

# The Singapore story on the death penalty

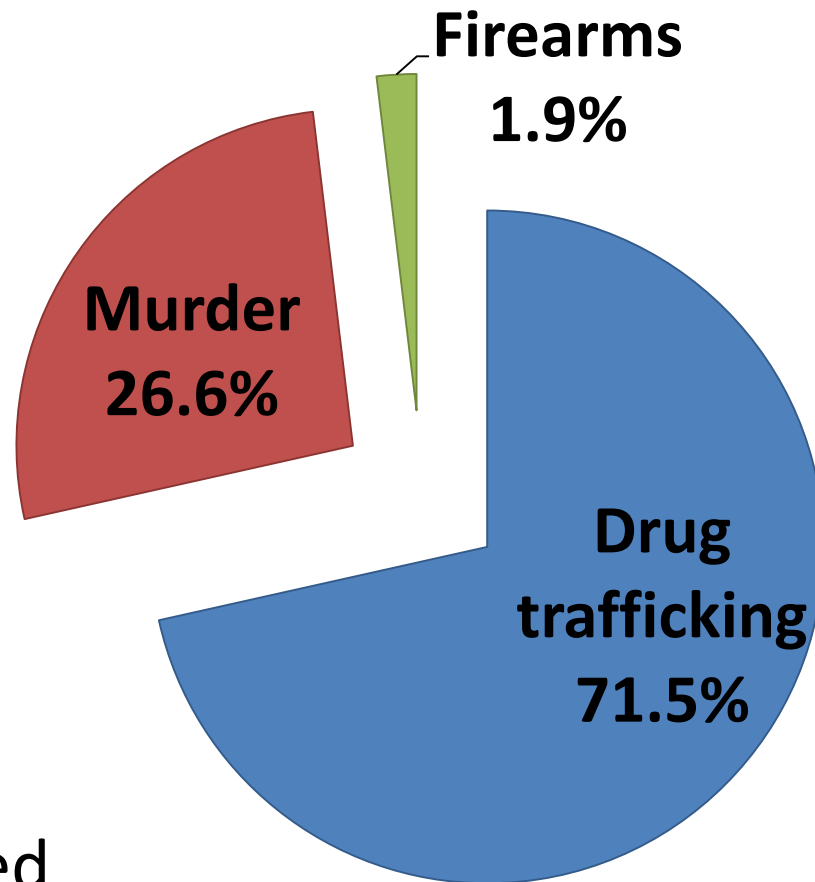
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MARUAH forum

The Death Penalty – Yea or Nay?

27 May 2017

# Breakdown of executions 1991-2016



Total executed  
(1991 -2016): 466

# Penalty for using firearms

- Pre-1973: death or life imprisonment
- Since 1973: mandatory death for persons who use or attempt to use any firearm (and their accomplices)
- Since 1993: mandatory death penalty extended to such persons even if they did not intend to cause physical injury while committing or attempting to commit a scheduled offence (and their accomplices)

# Penalty for drug trafficking

- Pre-1975: maximum sentence was imprisonment, fine, caning
- Since 1975: mandatory death penalty for trafficking of heroin and morphine
- Since 1989: mandatory death penalty extended to trafficking of opium, cannabis, cannabis resin and cocaine
- Since 1998: mandatory death penalty extended to trafficking of methamphetamine (“ice”)

- Since 2012: judges given discretion to impose death penalty or life imprisonment in 2 very limited situations of drug trafficking:
  - a) D is a “drug courier” only and Public Prosecutor certifies that he has substantively assisted the CNB to disrupt drug trafficking activities; or
  - b) D is a “drug courier” only and was suffering from “diminished responsibility”

# Penalty for murder

- Sentence of death was discretionary when the Penal Code was enacted in 1871
- Since 1883: mandatory death penalty for murder
- Since 2012: mandatory death only for intentional murder; in other cases of murder, judges given discretion to impose the death penalty or life imprisonment (with caning)

# The current legal system

- Some relaxation in drug trafficking and murder, but limited in scope. Eg where:
  - Criteria in drug trafficking do not apply
  - Intentional murder
  - Non-intentional murder but court chooses death penalty

- Where judge imposes life imprisonment instead of death for non-intentional murder, caning can be imposed as well.
- In drug trafficking, mandatory minimum of 15 strokes of the cane if person is not sentenced to death penalty (unless D satisfies “diminished responsibility” limb)



# Three issues

- Not clear that death penalty is more effective than life imprisonment
- Death penalty possible even if Court of Appeal is not unanimous
- Death penalty possible even if High Court did not impose it, but Court of Appeal allows appeal by Public Prosecutor

*THANK YOU*