



# Commonwealth Lawyers Association

## STATEMENT

### Death Penalty for Mr Nagaenthran K. Dharmalingam - Singapore

The Commonwealth Lawyers' Association (CLA) is concerned to learn that Mr Nagaenthran having been convicted of a drug trafficking offence is scheduled for execution on 10<sup>th</sup> November.

There are aspects of the case and the sentence of the death penalty which has been imposed which cause acute concern to the CLA.

Mr Nagaenthran is a person with impaired intellectual ability amounting to a disability.

#### The CLA notes that:

- under Article 6 of the International Covenant on Civil and Political Rights ICCPR<sup>i</sup> a sentence of death "may be imposed only for the most serious crimes".
- the UN Special Rapporteur on extrajudicial, summary or arbitrary executions has maintained that the death penalty should not be imposed for drug related crimes.

Additionally, the CLA notes that under article 22 of the Constitution of Singapore<sup>ii</sup> the President has a power of clemency, pardon or reprieve of any offender. By sub section 2 of Article 22 the Judges in the case report to the President who asks the Attorney General to prepare a report for the Cabinet so that the Cabinet can advise the President about the exercise of the Presidential powers of clemency.

Noting all the above and cognisant of the international rules and obligations applicable to all nations and aware of the above-mentioned provisions of the Constitution of Singapore the CLA:

- **Calls on the Government of Singapore to adhere to international standards and obligations;**
- **Calls upon the Government of Singapore at all times to uphold its Constitution; and**
- **Calls upon the President as advised by the Cabinet to consider exercising the clemency powers under Article 22 of the Constitution in the case of Mr Nagaenthran.**

**Commonwealth Lawyers Association (CLA)**

**3rd November 2021**

#### NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth.

[commonwealthlawyers.com](http://commonwealthlawyers.com)

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i. <sup>i</sup> <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

ii. <sup>ii</sup> [https://www.concourt.am/armenian/legal\\_resources/world\\_constitutions/constit/singapur/singap-e.htm](https://www.concourt.am/armenian/legal_resources/world_constitutions/constit/singapur/singap-e.htm)