



UNHRC



*Addressing the case of Singapore and comparable  
Southeast Asian jurisdictions in the human  
rights implications of mandatory capital  
punishment for drug-related offences.*

**BACKGROUND GUIDE**

# M.C.T.M MUN 2026



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## Letter from the Executive Board

Delegates,

Welcome to the Human Rights Council. This committee's agenda addresses a question that sits at the intersection of two ideas that often don't fit together, which is a state's sovereign right to determine its own criminal justice system pitted against the international world's concern in protecting individuals from disproportionate and irreversible punishment. Mandatory capital punishment, as practised in Singapore and, to varying degrees, across parts of Southeast Asia is a relevant example of this conflict of interest within the present-day United Nations.

This is definitely not an agenda where we expect or encourage a clean or unanimous solution, because the real world is not reflected this way. Singapore has, as recently as December 2024, publicly voted against the UN General Assembly's moratorium resolution that calls on all member states retaining capital punishment to establish a temporary suspension of executions, with a long-term goal of abolition. They cited Article 6(2) of the ICCPR and the principle of state sovereignty. This is a real and defensible legal position that is not a strawman for delegates to dismiss. At the same time, cases such as that of Nagaenthran K. Dharmalingam have raised well-documented concerns about whether mandatory sentencing leaves adequate room for judicial consideration of individuals with intellectual disability and diminished culpability.

This is a room where we expect delegates to examine the underlying social hierarchies, systems and ideas of proportionality that lead to such actions being considered as a violation of human rights in the first place. You will also need to work within the Human Rights Council's mandate, because while it can recommend, urge and monitor, it cannot bind states to change their domestic law. Do not treat that as a reason for a weak committee. Some of the most consequential UN human rights outcomes have come from resolutions that stopped short of demanding abolition but succeeded in narrowing who a punishment applies to and how it is applied. That is the space in which we expect a serious (but entertaining) and well-researched debate to take place.

As you prepare, we advise you to keep three questions in mind. First, what does the Human Rights Council's mandate allow it to ask of a state, and where is the line between a strongly worded recommendation and language that reads as a demand no sovereign state could accept? Second, is the "most serious crimes" threshold under Article 6(2) of the ICCPR a settled legal question, or a genuinely contested one, and how should the committee's language reflect that uncertainty rather than assume one side is simply correct? Third, what would a foreign national facing trial under a regime of mandatory sentencing really need, in terms of legal representation and access to disability assessments for the process to meet a basic fair-trial standard, regardless of what final sentence the law permits?

We encourage you to research beyond this guide. Read Singapore's own Explanations of Vote in full, read the Human Rights Committee's General Comment No. 36, and read the Singapore government's direct rebuttals to international legal criticism. A committee that only hears one side of this argument will not produce a resolution that could plausibly pass within the real UN, and it will not be an interesting committee to sit in, either.

We look forward to seeing you negotiate this with the enthusiasm and seriousness it deserves, and look forward to an entertaining committee.

**The Executive Board,**



**Mekhala Charan**, Chair

**Amiya Sanjeev**, Chair

**Nityaan Jaganathan**, Moderator

**AGENDA:** *Addressing the case of Singapore and comparable Southeast Asian jurisdictions in the human rights implications of mandatory capital punishment for drug-related offences*

## Introduction

Singapore exerts one of the world's strictest approaches to drug control. Under the Misuse of Drugs Act 1973 (MDA), trafficking beyond certain thresholds can result in a mandatory death sentence. Since 2013, Section 33B of the MDA has allowed courts to replace the death penalty with life imprisonment and caning, but only in limited circumstances. To qualify, the accused must be able to demonstrate that they acted purely as a courier, substantively cooperated with the Central Narcotics Bureau, or have a legally recognised mental disability. However, in reality, this exception has been narrowly applied.

