## Death Penalty Plan

### Advantage

#### The rich city state of Singapore is Disneyland with the death penalty. A system of unfair trials and prosecutor power allow it to enforce capital punishment for certain drug offenses depriving citizens of basic human rights.

LKY, Public Policy Academy, Singapore’s War on Drugs: A Historical Overview, Feb 23, 2018, <https://lkyspp.nus.edu.sg/docs/default-source/case-studies/20180223_singapores_war_on_drugs_final.pdf?sfvrsn=5ec9c0b_2> ///AHS PB

Singapore remains today one of the few countries in the world which has the death penalty for drug offences and amongst even fewer countries where the death sentence is mandatory for such offences, meaning that the judge is not able to consider any mitigating circumstances when deciding on the sentence to be imposed.90 Executions in Singapore are overwhelmingly for drug trafficking offences; it was estimated that from 1991 to 2014, 328 persons were executed for charges of drug trafficking (compared to 121 persons for murder and nine for firearms offences); 91 at its peak, 76 persons were executed in 1994 (54 for drug trafficking).92 While statistics for state executions have been noted to be incomplete,93 a controversial 2004 Amnesty International report suggested that Singapore had, at one time, the “highest per capita rate of executions in the world”. From 1994 to 1997, Singapore’s rate of 13.57 executions per one million population was higher than that of Saudi Arabia’s (4.65) and even China’s (2.01). 94 However, there has been a notable decline in executions since 2003.95 Despite strong international criticism,96 the state continued to view[s] the death penalty as a necessity in the Singaporean context. Deputy Prime Minister and then Home Affairs Minister, Teo Chee Hean, reiterated in Parliament in 2012: The death penalty has been an important part of our criminal justice system for a very long time, similar to the position in a number of other countries. Singaporeans understand that the death penalty has been an effective deterrent and an appropriate punishment for very serious offences, and largely support it. As part of our penal framework, it has contributed to keeping crime and the drug situation under control.97 Nonetheless, in 2012 the government made amendments to its mandatory death penalty policy for murder and drug offences. 98 The Misuse of Drugs Act was amended such that life sentences could be imposed instead of the death penalty if certain conditions were met.99 Under this new Section 33B of the MDA, which came into force in January 2013, a drug offender who would otherwise have been subject to the mandatory death penalty may instead be sentenced to life imprisonment in two situations:  The accused had to show, on ‘a balance of probabilities’, that he/she was only a drug courier and the Public Prosecutor (PP) had to certify that he/she had “substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore”. 100 This determination of substantive assistance was to be [are] at the ‘sole discretion’ of the PP; 101  The accused had to show, on ‘a balance of probabilities’, that he/she was only a drug courier and that he/she was “suffering from such abnormality of mind”, such that his/her as ‘mental responsibility’ for the act/s was ‘substantially impaired’. 102 Chan has surmised that Section 33B of the MDA was an attempt to distinguish between ‘mere drug mules’ and those higher up the rungs of a drug syndicate, who ‘do not deserve sympathy’.103 This desire for a ‘calibrated distinction’ between mules and those deemed more culpable was also noted by Chen. 104 This discretionary aspect of the death penalty, however, introduced a new ‘evidential guillotine’ for the accused,105 in which an accused drug courier might be incentivized to ‘self-incriminate’ in order to maximize his/her chances of escaping the gallows, even as “the prosecution holds all the cards”. 106 Additionally, Members of Parliament have raised the question of whether the courts—rather than public prosecutors—should decide on issues of cooperation. However, Minister of Law Shanmugam replied in Parliament that the PP was “better placed to decide” as it is “independent… (and) works closely with law enforcement agencies and has a good understanding of operational concerns”. 107 The sole discretion of the Public Prosecutor in deciding whether someone was to be imprisoned for life or executed was problematized recently through the case of Muhammad Ridzuan Md Ali, 31, who was hanged for heroin trafficking, while his accomplice, Abdul Haleem Abdul Karim, was not. While both men were found guilty of trafficking heroin, Abdul Haleem was given a certificate of cooperation (COC) by the Public Prosecutor. Although the Court did find that Ridzuan was ‘a mere courier’, the PP did not issue him a certificate of cooperation.108 In an exchange between Abdul Haleem and the judge, an emotional Abdul Haleem said to Justice Tay Yong Kwong: “If you are sparing my life and not sparing his life, I’d rather go down with him.” To which the judge replied: “The court does not have complete discretion to do whatever you want me do.” When Abdul Haleem pointed out that he faced the same charges as Ridzuan, the judge said: “You have certification from the AttorneyGeneral’s Chambers, he does not.”109 Ridzuan was hanged on 19 May 2017,110 just days after his family was notified, on 15 May 2017, that the President had rejected his clemency appeal.111

