THE IRREFUTABLE CASE AGAINST DEATH PENALTY
M. Ravi
THE SINGAPORE STORY
In Memory

Ridzuan Ali
1985 - 2017

Executed by the State on Friday 19 May 2017 for trafficking 72.5g of heroin because the Attorney General refused to grant him a Certificate of Cooperation despite the fact that he had provided details and was cooperative during the investigation.

3rd Killing in the Year
# Death Penalty In Singapore

<table>
<thead>
<tr>
<th>Offences Against the State</th>
<th>Endangering Life</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waging or attempting to wage war or abetting the waging of war against the Government</td>
<td>Piracy that endangers life</td>
</tr>
<tr>
<td>Offences against the President’s person (treason)</td>
<td>Terrorism</td>
</tr>
<tr>
<td>Mutiny</td>
<td>Drug trafficking</td>
</tr>
<tr>
<td>Attempting to Kill a Person</td>
<td>Unlawful discharge of firearms, even if no one is injured</td>
</tr>
<tr>
<td>Attempted murder by a prisoner serving a life sentence</td>
<td></td>
</tr>
<tr>
<td>Kidnapping or abducting in order to murder</td>
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</table>

## Attempting to Kill a Person
- Attempted murder by a prisoner serving a life sentence
- Kidnapping or abducting in order to murder

## Killing a Person
- Perjury that results in the execution of an innocent person
- Murder
- Abetting the suicide of a person under the age of 18 or an "insane" person
- Robbery committed by 5 or more people that results in the death of a person
Political shifts & legislation that have directly affected the right to a fair trial & access to justice for the accused

- Trial before only 1 Judge
- Loss of Privy Council Appeal
- Mandatory Sentence
- No Jury. No right to silence. Unreasonable delays in access to counsel.
- Lack of multi-party representation
“WE NEED TO BE TOUGH ON CRIME TO BE SAFE IN SINGAPORE”
“Many who argued against death penalty put a lot of their focus on people who face the death penalty. Not enough attention is put on their victims. Drug traffickers impose immense penalties, including the death penalty, on their victims. Thousands of people die from drugs and related crimes. We have stopped that in Singapore while countries around the world are losing the war on drugs. We want to protect our people from becoming victims, and to protect our society.”
“Threat of death penalty for drug trafficking is good deterrent and keeps Singapore safe.”

Law Minister, K. Shanmugam
“there is no conclusive evidence of the deterrent value of the death penalty”

-- GENERAL ASSEMBLY OF THE UNITED NATIONS
DR JEFFREY FAGAN, CRIMINOLOGIST

“Hong Kong renounced capital punishment in 1993, and had no executions since [1966]. Yet there were no measurable differences in their homicide rates [compared to Singapore], regardless of whether the execution rate in Singapore was measured for drug offenses or for murder."
The EU holds a principled position against the death penalty and is opposed to the use of capital punishment under any circumstances. The death penalty has not been shown in any way to act as a deterrent to crime. Furthermore, any errors - inevitable in any legal system - are irreversible. The EU will continue in its pursuit of the abolition of the death penalty worldwide.

APRIL 2017

Execution of Jeffrey Marquez Abineno
### Comparative Data on Hong Kong and Singapore

<table>
<thead>
<tr>
<th>Source</th>
<th>Population</th>
<th>Percent Chinese</th>
<th>Population Density</th>
<th>Annual Population Growth</th>
<th>Per Capita GNI</th>
<th>Economic Growth in 2007</th>
<th>Adult Literacy</th>
<th>Birth Rate</th>
<th>Migrants per 1,000</th>
<th>Life Expectancy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hong Kong</strong></td>
<td>7.0 M</td>
<td>95</td>
<td>6.4 per KM</td>
<td>1.4%</td>
<td>28,460 (21%)</td>
<td>5.8%</td>
<td>92%</td>
<td>11.4 per thousand</td>
<td>8.1</td>
<td>79.5</td>
</tr>
<tr>
<td><strong>Singapore</strong></td>
<td>4.6 M</td>
<td>75</td>
<td>6.5 per KM</td>
<td>1.4%</td>
<td>29,320 (20%)</td>
<td>7.4%</td>
<td>93%</td>
<td>9.4 per thousand</td>
<td>9.1</td>
<td>81.7</td>
</tr>
</tbody>
</table>

Homicide Rates in Hong Kong & Singapore

Figure 5. Homicide Rates, Hong Kong and Singapore, 1967-2007.
Executions in Singapore (For All Crimes) Compared with the Homicide Rate

Figure 4. Execution Rates for Murder and Homicide Rates, Singapore, 1973-2007

Homicide Rates Per 100,000 (Y1)

Execution Rates for Murder Per Million (Y2)

Death Penalty is Disproportionately Applied Against the Poor and Disadvantaged
Has any Kingpin Ever Been Sentenced to Death in Singapore?