This committee will examine whether, how, and to what extent the international human rights framework can be reconciled with mandatory capital sentencing regimes. Delegates will have to specifically examine the ICCPR's guarantees on the right to life (Article 6) and fair trial (Article 14). The committee will also explore what the Human Rights Council can realistically pursue, and what types of outcomes will be presented among states with differing stances on capital punishment, ranging from committed retentionist to committed abolitionist positions.

It is important to note that this debate is not applicable only to Singapore. Harm Reduction International's Global Overview reporting has found that drug-related executions account for approximately 40 per cent of all known executions worldwide in recent years. Moreover, a majority of these are concentrated in a small number of retentionist states across Asia and the Middle East. The debate therefore concerns not only Singapore's legislation, but the broader application of international standards to the use of capital punishment for drug offences.

Delegates should also understand that the argument has two sides to debate. Singapore's government has published detailed rebuttals arguing that no binding treaty obligation prohibits capital punishment for drug offences specifically. Additionally, that General Comment No. 36 is an interpretive document of the Human Rights Committee, not a source of binding law for states, including Singapore, which is not even a party to the ICCPR. This distinction is particularly relevant because Singapore has not ratified the ICCPR, resulting in the fact that the Covenant's provisions cannot be applied to Singapore in the same way they would be to a state party. Nevertheless, delegates may still refer to the ICCPR and related interpretations when considering broader international human rights standards and the evolving international position on the death penalty.

## Guiding Questions

- Does mandatory capital sentencing prevent courts from considering the individual circumstances of a case, and how should Article 14 of the ICCPR be considered given that Singapore has not ratified the Covenant?



- Do drug-trafficking offences fall within the “most serious crimes” for which the death penalty may be permitted under Article 6(2) of the ICCPR? Who should determine how this standard applies to states that do not accept the Human Rights Committee’s interpretation?
- What evidentiary standard should apply when determining whether the disability and courier exceptions under Section 33B are satisfied? Does the current standard, particularly as applied in cases such as Nagaenthran, provide sufficient protection for defendants?
- What specific procedural reforms could realistically receive support from both retentionist and abolitionist states without requiring states to immediately abolish the death penalty?
- What role should regional bodies such as ASEAN and AICHR play in advancing reform, and how can this role be reconciled with ASEAN’s principle of non-interference?
- How should the disproportionate impact of capital drug laws on foreign nationals and low-level couriers be addressed separately from the broader debate over abolition of the death penalty?

## Key Terms and Definitions

1. **Mandatory death penalty:** A regime of sentencing in which capital punishment is the only available sentence once a defendant is convicted of an offence above a statutory threshold, removing the discretion of judicial systems to weigh other factors.
2. **Courier:** According to Singapore’s legal system, a person whose role in a trafficking offence is limited to transporting, sending, delivering, or storing drugs, without higher involvement in the supply chain (a status relevant to the exception of Section 33B).
3. **ICCPR Article 6(2):** The provision of the International Covenant on Civil and Political Rights permitting the death penalty only for “the most serious crimes” and in accordance with law that is not contradictory to the Covenant. This is the central legal area of this debate, since retentionist and abolitionist states interpret “most serious crimes” differently.
4. **ICCPR Article 14:** Guarantees the right to a fair trial, including equality before courts and tribunals. This is frequently used by critics of mandatory sentencing on the basis that removing judicial discretion undermines justice that is individualised and case by case.
5. **General Comment No. 36:** An interpretive document issued by the UN Human Rights Committee in 2018, on Article 6 of the ICCPR, stating that the death penalty must be reserved for crimes involving intentional killing and that drug offences do not meet the “most serious crimes” criteria. It is authoritative guidance for ICCPR state parties but is not itself a binding treaty text, and does not bind non-parties such as Singapore.
6. **Moratorium:** A suspension of executions without a formal or legal abolition, but it is generally treated internationally as an intermediate step toward abolition.
7. **Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty:** An ECOSOC-endorsed Resolution (Resolution 1984/50) of 1984, setting minimum standards on procedure for states that retain capital punishment, frequently cited in HRC and UNGA resolutions as a baseline.