#### And this causes structural violence against underprivileged and minority communities. Far from stopping large scale traffickers, Singapore’s poorest are executed for a political spectacle that pretends threatening to kill people works instead of solving the root cause of the issue.

Kirsten Han, Singaporean freelance journalist, often writing about social and human rights issues, I discovered the truth about Singapore's 'war on drugs'. Now I campaign against the death penalty, 18 May 2016, <https://www.opendemocracy.net/drugpolicy/kirsten-han/how-discovering-truth-about-singapore-s-war-on-drugs-led-me-to-campaign-to-abolish-death> ///AHS PB

Born to a poor family in the east Malaysian state of Sabah, Vui Kong was arrested in 2007 with 47.27 grams of heroin. Under Singaporean law, 15 grams and above is enough to attract the mandatory death penalty. Seeing his youth, the trial judge had asked the prosecution to consider reducing the charge, so he wouldn’t have to face the gallows. The prosecution refused. This is the reality of the ‘war on drugs’ in Singapore. An uncompromising attitude is sold as being ‘tough on crime’, and largely bought by the populace as the secret sauce to keeping Singapore the safe, relatively low-crime city it is. An uncompromising attitude is sold as being ‘tough on crime’. “When we talk about death penalty for drug traffickers, what are we talking about? The person brings across heroin enough to feed 950 people for one week, that person faces death penalty. People look at the drug traffickers that we impose a death penalty on. Very little of the literature focuses on the death penalties that drug traffickers impose on society,” said law and home affairs minister Kasiviswanathan Shanmugam at a question and answer session with university students in March. This mentality makes capital punishment [it] look like a logical trade-off; we sacrifice the lives of a number of nasty people for the good of hundreds or thousands. It’s taught to Singaporean children from a young age, with little critique or question. By the time I entered the picture in 2010, Vui Kong’s case had been taken over by human rights lawyer M. Ravi, who had won him a stay of execution and was mounting a challenge to the constitutionality of the mandatory death penalty (which would later fail). Outside the courtroom, the long-running Singapore Anti-Death Penalty Campaign (SADPC) was doing its best to work within the limits of Singapore’s restrictions on advocacy, activism and protest to raise awareness of his case. By the end of that year, two 18-year-old students and I would set up We Believe in Second Chances, a campaign for Vui Kong meant to emphasise his youth through ours. We had originally intended for Second Chances to just be a campaign for Vui Kong. But his story led to a deeper examination of capital punishment, criminal justice and drug policy, and we quickly realised that the issue went far, far beyond one young Sabahan. We’ve since worked, or are working, with multiple families of death row inmates – we aren’t able to get permission from the prison to visit the inmates themselves. Some of these capital cases are for murder, but the vast majority were convicted of drug trafficking. Proponents of the ‘war on drugs’ would have you imagine that the drug traffickers who are caught and put to death are murderers in their own right: evil, greedy criminals who care little for anyone or anything apart from enriching themselves. If these cold-blooded hoodlums are getting caught and sent to death row, we’re not seeing them. If these cold-blooded hoodlums are getting caught and sent to death row, we’re not seeing them. [but] The people we see are scared, bewildered parents, siblings and partners, representing similarly scared and bewildered inmates desperate for a chance, any chance, to avoid a date with the long drop. They are often from ethnic minority groups, or low-income, less-educated households. Many of the families are broken or dysfunctional in some way: estranged parents and abusive environments. Society might prefer to imagine that people offend because they are inherently malicious, but we more often than not see how different socio-economic circumstances create communities or individuals more vulnerable to being both offenders and victims. There is Muhammad Rizuan, who languishes on death row because the prosecution chose not to grant him a "certificate of cooperation", a prerequisite before one can avoid the death penalty. In his case, we see people sent to the gallows not just for their crime, but for their subsequent lack of usefulness to the authorities. Yet how useful could a low-level courier really be? There is Roslan bin Bakar, whose conviction relied more on testimony than hard evidence, showing that there are far more problems with the death penalty than its failure to deal with drug offences. And then there is Yong Vui Kong himself, a boy from a plantation in east Malaysia whose journey to prison was paved with poverty, neglect, abuse and a dearth of opportunities beyond gang membership. (Fortunately for Vui Kong, changes in the law allowed his death sentence to be changed to life imprisonment with caning.) It is unlikely that being ‘tough on crime’ would have saved any of these men from their current predicaments. There is even less evidence that being tough on these men, as part of Singapore’s ‘war on drugs’, will prevent any others from being recruited into drug syndicates, or abusing drugs themselves. As long as there are poor, under-served and vulnerable communities, drug lords will enjoy a steady supply of hapless young men and women to use as mules. And as long as we continue to execute these mules, we are shifting focus and resources away from the greater task of education, advocacy, rehabilitation and social justice that is truly important in addressing the problem.

