supported. We will come back to the House if necessary. And I wish

to make it clear to members and Singaporeans – be assured that we will take all necessary steps to ensure that this sort of abuse of process is dealt with.”¹⁰⁰

- 6.9 Minister Shanmugam indicated such ‘necessary steps’ may include the government making constitutional amendments to prevent further constitutional challenges from succeeding.¹⁰¹
- 6.10 These comments by Minister Shanmugam raise concerning implications of this legislative policy on the fair trial rights of persons on death row in Singapore. There have been at least three cases since 2012 where post-conviction appeals have resulted in stays of execution being granted, demonstrating that those cases had the requisite merit.¹⁰² The principle of finality of judgment appears to be given greater weight than evidence that could result in a different sentencing outcome.
- 6.11 On 13 November 2024, the Administration of Justice (Protection) (Amendment) Bill was read for a second time in the Parliament of Singapore and passed that same day.¹⁰³ The Second Reading Speech referred to the necessity to address the phenomenon of ‘lawfare’, stating:
- “Cases of abuse of court processes are becoming more common in Singapore and overseas, as parties engage in ‘lawfare’ – commencing unmeritorious claims to oppress others and/or for ulterior purposes.”¹⁰⁴
- 6.12 By using the term ‘lawfare’ the Government of Singapore is misusing a concept that refers to the practice of authoritarian regimes using legal mechanisms to intimidate and silence human rights defenders.
- 6.13 The amendments broaden the definition of contempt of court to include anyone who knowingly files a court proceeding that “is manifestly groundless or without foundation, and involves the process of the court being employed for some ulterior or improper purpose”¹⁰⁵ or “conducts or commences multiple or successive court proceedings (whether as a party or an advocate in those court proceedings), and knows or ought to know that his or her conduct or commencement of those court proceedings is manifestly groundless or without foundation”.¹⁰⁶
- 6.14 These provisions would apply to persons on death row who attempt to make any post-appeal applications, despite the PACC Act’s already extremely difficult threshold for permitting such applications.
- 6.15 Critically, the amendments also extend liability for contempt of court to anyone who “causes or abets” others to “conduct or commence” such proceedings.¹⁰⁷ This creates a chilling effect on family members, civil society members and individuals who currently support self-represented persons on death row in preparing applications, and could extend to other people, such as Commissioners of Oath, who attend prisons to witness affidavits. Lay persons, including people on death row, should not be expected to determine whether proceedings are ‘manifestly groundless or without foundation’ without legal advice.
- 6.16 These amendments aim to deter people from assisting persons on death row in any legal proceedings beyond their trial and appeal hearings. This leaves persons on death row further isolated and unable to access justice.

7. **Reduced notification period**

- 7.1 Prior to June 2024, persons on death row were given at least seven days' notice before execution. This was a brief, but critical, window in which they could finalise their affairs, see family, and file legal challenges. However, this notice period has been reduced to approximately four to five days for those who have previously been notified of their execution date and subsequently granted a stay of execution. This substantially narrows the opportunity to exercise legal rights in the final days of their lives.
- 7.2 In October 2024, Mohammad Azwan bin Bohari, a Singaporean national on death row, challenged the shortened notification timeline. In his judgment, Judge Tay noted that the Ministry of Home Affairs (**MHA**) had revised its policy such that individuals whose executions had been stayed or postponed after receiving an initial notice would receive a shorter 'Renotification Period'.¹⁰⁸ The MHA maintained that such individuals would still have received at least seven days, in total, to settle their affairs, including time accrued under the original notice.¹⁰⁹
- 7.3 This rationale is flawed. A notification period ought to be tied to the warrant that was issued – so if the execution is stayed by the Court of Appeal or the President orders a respite of the execution warrant,¹¹⁰ then that notification period expires and a new notification period commences if a new execution warrant is issued. With only a few days' notice, these individuals, who are usually without legal counsel, are unlikely to be able to access, prepare, or file any viable legal challenge, particularly given the heavy procedural and evidentiary burdens on post-appeal applications. Ensuring adequate time and support for final legal and personal steps is not only a matter of compassion but a necessary safeguard to the right to a fair trial.