8. **Third Committee:** The UN General Assembly body (Social, Humanitarian and Cultural) where the death penalty moratorium resolution is negotiated and voted on before proceeding to the full Assembly.
9. **Non-interference principle:** A foundational norm within ASEAN diplomacy holding that member states should not intervene in one another's domestic governance or legal affairs. This is important to why many Southeast Asian states resist resolutions that try to enforce binding actions.
10. **Explanation of Vote (EOV):** A formal statement delivered by a delegation before or after a vote, placing its reasoning on the official record without altering the outcome of the vote itself. This is what Singapore has used to register its objections to the moratorium resolution.
11. **Presumption of trafficking:** Under the Misuse of Drugs Act, a legal method by which possession of a quantity above a set limit is presumed by law to be for the purpose of trafficking. This shifts the burden of proof onto the accused to demonstrate otherwise.
12. **Universal Periodic Review (UPR):** A Human Rights Council procedure under which every UN member state's human rights record is reviewed by other states on a rotating cycle. This is a way through which practices related to the death penalty are raised even for states outside the reach of core treaties.

## Background Information

### 1. Legal

The Misuse of Drugs Act 1973 categorises controlled substances into three categories and imposes escalating penalties by quantity. This culminates in a mandatory death sentence above defined thresholds — 15 grams of diamorphine, 30 grams of cocaine, 30 grams of morphine, 250 grams of methamphetamine, and 500 grams of cannabis, among others. The Act also applies a presumption of trafficking, as stated earlier, once possession exceeds certain quantities. The burden of proof therefore lies on the accused to prove the drugs were not intended for trafficking. Singapore's government has consistently defended this as a policy that is evidence-based, pointing to the country's comparatively low rates of domestic drug abuse relative to regional neighbours. Officials argue that the certainty of punishment, rather than its severity alone, is what deters trafficking, and that removing mandatory sentencing would weaken this certainty.

### 2. The Nagaenthran Case

Nagaenthran K. Dharmalingam, a Malaysian national, was convicted in 2010 of trafficking approximately 43 grams of diamorphine and sentenced to death. His defence argued that his IQ of 69 and diagnosed attention-deficit hyperactivity disorder qualified him for the exception of Section 33B, on grounds of intellectual disability. Singapore's courts found instead that he had "borderline intellectual functioning," a category the judiciary held did not meet the exemption. His execution in April 2022, after more than a decade on death row and numerous failed appeals, drew condemnation from the UN Human Rights Office, the European Union, and international disability rights organisations, who argued that executing a person with a tested cognitive impairment violated customary protections within international law.



### 3. Disproportionate Impact

Academic monitoring groups have consistently observed that those executed under the MDA's capital provisions are disproportionately low-level couriers (often foreign nationals from Malaysia, Nigeria, and other neighbouring or related countries by diaspora), rather than the organisers or financiers of the trafficking networks. This has instigated a critique that is distinct from the questions asked on disability. Does mandatory sentencing capture the most replaceable individuals in a trafficking chain while organisers who are higher in the hierarchy more often evade liability?

### 4. A Broader Picture

Singapore is not alone in retaining severe capital drug-trafficking laws, considering that regional neighbours including Malaysia, Indonesia, Vietnam, and Brunei have historically maintained similar laws, though with varying degrees of enforcement. Malaysia's 2023 reform of replacing mandatory capital sentencing with judicial discretion for a range of offences, including drug trafficking, is frequently cited by advocates of reform as evidence that legislative change is achievable within the cultural and legal context of Southeast Asian nations, without abandoning the death penalty altogether. This potentially offers a middle ground, useful for precedents in committee resolutions.

### 5. "Most Serious Crimes"

This agenda revolves around an unresolved interpretive dispute in international law. The Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (ECOSOC Resolution 1984/50) state that capital punishment in retentionist states should not extend beyond "intentional crimes with lethal or other extremely grave consequences." The UN Human Rights Committee's General Comment No. 36 (2018) builds on this, concluding that drug offences do not meet the threshold of "most serious crimes" because they do not involve an intention to kill resulting in loss of life. UN Special Rapporteurs on extrajudicial executions and on torture have echoed this position in further reports regarding the issue.