#### And Capital Punishment is justified by Singaporean authorities on the basis that it deters drug use and stops gangs, but empirical studies confirm that nothing could be farther from the truth.

Amnesty International, Global Human Rights NGO, SINGAPOREThe death penalty: A hidden toll of executions, Jan 15, 2004, <https://www.refworld.org/pdfid/402f8e974.pdf> ///AHS PB

Amnesty International recognizes the need to combat drug trafficking, and the harm that illicit drugs can cause. However there is no convincing evidence that the death penalty deters would-be traffickers more effectively than other punishments. There is always a risk that minor traffickers or vulnerable drug addicts will be executed, while those who mastermind[s] the crime of trafficking evade arrest and punishment. In the countries which impose the death penalty for drug offences Amnesty International is aware of no evidence of a decline in drug trafficking which could be clearly attributed to the threat or use of the death penalty. While certain countries have introduced the death penalty for drug offences, its use has been rejected elsewhere. Nigeria abolished the death penalty for drug offences in 1986 after several executions provoked widespread protests. Turkey abolished the death penalty for drug trafficking in 1990 as part of a general reduction in the crimes punishable by death. In Mauritius, where the death penalty for drug trafficking had been introduced in 1986, the section of the law providing for the death penalty was declared unconstitutional in 1992. Claiming that the death penalty has been effective in controlling the trade in illicit drugs, the Singapore authorities reported an overall decline in the number of drug abusers arrested between 1994 and 2001.(37) However, despite the use of the death penalty and high execution rates, drug addiction continues to be a problem, particularly among the poorly educated, impoverished, unemployed and young people from broken homes. According to the website of the Singapore Central Narcotics Bureau (CNB), a total of 3,393 drug abusers were arrested in 2002. The number of new drug abusers increased by 16% compared to the figures for 2001. The CNB announced that it had seized 63 kilograms of heroin and 34 kilograms of cannabis during 2002, and also reported a significant increase in the use of methamphetamine. This is despite the fact that the scope of the death penalty was increased in 1998 to introduce a mandatory death sentence for importing, exporting, or trafficking in more than 250 grams of the drug.

#### And disregard negative evidence on this issue: Singapore’s government fudges data and shuts down independent research in order to make their program look like a success, even when the few impartial results suggest otherwise.

Rick Lines, Senior Research Associate, Global Drug Policy Observatory, Swansea University and Executive Director of Harm Reduction International, Trump take note – why Singapore’s claim that the death penalty works for drug offences is fake news, March 19, 2018, <https://theconversation.com/trump-take-note-why-singapores-claim-that-the-death-penalty-works-for-drug-offences-is-fake-news-92305> ///AHS PB

