



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE

PERMANENT REPRESENTATIVE

18 September 2023

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 Dorothy Estrada - Tanck
Chair Rapporteur of the Working Group on discrimination against women and children

Dear Special Procedures Mandate Holders,

I refer to your Joint Urgent Appeal (“JUA”) dated 25 July 2023 [Ref: UA SGP 3/2023].

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

I would like to address the allegations about the cases regarding [REDACTED] and [REDACTED] and [REDACTED] and about Singapore’s criminal justice system made in the JUA, some of which had also been addressed in our previous responses.

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/\[REDACTED\]](https://www.mfa.gov.sg/Overseas-Mission/Geneva-UN/Mission-Updates/2023/04/[REDACTED])

Clarifications on ██████ Case

██████ was convicted of having in his possession for the purpose of trafficking, 1399.7 grammes of powdery substance that was found to contain not less than 49.98 grammes of diamorphine, or pure heroin. Singapore's Misuse of Drugs Act provides for capital punishment if the amount of diamorphine trafficked is more than 15 grammes. 49.98 grammes of diamorphine is more than three times that amount and is sufficient to feed about 600 abusers for a week. ██████ was accorded full due process under the law. In both the trial and ██████ appeal against conviction and sentence, ██████ had access to legal counsel.

██████ did not claim that his investigative statements were made under duress. He claimed during his trial in the High Court of Singapore that his investigative statements were recorded involuntarily, that is, via threat, inducement or promise. On this issue, the High Court of Singapore was satisfied that ██████ statements were given voluntarily. The High Court concluded that the Prosecution's evidence showed that ██████ evidence in court revealed several material inconsistencies, which amply supported the finding that he was not a credible witness. The Singapore Court of Appeal also rejected ██████ arguments and dismissed his appeal against his conviction and sentence. His petition to the President for clemency was unsuccessful.

Clarifications on ██████ Case

██████ was convicted of having in her possession for the purpose of trafficking, 1,084.37 grammes of powdery substance which was found to contain a total of 30.72 grammes of diamorphine, or pure heroin. 30.72 grammes of diamorphine is more than twice the capital sentence threshold under Singapore's Misuse of Drugs Act and is sufficient to feed about 370 abusers for a week. Similar to ██████ was accorded full due process under the law and had access to legal counsel throughout the process.

██████ claim that she was in a "condition" that affected her ability to give reliable statements during the investigation process was not true. A psychiatrist at the Singapore Institute of Mental Health had observed ██████ to be calm and attentive throughout his interviews with ██████ This was supported by the accounts of ██████ mother and sister, who had reported that ██████ did not exhibit features suggestive of a mood or psychotic disorder. The High Court of Singapore was not persuaded that ██████ was suffering from Persistent Depressive Disorder.

In relation to the claims of Substance Abuse Disorder, the High Court had found that there was no evidence to show that the Substance Abuse Disorder had affected ██████ mental state during her statement-taking process. The High Court found that ██████ claims, that she was suffering from drug withdrawal during her

statement taking, were afterthoughts. [REDACTED] did not raise any complaints or exhibit any symptoms of drug withdrawal to the four doctors who had examined her close to the date of her arrest.

The Singapore Court of Appeal also reiterated the High Court's findings that [REDACTED] did not raise any complaints or exhibit symptoms of drug withdrawal to the four doctors who had assessed her. The Court of Appeal noted that the doctors did not observe [REDACTED] to have any observable or noticeable withdrawal symptoms or signs of distress and that [REDACTED] was able to respond and communicate with them in a lucid and coherent fashion at all material times. The Court of Appeal upheld the conviction and sentence and dismissed [REDACTED] appeal. Her petition to the President for clemency was unsuccessful.

Singapore's Criminal Justice System is Fair and Impartial

Regrettably, you have again repeated the allegation that Singapore's criminal justice system discriminates against ethnic minorities, despite our previous clarifications.³ You have also drawn certain conclusions about potential gender bias between women and their interactions with the criminal justice system, without any attempt to show how these conclusions apply to Singapore's context. Singapore's laws apply equally to all, regardless of race, nationality, gender, socio-economic status, or any other demographic characteristics. A person's ethnicity or gender play no part in the professional discharge of duties by our 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, gender, socio-economic status, or any other demographic characteristics.

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 offered 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.

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.

Singapore has consistently 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 in 2019 alone drug-use disorders resulted in an estimated loss of 31 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.

Capital Punishment has Deterred Serious Crimes

You claimed that Singapore had a “de facto moratorium in place since 2019”. We wish to state that Singapore’s position on capital punishment has been longstanding and consistent. Singapore has never imposed a moratorium on the use of capital punishment.

You also claimed that the “death penalty has never been proved to be an effective deterrent for crimes, including drug-related offences”. In Singapore’s experience, there is strong evidence that capital punishment has had a clear, deterrent effect on serious crimes. For example:

- a. In 1961, capital punishment was introduced for kidnapping. The average number of cases fell from 29 cases per year from 1958 to 1960, to two or fewer cases annually.

- b. In 1973, capital punishment was introduced for firearms offences, including the discharge of firearms for the purpose of robbery. The number of firearms robberies immediately fell by 39% from 174 cases in 1973 to 106 cases in 1974 and continued to decline in the subsequent years. Today, firearms offences are very rare in Singapore.

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

- a. In the four-year period following the introduction of the death penalty for trafficking more than 1,200 grammes of opium in 1990, there was a 66% reduction in the average net weight of opium that was trafficked, as compared to the four-year period before the introduction.
- b. A study conducted by Singapore's Ministry of Home Affairs in 2018 found a very high level of awareness of capital punishment among convicted drug traffickers, which had influenced their drug trafficking behaviour. For instance, one of the traffickers in this study said he knew that he would be jailed for trafficking a small amount but risked capital punishment if he was caught with a larger amount, and he consequently trafficked below the threshold amount.

More recently, a study in 2021 commissioned by the Ministry of Home Affairs⁴, which surveyed over 7,200 people from countries in the region where the drug traffickers arrested in Singapore mostly originate, found that:

- a. 87% believed that capital punishment deters people from trafficking substantial amounts of drugs into Singapore; and
- b. 83% 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

⁴ <https://www.mha.gov.sg/mediaroom/press-releascscs/findings-from-recent-studies-on-the-death-penalty-in-singapore>.

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. A clear majority of Singapore residents agree that some form of death penalty is appropriate punishment for intentional murder, use of firearms and drug trafficking.

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 (UN)