Singapore's government has directly and publicly disputed this, however. In a joint response from the Ministry of Law and the Ministry of Home Affairs to the International Commission of Jurists in 2022, Singapore argued that General Comment No. 36 is an interpretive opinion. It stated that it was not binding treaty law, and therefore that no customary international law rule prohibits capital punishment for drug trafficking, and that Singapore (not being a party to the ICCPR) is not restricted by the Committee's interpretation of it in the first place. Delegates arguing either side of this agenda should be prepared to engage with the underlying question of what obligations bind a state that has not ratified the ICCPR. To do this, researching past examples of ratification and the consequences of binding and non-binding treaties would provide you a clearer picture of the arguments you can bring forth during committee.

### 6. Contested Data and Other Evidence

An empirical dispute that is recurrent concerns whether mandatory capital punishment actually deters drug trafficking more effectively than non-mandatory sentencing. Singapore's government points to comparatively low domestic rates of drug abuse as circumstantial support for deterrence. Independent researchers, including those affiliated with Monash University's Eleos Justice project, have noted that the existing survey and



enforcement data available does not establish a clear causal deterrence effect specific to the mandatory nature of the sentence. It focuses on the certainty of enforcement more broadly. This gap in evidence is itself a live point of contention that a resolution could address, for example by calling for independent research into the outcomes of sentencing.

## 7. Due Process

Monitors of human rights have raised specific due-process concerns about how capital drug cases proceed in practice. Some examples are the presumption of trafficking that shifts the burden onto the accused once a quantity above threshold is found, limited access before trial to independent legal counsel for some foreign nationals in the early stages of investigation, and the rushed timeline between final appeal and execution, which is argued to leave little practical room for new evidence (including new evidence of intellectual disability) to be considered. Singapore maintains that the appeals process, including the Court of Appeal and presidential clemency review, provides sufficient safeguards that are consistent with due process. This disagreement over whether existing safeguards are adequate, rather than whether any safeguards exist at all, is a more accessible point of negotiation for a resolution than the question of abolition altogether.

## Timeline

| Date         | Event                                                                                                                                                                                                                                                                |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1973         | Misuse of Drugs Act enacted, establishing Singapore's narcotics framework, including mandatory capital thresholds for trafficking offences.                                                                                                                          |
| 1975         | First execution carried out under the Misuse of Drugs Act's capital provisions.                                                                                                                                                                                      |
| 2007         | First UN General Assembly resolution calling for a global moratorium on the death penalty is adopted. Singapore votes against.                                                                                                                                       |
| 1 Jan 2013   | Amendments to the Misuse of Drugs Act take effect, introducing Section 33B, allowing judges limited discretion to impose life imprisonment instead of death for couriers who cooperate with the Central Narcotics Bureau or who have a recognised mental disability. |
| 2015         | Singapore carries out executions of foreign nationals (including Malaysian citizens) for the trafficking of heroin, drawing renewed attention towards the process.                                                                                                   |
| 2019         | Court of Appeal upholds the death sentence of Nagaenthran K. Dharmalingam.                                                                                                                                                                                           |
| 2020–2021    | Executions in Singapore are paused amid COVID-19-related court and prison restrictions, though death sentences continue to be handed down.                                                                                                                           |
| Mar–Apr 2022 | Executions resume — Nagaenthran's case draws international condemnation from the UN and the EU, who argue his execution would violate the prohibition on executing persons with intellectual disabilities.                                                           |
| 27 Apr 2022  | Nagaenthran K. Dharmalingam is executed after the Court of Appeal rules he had "borderline intellectual functioning".                                                                                                                                                |
| 2022–2023    | Singapore carries out a sharp increase in executions, becoming one of the most active executing states globally relative to population size. The majority of cases involve drug trafficking.                                                                         |
| Nov 2024     | Singapore proposes an amendment to the biennial UNGA Third Committee moratorium resolution with a focus on maintaining sovereignty; the amendment passes 105-65-19, and the amended resolution is later adopted 131-36-21.                                           |