Singapore consistently claims that it has one of the lowest rates of drug use in the world. Yet the government does not publish reliable data on drug use, making this statement impossible to independently verify. As far back as 2008, the reference group to the United Nations on HIV and injecting drug use found Singapore to be one of the only countries in Asia without reliable data on rates of drug injecting. More recently in 2016, HRI published its global state of harm reduction, which similarly found almost no reliable data on levels of drug use in Singapore. Instead, the government typically cites information from the world drug report, published annually by the UN Office on Drugs and Crime (UNODC). However, rather than being independently produced, this report reflects data provided by [itself] governments. This practice – which I have long referred to as data laundering – puts a UN seal of legitimacy on Singaporean government data that is at best unverified, and at worst politically expedient. UNODC admits that the vast disparity in data quality and collection methods between countries “affect the reliability, quality and comparability” of the data in the report, making comparisons between countries of little value. Even the Singaporean minister’s recent speech did not offer any figures on drug-related crime, sticking instead to a few emotive stories about the “dangers of drugs”. The government’s failure to provide transparent data creates huge doubts about any claims of effectiveness, and raises the question of whether their statements represent anything more than political “spin” to justify controversial drug policies. Missing data The only data Singapore does publish on drug use are figures on what it terms “drug abusers” – people who come into contact with the health or criminal justice system for drug treatment. Given that UNODC estimates the number of people who require treatment globally is only 10% of all people who use drugs, we can see how these government figures (even if accurate) are a dramatic under-representation of levels of drug use in a country. What about Singapore’s success in reducing drug-related crime? As with data on drug use, published figures on drug-related crime are neither robust nor transparent, again making such claims impossible to independently verify. The annual statistical crime brief published by the Singapore police force does not provide any data on drug-related offences. Nor does the annual report of Singapore’s central narcotics bureau – an odd omission given the bureau’s practice of regularly reporting major trafficking arrests on its website. This lack of data certainly does not reflect a lack of crime. The government admits 80% of people in prison are drug offenders. This, coupled with the fact that Singapore has the seventh highest rate of incarceration per capita in Asia, does not mesh easily with the government’s claims of low levels of drug-related crime either. Interestingly, what the narcotics bureau’s 2016 report does show is that seizures of both methamphetamine and cannabis increased by approximately 20% over the previous year, while heroin seizures remain basically level. Hardly indicators of a shrinking drug market. Clearly the statistics used to promote the Singapore myth either do not exist, or fall apart under scrutiny. As a result, any attempt to use the Singapore model as evidence of the effectiveness of the death penalty for drug offences is ludicrous. Given the unprecedented overdose crisis in the US, Americans deserve an evidence-based response. Pursuing myth-based drug policies will only make the problem worse.

### Plan

#### Thus I affirm the Plan: The Republic of Singapore ought to treat the illegal use of drugs as a matter of public health not of criminal justice by abolishing the death penalty for non-violent drug related crimes.

#### The Plan ends drug executions, stops an increasingly an authoritarian criminal justice system, and spills over to other countries in the region.

Amnesty International, Global Human Rights NGO, Singapore: Executions continue in flawed attempt to tackle drug crime, despite limited reforms, 11 October 2017, <https://www.amnesty.org/en/latest/news/2017/10/singapore-executions-continue-in-flawed-attempt-to-tackle-drug-crime/> ///AHS PB