8. **Limitations on freedom of expression**

- 8.1 Freedom of expression is protected in Article 14(1) of the Singaporean Constitution, which explicitly grants citizens the rights to “freedom of speech and expression”, “assemble peaceably and without arms”, and “form associations.”¹¹¹ However, Article 14(2) allows Parliament to impose restrictions on these rights, including if such restrictions are in the interests of the security of Singapore, public order, or to provide against contempt of court.¹¹²
- 8.2 The Public Order Act 2009 prohibits public assembly unless a police permit is obtained.¹¹³ Only citizens are entitled to participate¹¹⁴ and police have broad discretion to refuse to issue permits where it “is necessary in the public interest to do so”.¹¹⁵ One exception is the designated ‘Speakers’ Corner’ at Hong Lim Park, where protests can take place without prior approval, subject to strict conditions.¹¹⁶ A Singaporean activist is currently charged in relation to allegedly attending five candlelight vigils marking imminent executions without having the requisite permits.¹¹⁷
- 8.3 It is within this context of ‘repressed’ civic space that protests against the death penalty have taken place.¹¹⁸ On 4 April 2022, more than 400 Singaporean residents gathered in the Speakers’ Corner to protest against the impending execution of Nagaenthran.¹¹⁹ This was noted to be a “sizeable crowd in the Singaporean context”.¹²⁰ On 19 February 2025, 200 Singaporean residents attended the same location for a candlelight vigil to protest

against the scheduled execution of Pannir Selvam Pranthaman and commemorate the 12 executions that took place in the preceding 12 months.¹²¹

- 8.4 The 2019 enactment of the Protection from Online Falsehoods and Manipulation Act 2019 (**POFMA**) allows any Minister to issue a ‘Correction Direction’¹²² or ‘Stop Communication Direction’¹²³ if the Minister is satisfied that “a false statement of fact... has been or is being communicated in Singapore; [and] ...it is in the public interest to issue the Direction.”¹²⁴
- 8.5 A Correction Direction requires a person, within a specified time period, to post a correction notice, for a set period of time, on a specified online platform stating that the specified statement was false.¹²⁵ A Stop Communication Direction requires the person to stop repeating the statement that is said to be false “even if the person does not know or has no reason to believe that the statement is false.”¹²⁶
- 8.6 A conviction for an individual knowingly or reasonably believing they are making a false statement of fact that is likely to have a broad range of outcomes can result in fines or imprisonment,¹²⁷ while a corporation can be fined up to S\$500,000.¹²⁸ The Minister can also issue an ‘Access blocking order’ requiring “the internet access service provider to take reasonable steps to disable access by end-users in Singapore to the online location”.¹²⁹ In cases where three false statements have been deemed to be made within a six-month period, the Minister can declare the online platform a ‘Declared online location’.¹³⁰ It then becomes an offence for any person to derive any financial benefit from the online location in question¹³¹ or to provide financial support to the declared online location.¹³²
- 8.7 Critics of POFMA have claimed that it is overused to protect the government from genuine criticism¹³³ – at least 142 Correction Directions¹³³ have been issued since enactment.¹³⁴ Experts caution that “[t]here is... the danger of the ‘chilling’ of speech, which may plausibly be considered an opinion rather than a false statement of fact”.¹³⁵
- 8.8 Concerns have also been raised that POFMA is used “to harass or prosecute anyone for expressing disagreeable opinions rather than engaging with its critics.”¹³⁶ Transformative Justice Collective (**TJC**), a Singapore-based civil society group, works on raising death penalty awareness and supporting those on death row.¹³⁷ Much of their awareness-raising has utilised online forums to tell the stories of persons on death row and share webinars and articles.¹³⁸
- 8.9 Since 2023, TJC has received seven POFMA notices. Five were issued within a five-month period between August and December 2024.¹³⁹ Individual members of TJC have also received individual POFMA notices.¹⁴⁰
- 8.10 On 8 May 2024, during a parliamentary speech, the then Law and Home Affairs Minister, K Shanmugam, publicly ‘doxed’ five anti-death penalty advocates and organisations who had been subject to a POFMA direction, including placing the email address of a human rights defender on the parliamentary record.¹⁴¹ The public shaming of these human rights defenders by the Law Minister would seem to be directed at tarnishing their credibility and discouraging others from commenting on the death penalty with a critical lens.
- 8.11 On 20 December 2024, the Minister of Digital Development and Information issued a two-year ‘Declared online location’ order to TJC. The order required TJC to place a notice on all their online platforms to inform any viewers that their platforms “had communicated