No
Poverty + Lack of Education + Lack of Language Literacy + Foreign Country (for some)

- Cannot afford the best representation
- Most rely on State Counsel assigned to them
- Sometimes they are assisted by pro bono lawyers – but sometimes too late
- Already in a vulnerable state, tricked into confession
- Death Penalty unsafe in an environment of lack of safeguards
Poor Man

I am an angry man.
They have managed to turn me into an animal!
Death Row is a place
That only the poor will have to face
It's only a poor man that will lie on that table
And feel his heart become so unstable
As he's watching the liquid flow
And know he's about to go
No, a rich man won't experience this
It's only the poor that are on this list.

by Ronald Clerk
Florida State Prison
Safeguards **SHOULD NOT** be Undermined

- Abolition of Trial by Jury (1969)
- Removal of the Right of Silence (1976)
- Reduction in the number of judges hearing capital punishment cases, from 3 to 2 to 1
- Saving costs of judicial procedure at the risk of executing the innocent
• Conviction based on confessions alone
• Conviction based on uncorroborated evidence or evidence of an accomplice
• Presumptions stacked in favour of prosecutorial decisions due to lack of transparency
• Unanimous decisions vs Majority decisions
Mandatory Sentencing, Prosecutorial Discretion and the Clamp on Clemency
(SIMPLIFIED) Trial & Sentencing Process

Prosecution’s case + Defendant’s case → Judge determines guilt or innocence of the accused

Judge makes a Determination on Sentencing:
- Age
- Rehabilitative Goals
- Criminal Record
- Mental Capacity
- Fear of another person
- Reparations made
- Use of violence
- Harm done to property
- Cooperations with authorities

Role

Process:
1. Collect evidence and build a case
2. Present evidence in court
3. Judge makes a determination on sentencing
4. Sentence is applied

Elements of Sentencing:
- Penalties
- Probation
- House arrest
- Community service
- Fine
- Suspension of sentence
- Probation violation

Factors affecting sentencing:
- Prior criminal record
- Age
- Mental health
- Mitigating circumstances
- Aggravating circumstances
Trial & Sentencing With Mandatory Sentences

Judge’s determination on guilt or innocence

Sentencing is pre-determined

- Age
- Role
- Mental Capacity
- Reparations made
- Fear of another person
- Use of violence
- Harm done to property
- Cooperation with authorities
- Rehabilitative Goals
- Criminal Record

Prosecution's Case

Defendant's Case
Changes to the Mandatory Death Penalty

Singapore plans changes to mandatory death penalty

Singapore is proposing changes to its mandatory death penalty for drug trafficking and murder in some cases.

Under the proposed changes, the courts will have discretion in the sentencing of low-level drug couriers who co-operate with police.

In murder cases, the mandatory death penalty will only apply when there is an
“With due respect, Mr Speaker, if the definition of “substantively assisted” is to be based on outcome, it seems that only offenders who are “useful” may fall under the court’s discretion not to impose the death sentence. Surely there are moral and ethical issues that as a society, we should be concerned with here when we have such a utilitarian paradigm of human beings in our judicial system.”
Sentencing For Murder

- The intention was to cause death
  - Mandatory Death Penalty
    - Judge may sentence to death
      - Judge may sentence to life
        - The person committing the act knew that it was dangerous that it must in all probability cause death
        - May include caning
        - May not include caning
Under the amendment to the MDP for murder, the penalty of death is still mandatory when the crime is determined to have been committed intentionally.
Prosecutorial Power

Evidence and Police Role / Bias

Lack of Access to Lawyers

Miscarriage of Justice – wrong man

No Statistics on Cost to the State DP v Imprisonment/
Rehabilitation

Secrecy of Executions
## RETENTIONIST COUNTRIES

Countries which retain the death penalty for ordinary crimes

<table>
<thead>
<tr>
<th>Afghanistan</th>
<th>Guyana</th>
<th>Palestinian Authority</th>
</tr>
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<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>India</td>
<td>Qatar</td>
</tr>
<tr>
<td>Bahamas</td>
<td>Indonesia</td>
<td>Saint Kitts &amp; Nevis</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Iran</td>
<td>Saint Lucia</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Iraq</td>
<td>Saint Vincent &amp; Grenadines</td>
</tr>
<tr>
<td>Barbados</td>
<td>Jamaica</td>
<td>Saudi Arabia</td>
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<tr>
<td>Belarus</td>
<td>Japan</td>
<td>Singapore</td>
</tr>
<tr>
<td>Belize</td>
<td>Jordan</td>
<td>Somalia</td>
</tr>
<tr>
<td>Botswana</td>
<td>Korea (North)</td>
<td>South Sudan</td>
</tr>
<tr>
<td>Chad</td>
<td>Kuwait</td>
<td>Sudan</td>
</tr>
<tr>
<td>China</td>
<td>Lebanon</td>
<td>Syria</td>
</tr>
<tr>
<td>Comoros</td>
<td>Lesotho</td>
<td>Taiwan</td>
</tr>
<tr>
<td>Congo (Democratic Republic)</td>
<td>Malaysia</td>
<td>Trinidad and Tobago</td>
</tr>
<tr>
<td>Cuba</td>
<td>Nigeria</td>
<td>Uganda</td>
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<tr>
<td>Dominica</td>
<td>Oman</td>
<td>United Arab Emirates</td>
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<tr>
<td>Egypt</td>
<td>Pakistan</td>
<td>United States of America</td>
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<tr>
<td>Equatorial Guinea</td>
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<td>Viet Nam</td>
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<td>Ethiopia</td>
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<td>Yemen</td>
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<td>Gambia</td>
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<td>Zimbabwe</td>
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ALTERNATIVE ??

Life imprisonment with the prospect of parole.
Death Penalty sends the accused to damnation without recognising that an accused can change.
Several case examples in other countries.

HUMANITY & SANCTITY OF LIFE MUST PREVAIL
25-year-old Yong Vui Kong will live, making him the first death-row inmate convicted for drug-related crimes to be spared the gallows.
Thank You