Singapore’s continued reliance on mandatory death sentences, which violate international law, has meant that dozens of low level drug offenders have been sent to death row in recent years, Amnesty International said in a new report released today. Cooperate or Die also reveals how death penalty reforms introduced in 2013, while reducing the number of people sentenced to death, do not go nearly far enough and in particular have left life and death decisions in the hands of the public prosecutor instead of judges. “Singapore likes to paint itself as a prosperous and progressive role model, but its use of the death penalty shows flagrant disregard for human life. The country relies on harsh laws that overwhelmingly target drug offenders on the lower rungs of the ladder, many of whom will come from disadvantaged backgrounds,” said Chiara Sangiorgio, Amnesty International’s Death Penalty Adviser. “The reforms introduced in 2013 were a step in the right direction and have allowed some people to escape the gallows, but in key respects they have been flawed from the outset. “Singapore is influential beyond its size in both Asia and the rest of the world. The government should move forward from these reforms towards ending capital punishment once and for all.” Amnesty International’s investigation, based on extensive analysis of court documents, shows that Singaporean courts continue to hand down mandatory sentences in drug-trafficking cases, even though the new reforms should allow for more leniency. Mandatory death sentences do not allow judges to take into account the mitigating circumstances of the crime or of the offenders. They leave courts with no option but to condemn drug offenders to the gallows. The majority of people sent to death row for drug offences in the last four years have possessed relatively small amount of drugs and many say they were driven to the drug trade by unemployment or debt. Since the new reforms were introduced in 2013, drug carriers should be able to avoid mandatory death sentences by co-operating sufficiently with the state prosecutor during the investigation phase or trial. However, decisions on who meets this criteria rests fully with the public prosecutor and not the judge, and are taken behind closed doors in a murky and non-transparent process. “The use of mandatory death sentences in Singapore must end immediately. Although there has been a reduction in such sentences in the last few years, the fact that they are still used at all is cause for deep concern,” said Chiara Sangiorgio. A flawed tool to tackle crime Singaporean officials have continued to justify the retention of the death penalty by pointing to it being a supposedly effective tool to tackle crime. Vivian Balakrishnan, Minister of Foreign Affairs, in a speech to the UN in September 2016 said: “In our view, capital punishment for drug-related offences and for murder has been a key element in keeping Singapore drug free and keeping Singapore safe.” This is despite the fact that there is no evidence that the threat of execution is more of a deterrent to crime than other penalties such as life imprisonment, something confirmed in multiple studies, including by the UN, across the globe. “Singapore is deluding itself if it thinks the death penalty is an effective tool to reduce crime rates. This is the ultimate cruel, inhuman and degrading punishment, it does not make us safer – a fact the vast majority of the world’s countries have acknowledged,” said Chiara Sangiorgio. “Singapore should immediately put a freeze on the implementation of the death penalty with a view to its eventual repeal. In the short term, the country must reform its legal framework to bring it in line with international law, and ensure that death row convicts are afforded all legal protections guaranteed under international law and standards.” Crackdown on activists Since the reforms were introduced, Singaporean authorities have also increasingly cracked down on those voicing dissent against the use of the death penalty, in particular lawyers and other activists. A new law introduced in 2016 has tightened already severe restrictions on the ability of human rights defenders and others to criticise court decisions. In August 2017, for example, the High Court fined one lawyer who represented a death row convict SD6,000 (USD4,400) after he made a Facebook post critical of the judiciary hours before his client was due to be executed. “Singaporean authorities have never had much time for the right to freedom of expression, and they are now increasingly seeking to silence debate on the use of capital punishment. This deliberate pattern of harassing those advocating for the right to life must end immediately,” said Chiara Sangiorgio.

#### And the Plan is T. It acts the beginning of a broader shift to end criminalization in favor of a health-based approach.

Kirsten Han, Singaporean freelance journalist, often writing about social and human rights issues, COMMENT: It’s time for Singapore to relook its war on drugs, 21 July 2014, <https://sg.news.yahoo.com/blogs/singaporescene/time-singapore-relook-war-drugs-055248688.html> ///AHS PB

There are many problems with the death penalty and its application. In Singapore, we have highlighted issues with the mandatory nature of the death penalty, and how it continues to restrict the discretion of the judges even after the amendments have been made. We have pointed out that the current system greatly disadvantages drug mules, while kingpins avoid the noose. We have expressed our concern with the process of issuing Certificates of Cooperation, an opaque and confusing system that appears to grant a huge amount of power to the prosecution. Beyond that, there is an even wider concern that our current war on drugs is failing. Even with our best efforts, the drug trade in Southeast Asia has not decreased, but has instead increased. Continual arrests, death sentences and even extrajudicial killings over the years – carried out not just by Singapore by other ASEAN countries like Indonesia, Vietnam and Thailand – have done little to alter this fact. It is understandable that we would want to live in a safe society where drug crime is low. But it doesn’t make sense for us to cling on to old methods that appear to have a limited impact on the regional drug trade, in the hopes that it will suddenly work much better and keep drugs off the streets. We will need new solutions and new innovations to deal with this problem, and we won’t be the first. Other countries and states have already started looking at alternatives to what has been an expensive and bloody war on drugs throughout the world, reforming their drug laws and shifting mindsets to allow for more rehabilitative and restorative methods of dealing with drug crime and drug addicts. Portugal was one of the first to decriminalise drugs and treat drug users as patients rather than criminals. Some analysts say that decriminalisation has actually not led to an increase in drug consumption, while other reports actually suggest that drug crime has actually gone down. Singapore might be small and worried about our vulnerability, but we cannot keep our heads stuck in the sand. We cannot keep sacrificing lives in the hope that it will one day pay off. It is high time we gather up the courage to explore new ideas and new solutions.