multiple falsehoods, and that viewers should exercise caution when accessing it for information.”¹⁴²

- 8.12 This has stifled TJC’s ability to use their online platforms, having the chilling effect of reducing awareness about the state’s ongoing use of the death penalty and undermining public trust in information shared by TJC. The ‘Declared online location’ notice places “an undue restriction on the right to freedom of expression, create[s] a climate of fear and ha[s] the effect of stifling debates on the human rights concerns surrounding the use of the death penalty in Singapore.”¹⁴³
- 8.13 On 27 January 2025, TJC and three of its members were individually summoned for criminal investigations under section 7 of POFMA in respect of the correction directions issued to TJC between August and December 2024. Three members of TJC spent a total of 25 hours in police interviews relating to these investigations.¹⁴⁴
- 8.14 Concerningly, POFMA purports to have extraterritorial scope to jurisdictions beyond Singapore, capable of prosecuting persons and corporations “whether in or outside Singapore”.¹⁴⁵ In October 2024, the Anti-Death Penalty Asia Network, an NGO then based in Malaysia, received correction directions regarding posts on Facebook, Instagram and LinkedIn.¹⁴⁶

9. Recommendations

- 9.1 This stakeholder report makes the following recommendations for the Government of Singapore:
- 9.1.1 Ratify the International Covenant on Civil and Political Rights (ICCPR), its Second Optional Protocol aiming at the abolition of the death penalty, and the Convention against Torture.
- 9.1.2 Implement the Convention on the Rights of Persons with Disabilities (CRPD) within the domestic legal framework and ensure that all persons living with disabilities are afforded appropriate accommodations when interacting with the criminal justice system at all stages.
- 9.1.3 Impose an immediate moratorium on executions with a view to the ultimate abolition of the death penalty.
- 9.1.4 Abolish the death penalty and replace it with sentencing options that are fair, proportionate and in compliance with international human rights standards. In the interim:
- 9.1.4.1 Ensure that any sentence of death complies with the ‘most serious crimes’ threshold as per Article 6 of the ICCPR and defined in *General Comment No. 36, Article 6: Right to Life*.¹⁴⁷
- 9.1.4.2 Eliminate the mandatory death penalty and provide courts with full judicial discretion to determine whether the death penalty should be imposed, taking into account the facts and circumstances of the offence, as well as any mitigating considerations relating to the defendant, in determining an

appropriate penalty. This includes removing the cooperation framework set out in Section 33B of the Misuse of Drugs Act.

