



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

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Mr Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary, or arbitrary executions

Mr Matthew Gillett
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Ms Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Mr Fernand de Varennes
Special Rapporteur on minority issues

Dear Special Procedures Mandate Holders,

I refer to your Joint Urgent Appeal (“**JUA**”) dated 25 April 2023 [Ref: UA SGP 2/2023].

Singapore’s position on capital punishment and its use against drug-related offences has been reiterated on numerous occasions to the Special Procedures of the Human Rights Council.¹ We have also explained why the trafficking of large quantities of drugs constitutes a “most serious crime” for Singapore, and provided empirical evidence of capital punishment’s effectiveness as a deterrent, including in our latest response to the Office of the High Commissioner for Human Rights on 28 April 2023.²

¹ The record of Singapore’s responses to the Special Procedures can be found at the following weblink: <https://www.mfa.gov.sg/Overseas-Mission/Geneva/Mission-Updates/2022/09/Singapore-Reply-Joint-Urgent-Appeals-from-SPMH-16-Sep-2022>.

² Singapore’s response of 28 April 2023 to the Office of the High Commissioner for Human Rights can be found at the following weblink: <https://www.mfa.gov.sg/Overseas-Mission/Geneva-UN/Mission-Updates/2023/04/RAVINA-SHAMDASANI-ON-SCHEDULED-EXECUTIONS-IN-SINGAPORE>.

I would like to address certain allegations about the case regarding Tangaraju s/o Suppiah (“**Tangaraju**”) and about Singapore’s criminal justice system, made in the JUA, some of which have been addressed in our previous responses.

Clarifications on Tangaraju’s Case

You cited information alleging that Tangaraju “had asked for a Tamil interpreter for the statements taken during the police investigation, which was refused by the relevant authorities at the time of the interrogations”. You suggested that Tangaraju’s right to a fair trial had been compromised as a result.

These allegations are false. During the trial, the High Court heard the claim that Tangaraju had been denied access to a Tamil interpreter when his statement was taken during investigations. The High Court found the claim to be “disingenuous”; Tangaraju had admitted during cross-examination that he had not requested an interpreter for any of the other statements that were subsequently recorded from him. The High Court also noted that Tangaraju had not raised this claim prior to his cross-examination.

Tangaraju was accorded full due process under the law. He was convicted of abetting the trafficking of 1,017.9 grammes of cannabis and sentenced to capital punishment after an extensive trial in the High Court. Tangaraju appealed against his conviction and sentence to the Court of Appeal. The Court of Appeal dismissed his appeal. Throughout the process, Tangaraju had access to legal counsel. At all times, he also had the right to seek a pardon of his sentence under Article 22P of the Singapore Constitution.

Singapore’s Criminal Justice System is Fair and Impartial

Regrettably, you repeated the allegation that Singapore’s criminal justice system discriminates against ethnic minorities and the economically disadvantaged, despite our previous clarifications.³ Singapore’s laws apply equally to all, regardless of race and nationality. Ethnicity and socio-economic status play no part in the professional discharge of duties by law enforcement agencies, in the prosecutorial decisions of the Public Prosecutor, and in the decisions of the Courts. Those who break the law do not receive differentiated treatment based on race, nationality, socio-economic status, or any other demographic characteristics.

³ I had addressed similar allegations in previous JUAs from the Special Procedures in my replies dated 16 May 2022 and 16 September 2022 to UA SGP 05/2022 and UA SGP 08/2022 respectively.

In Singapore, capital sentences are imposed only after a rigorous legal process with stringent safeguards. For example:

- a. All capital cases can only be heard in the High Court.
- b. All persons facing capital charges are ensured free legal representation for the entire duration of the trial and appeal.
- c. The High Court cannot record a guilty plea in relation to a capital charge unless the Prosecution proves beyond a reasonable doubt that the accused committed the offence.
- d. As a further safeguard, every capital sentence imposed must be examined and confirmed by the Court of Appeal, Singapore's apex court, regardless of whether the convicted person appeals against the conviction and/or sentence.