| Date        | Event                                                                                                                                                                                |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 Dec 2024 | Singapore issues a formal Explanation of Vote against the UNGA moratorium resolution, citing ICCPR Article 6(2) and state sovereignty over criminal justice systems.                 |
| Sep 2025    | Singapore carries out the execution of a Malaysian convicted of heroin trafficking despite a postponement decision and repeated petitions for clemency from the individual’s family. |
| 2025–2026   | Harm Reduction International’s annual Global Overview reports continue to record drug-related executions as accounting for a large share of known executions worldwide.              |

Major Countries and Organisations

Positions within this committee can broadly be understood along two key axes: whether a state retains capital punishment at all, and whether it regards the death penalty as a matter of domestic sovereignty beyond external comment, or as a legitimate subject of international human rights scrutiny.

The table below summarises the states and organisations with which delegates are most likely to need to negotiate or from which they may encounter opposition. Delegates representing states not included in the table should also research their country’s voting record on the UNGA resolution concerning a moratorium on the use of the death penalty. This voting record is publicly available and provides a useful and reliable indicator of the state’s broader position on the issue.

| Country / Body | Position                                                                                                                                                                                        |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Singapore      | Defends mandatory capital punishment as a sovereign and effective deterrence measure. Opposes external scrutiny of its domestic sentencing laws.                                                |
| Malaysia       | Abolished mandatory death sentences for drug trafficking in 2023 and introduced greater judicial discretion. The issue remains sensitive due to executions of Malaysian nationals in Singapore. |
| Indonesia      | Retains and enforces the death penalty for drug trafficking. Generally emphasises sovereignty and non-interference.                                                                             |
| Thailand       | Retains the death penalty but has adopted more flexible approaches to drug policy. May support moderate reform-oriented measures.                                                               |
| European Union | Strongly abolitionist. Supports international efforts toward a moratorium and emphasises the right to life and fair-trial protections.                                                          |
| United States  | Retains the death penalty but supports due-process safeguards. Likely to favour procedural protections over immediate abolition.                                                                |
| Italy          | Strongly supports abolition and international efforts toward a global moratorium on executions.                                                                                                 |
| China          | Retains the death penalty and emphasises sovereignty and non-interference. Likely to oppose extensive international scrutiny.                                                                   |
| ASEAN          | Emphasises non-interference in domestic affairs. Member states maintain diverse positions on capital punishment.                                                                                |
| OHCHR          | Provides research and reporting on capital punishment and its human-rights implications.                                                                                                        |



| Country / Body                                    | Position                                                                                                                                                                                 |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UN Special Rapporteur on Extrajudicial Executions | Opposes the use of the death penalty for drug-related offences and raises concerns regarding mandatory sentencing.                                                                       |
| UN Human Rights Committee                         | Interprets the ICCPR’s “most serious crimes” standard as excluding drug offences from crimes eligible for capital punishment. This does not directly bind non-parties such as Singapore. |
| Vietnam                                           | Retains and actively enforces capital punishment for serious drug-related offences.                                                                                                      |
| Brunei                                            | Retains the death penalty in law but has maintained a de facto moratorium on executions.                                                                                                 |
| Philippines                                       | Abolished the death penalty in 2006. However, extrajudicial killings associated with anti-drug operations remain a related human-rights concern.                                         |
| Harm Reduction International                      | Provides international data and research on executions for drug-related offences.                                                                                                        |
| International Commission of Jurists (ICJ)         | Criticises the use of capital punishment for drug offences and has challenged Singapore’s legal position on the issue.                                                                   |
| AICHR                                             | ASEAN’s regional human-rights body. Its role is limited by ASEAN’s non-interference principle but it can facilitate regional dialogue.                                                   |

Previous Attempts to Address the Issue

Previous efforts to address Singapore’s use of the death penalty have taken place at multiple levels. None have altered Singapore’s framework since the introduction of Section 33B of the Misuse of Drugs Act in 2012–2013. For delegates, these efforts are important in assessing which approaches have been effective and which may be difficult to put forth in a future resolution.