- 9.1.4.3 Amend the Misuse of Drugs Act to remove the s17, s18, and s18A presumptions provisions to ensure that the burden of proof in capital cases remains with the prosecution.
 - 9.1.4.4 Ensure that all persons facing a capital charge and/or conviction have legal representation from the time of arrest until the time the person is escorted to the gallows. Ensure that capital defence lawyers are appropriately funded to act in these circumstances and that cost orders are not used as a punitive measure against capital defence lawyers.
 - 9.1.4.5 Repeal the amendments made via the Administration of Justice (Protection) (Amendment) Act 2024 that extends liability for contempt of court to lay persons assisting persons on death row.
 - 9.1.4.6 Cease the practice of providing an abridged renotification period when issuing a notice of execution for persons on death row who have previously received a stay. The notification period, regardless of previous notices, for those on death row should be a minimum of seven days, to allow them the full range of opportunities to say their final farewells, settle personal matters, or exercise their legal right to judicial review.
 - 9.1.4.7 In light of the granting of clemency to a person on death row in August 2025, review the clemency applications of every person currently on death row.
 - 9.1.4.8 Ensure that applications under the Post-appeal Applications in Capital Cases (PACC) Act are determined by oral hearings where applicants are provided with legal representation to allow proper consideration of the substantive issues by the Court. Amend s 60G(13) of the PACC Act to allow for judicial review of PACC hearings.
 - 9.1.4.9 Publish timely, transparent and comprehensive data on death sentences, the current death row population and executions, disaggregated by nationality, race/ethnicity, crime of conviction, age, status of the case, and gender, to reveal whether the death penalty has a disproportionate effect on minority groups, particularly people from disadvantaged backgrounds.
- 9.1.5 Repeal domestic laws authorising restrictions on freedom of expression and assembly that contradict international norms, such as POFMA. Further safeguards and protections should be issued to journalists and activists who challenge the government's position on the death penalty.
 - 9.1.6 End the intimidation and harassment of human rights defenders, social media users and government critics, including through the misuse of the criminal justice system, and ensure human rights defenders can carry out their work without fear of reprisals.

9.1.7 Implement the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee's 2024 recommendations on women's access to justice.¹⁴⁸

9.1.8 Repeal legislative authorisation for use of detention without trial, such as the Internal Security Act and the Criminal Law (Temporary Provisions) Act.

¹ Mandatory and discretionary death penalty, s 302, Penal Code 1871 (Singapore)

<<https://sso.agc.gov.sg/act/pc1871?ProvIds=P416-#pr302->>.

² Discretionary death penalty, s 3, Kidnapping Act 1961 (Singapore) <<https://sso.agc.gov.sg/Act/KA1961#pr3->>.

³ Mandatory death penalty, ss 4, 4A, 5, Arms Offences Act 1973 (Singapore)

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⁴ Mandatory and discretionary death penalty, Schedule 2, Misuse of Drugs Act 1973 (Singapore)

<<https://sso.agc.gov.sg/Act/MDA1973?ValidDate=20251010&TransactionDate=20251010&ProvIds=Sc2-#Sc2->>;

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<<https://www.cnb.gov.sg/NewsAndEvents/News/Index/execution-of-a-convicted-drug-trafficker---10-april-2025>>;

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<https://www.police.gov.sg/Media-Hub/News/2025/04/20250416_execution_of_a_convicted_murderer>;

Public Prosecutor v Teo Ghim Heng (Zhang Jinxing) [2021] SGHC 13

<https://www.elitigation.sg/gd/s/2021_SGHC_13>; Central Narcotics Bureau, 'Execution of a Convicted Drug Trafficker – 23 May 2025' (News, 23 May 2025)

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<<https://www.amnesty.org/en/documents/act50/6548/2023/en/>>.

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“What I was suggesting is that as we see how people file their applications, we learn. And looking at their methodology, for example, if there is a constitutional challenge – and there was last year – we may have to consider whether we need to amend the Constitution to make sure any future constitutional challenges of such a nature will not succeed.”

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“The Committee recommends that the State party:

- (a) Issue a moratorium on the death penalty, halt the execution of all women on death row and consider commuting all death sentences, including those against women, into prison sentences;
- (b) Ensure a gender-responsive application of the law so that evidence of trauma, economic pressures, child marriage, domestic and gender-based violence, as well as intellectual and/or psychosocial disabilities are adequately taken into consideration in criminal and civil proceedings;
- (c) Protect women in detention, including women political prisoners and women facing the death penalty, discontinue the excessive use of solitary confinement and set up independent and confidential complaint procedures that are easily accessible for women in detention, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by the General Assembly in its resolution 70/175 of 17 December 2015 and contained in the annex thereto;
- (d) Ensure that women have access to affordable and, if necessary, free legal aid, provide training for the judiciary and law enforcement officials on women’s human rights and gender-sensitive interrogation and investigation methods at all stages, and address judicial gender bias.”