You may wish to note that Singapore has consistently been ranked 1st in East Asia and the Pacific and amongst the top seven countries in the world for "Criminal Justice" in the World Justice Project's Rule of Law Index over the past 10 years.

Drug Offences Pose Severe Harm to Society

Capital punishment in Singapore is only applied against the most serious crimes which cause grave harm to others and to society. This includes the trafficking of large amounts of drugs.

Drug abuse is a problem with severe consequences for not only individuals but the entire society. It has caused a host of social, economic, and health-related problems, including increased crime rates, lower productivity, and a greater burden on healthcare resources. For example:

- a. The World Drug Report 2022 reported that drug-use disorders resulted in an estimated loss of 18 million years of 'healthy' life due to disability and premature deaths.
- b. In the United States, more than 100,000 persons died from drug-involved overdose in 2021. According to the United States' Centers for Disease Control and Prevention, the economic costs of opioid use disorder and fatal overdose were estimated at \$471 billion and \$550 billion respectively for the year 2017.

Singapore cannot afford such high costs to our society and our people.

It is unfortunate that you have neglected to consider the severe harms of drug abuse and the right of people to live in a drug-free environment, and chose instead to focus only on the circumstances of the drug traffickers, which is a result of their own decisions to traffic drugs.

Capital Punishment has Deterred Serious Crimes

You claim that “there is no convincing evidence worldwide” that capital punishment has a deterrent effect on the commission of crimes, including the trafficking of large amounts of drugs. In Singapore’s experience, capital punishment has had a clear, deterrent effect on serious crimes. For example:

- a. When capital punishment was introduced for kidnapping in 1961, the average number of such offences fell from 29 cases per year between 1958 to 1960 to two or fewer cases annually in all but two years since.
- b. When capital punishment was introduced for firearms offences in 1973, the number of such offences immediately fell by 39% (from 174 cases in 1973 to 106 cases in 1974) and continued to decline in the subsequent years.

Both offences are now extremely rare in Singapore.

Capital punishment has also proven to be a strong deterrent against drug trafficking:

- a. When mandatory capital punishment was introduced in 1990 for the trafficking of more than 1,200 grammes of opium, the average net weight of opium trafficked into Singapore in the four-year period that followed fell drastically by 66% from the four-year period that preceded its introduction.
- b. A study conducted by Singapore’s Ministry of Home Affairs in 2018 found that convicted drug traffickers had very high levels of awareness of capital punishment, which had influenced their drug trafficking behaviour. For instance, one trafficker interviewed said he knew that he would be jailed for trafficking a small amount of drugs, but at risk of capital punishment if he was caught with a larger amount. As such, he trafficked below the threshold amount for capital punishment.

More recently, a study in 2021 which surveyed over 7,200 people from countries in the region where the drug traffickers arrested in Singapore mostly originate, found that:

- a. 87% of the respondents believed that capital punishment makes people not want to traffic substantial amounts of drugs into Singapore; and

- b. 83% of the respondents believed that capital punishment is more effective than life imprisonment in discouraging people from trafficking drugs into Singapore.

It is therefore not true that capital punishment “has never been proved to be an effective deterrent for crimes, including drug related offences”.

No Customary International Law against Capital Punishment

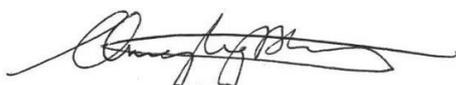
There is no basis to assert that the imposition of capital punishment for drug offences is a breach of international law. There is no international consensus against the use of capital punishment when it is imposed in accordance with the due process of law and judicial safeguards. There is also no international consensus that capital punishment amounts to torture or cruel, inhuman or degrading treatment or punishment, as you have alleged.

Every country has the sovereign right to determine its own criminal justice system, considering its own circumstances and in accordance with its international law obligations. This right should be respected.

People in Singapore desire to live in a drug-free society. Singaporeans know the immense harms that drugs can bring. There is strong public support for our laws against drug trafficking.

Singapore’s position on capital punishment has been longstanding and consistent. We will continue to implement measures that have worked well for us in our fight against drugs.

Yours sincerely,



UMEJ BHATIA
Ambassador and Permanent Representative