1. The Biennial UNGA Moratorium Resolution

Since 2007, the UN General Assembly has adopted a resolution calling on states that retain the death penalty to establish a moratorium on executions, with the long-term goal of abolition. The resolution gained support over time, receiving approximately 104 votes in favour in 2007 and 131 votes in the November 2024 vote in the Third Committee. However, a consistent group of around 35–40 states, including Singapore, have continued to oppose the resolution, while a growing number of states abstained.

During 2024, Singapore supported an amendment reaffirming the right of states to determine their own criminal justice systems “in accordance with international law.” The amendment passed with 105 votes in favour and 65 against. The amended resolution was adopted subsequently, with 131 votes in favour, 36 against, and 21 abstentions. In its Explanation of Vote, Singapore objected to the resolution’s interpretation of Article 6(2) of the ICCPR, as mentioned previously.

2. Section 33B and Domestic Legislative Reform (2012–2013)

Singapore’s amendments to the Misuse of Drugs Act in 2012, which introduced Section 33B, remain the most important domestic changes to its death penalty framework recently. The provision created exceptions to capital punishment for certain individuals, including cooperation with authorities or specific levels of mental or intellectual disability.



This was welcomed internationally because these amendments were a move towards judicial discretion. However, critics have continued to argue that the exceptions are too narrowly defined and have raised concerns about their application in individual cases, including that of Nagaenthran K. Dharmalingam. These criticisms reflect a broader concern that exceptions may have limited impact where judges have little to no discretion over the final sentence.

### 3. Regional Reform (2023)

Regional developments in Southeast Asia have provided another possible avenue for reform. Malaysia's decision to remove mandatory death sentences for certain offences is a recent example of an ASEAN member state moving towards a greater degree of judicial discretion without immediately abolishing capital punishment altogether, a nuanced position to hold.

Malaysia's approach has been referenced by human rights organisations and advocates as a possible model for reform in other states. Such an approach may also be more politically viable within ASEAN, where the principle of non-interference remains an important consideration. Rather than requiring immediate abolition, incremental reforms can focus on reducing mandatory sentencing and expanding judicial discretion while allowing states to retain greater control over their criminal justice systems.

### 4. Bilateral Engagement

Governments have at times made diplomatic representations and appeals on behalf of their citizens facing execution in Singapore. Malaysia, for example, has intervened on behalf of Malaysian nationals on death row. Although such efforts have not generally prevented executions, they showcase the potential usefulness of bilateral engagement in terms of procedural reform. For the Human Rights Council, these issues may provide a more limited but debatable area of discussion, especially regarding the protection of foreign nationals facing the death penalty.

### 5. Legal Advocacy

Organisations such as the International Commission of Jurists, Amnesty International, Harm Reduction International, and other groups based in Singapore, including the Transformative Justice Collective, have used public campaigns, correspondence with government authorities, and advocacy surrounding individual cases to challenge existing practices.

Although these efforts have not resulted in a change to Singapore's sentencing practices, they have contributed to public and legal debate. Singaporean authorities have also responded to some of these criticisms through detailed policy arguments, perhaps indicating that engagement between the government and such organisations can continue even in the face of disagreements. Partnerships with organisations that are capable of legal advocacy are another important manner in which Singapore's practices could be reformed.

Overall, previous efforts demonstrate the difficulty of achieving broad changes to Singapore's death penalty policy through external pressure. For delegates, this suggests that a realistic resolution could combine continued discussion of the threshold around "most serious crimes" with the discussion of practical measures regarding procedure. These could include greater judicial discretion or clearer and more detailed standards for existing exceptions.



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