

# **SINGAPORE'S SUBMISSION TO THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS' REQUEST FOR INFORMATION FOR THE REPORT OF THE UN SECRETARY-GENERAL TO THE HUMAN RIGHTS COUNCIL ON THE QUESTION OF THE DEATH PENALTY, PURSUANT TO DECISION 18/117 AND RESOLUTION 22/11 OF THE HUMAN RIGHTS COUNCIL**

## **Death Penalty in Singapore**

The death penalty is an important component of Singapore's criminal justice system. It is only applied to the most serious crimes in Singapore – crimes which cause grave harm to life and to society such as murder, using or attempting to use arms to commit particular offences, terrorist bombing, and trafficking in or importing/exporting large quantities of drugs – and has been effective in deterring these crimes. The death penalty serves the larger interests of Singapore society by ensuring our people's fundamental human right to safety and security.

## **Procedural and Judicial Safeguards for Capital Cases**

2. The right to life is a fundamental liberty guaranteed by the Singapore Constitution. Article 9(1) of the Constitution provides that, "No person shall be deprived of his life or personal liberty save in accordance with law". The use of the death penalty in Singapore is provided for by law and is applied only after due process of law and with judicial safeguards.
3. Any person who faces capital charges is ensured legal representation under the Legal Assistance Scheme for Capital Offences. Once charged with a capital offence, legal counsel is offered to the person free of charge, regardless of the person's nationality.
4. All capital offences are heard in the High Court, and there are additional safeguards in place for all capital cases. For instance, the High Court shall not record a guilty plea in a capital case unless the accused is tried and the Public Prosecutor leads evidence to prove that the elements of the offence have been made out. In addition, all convicted persons sentenced to death by the High Court are entitled to appeal against both the conviction and sentence to the Court of Appeal.
5. As a further safeguard, every death sentence imposed is reviewed by the Court of Appeal, regardless of whether the convicted person appeals against the

conviction and/or sentence. Section 394A of the Criminal Procedure Code 2010 (“CPC”) provides that where the High Court sentences a person to death and the person does not file an appeal within the time allowed, the Public Prosecutor is required to lodge a petition for confirmation. The Court of Appeal must then satisfy itself as to the correctness, legality, and propriety of the conviction and the imposition of the death sentence before confirming it.

## **Non-Application of Death Penalty to Certain Persons**

### *Persons Below 18 Years of Age*

6. The death penalty is not applied to offenders below the age of 18 years. Under section 314 of the CPC, a sentence of death must not be passed or recorded against an accused convicted of an offence if the court has reason to believe that, at the time the offence was committed, he was below the age of 18 years. Instead, the court must sentence the offender to life imprisonment. Where the accused is below 16 years old, the court may sentence the offender to be detained for such period as may be specified in the sentence.

### *Pregnant Women*

7. The death penalty is not applied to pregnant women. Under section 315 of the CPC, the court must pass a sentence of life imprisonment on a woman convicted of a capital charge if the court finds her to be pregnant.

### *Persons with Unsound Mind or Suffering from Abnormality of Mind*

8. The death penalty is also not applied to persons of unsound mind. Where an offender was incapable of knowing the nature of the act, incapable of knowing what he was doing was wrong, or completely deprived of any power to control his actions at the time of the commission of offence, the offender will be acquitted of the offence by reason of unsoundness of mind under section 84 of the Penal Code 1871.

9. In addition, if an offender facing a murder charge was suffering from an abnormality of mind which substantially impaired his capacity to know the nature of the acts in causing death, his capacity to know whether such acts are wrong, or his power to control his acts in causing the death, the offender would not be found guilty of murder, but of the lesser offence of culpable homicide not amounting to murder, which does not attract the death penalty. For an offender facing drug trafficking or importation/exportation charges who can prove that he was suffering from an abnormality of mind which substantially impaired his mental

responsibility for the act, the death penalty would also not be applied if the offender only played the role of a courier and was not involved in any other activity related to the supply or distribution of drugs.

10. Where a court has reason to suspect that an accused person is of unsound mind and consequently incapable of making his defence, the court is required to investigate the fact of such unsoundness. The court is also required to postpone the inquiry or trial or other proceeding if it is not satisfied that the person is of sound mind and capable of making his defence. The inquiry, trial or other proceeding may resume only if the accused is subsequently found to be capable of making his defence.

### **Support for Families of Inmates (including Persons Awaiting Capital Punishment)**

11. Singapore has measures in place to support the families and children of incarcerated persons, including those sentenced to capital punishment.

12. Through interviews conducted upon the inmate's incarceration, the Singapore Prison Service ("SPS") facilitates timely identification and referral of the needs of the inmates' families, including their children, to resources in the community. Inmates can also request assistance on behalf of their families at any time during their incarceration.

13. The SPS has established Family Resource Centres to provide interim social and financial support to families affected by their relatives' incarceration. This includes areas such as childcare assistance, housing, and employment. Families may also be referred to the relevant social support systems in the community.

14. The SPS works with an alliance of government organisations and social service agencies to run programmes and services such as casework and counselling, tuition assistance, parenting programmes, and family bonding programmes for selected inmates. These help to mitigate the impact of parental incarceration on the inmates' children. Under the Yellow Ribbon Community Project, community volunteers also engage and visit families of inmates, to check on their well-being and link them up with community support where required.

15. The SPS facilitates twice-monthly visits of inmates for their families and children in order to help maintain the familial connections, and provide inmates with emotional support. More or longer visits may also be granted if needed. Besides visits, inmates are also able to stay connected with their families by writing letters.

## **Conclusion**

16. There is no international consensus against the use of the death penalty when it is imposed according to the due process of the law and with judicial safeguards. Every country has the sovereign right to determine its own criminal justice system, based on its circumstances and in accordance with its international obligations. This has been reaffirmed in the United Nations General Assembly (UNGA) resolutions A/RES/71/187, A/RES/73/175, and A/RES/75/183.

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