The Singapore story on the death penalty

Chan Wing Cheong
MARUAH forum
The Death Penalty – Yea or Nay?
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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