



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

PERMANENT REPRESENTATIVE

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

Ms Heba Hagrass
Special Rapporteur on the rights of persons with disabilities

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

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

Ms Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Dear Special Procedures Mandate Holders,

I refer to your joint communication dated 1 May 2025 [Ref: OL SGP 4/2025]. The Singapore Government would like to address your concerns regarding the Misuse of Drugs Act 1973 (“MDA”) and clarify the MDA’s alignment with international human rights standards. As you have highlighted, there is a pending case before the Court of Appeal on the constitutionality of the presumptions under the MDA. We make no comment on this case as it is before the courts. Our response below is limited to setting out the Government’s consistent policy position on the matter.

2 We take our obligations to uphold justice, protect our citizens, and maintain a safe society seriously. Singapore’s drug policies are tailored to our unique context as a small, densely populated nation and a major transport and financial hub, which makes us particularly vulnerable to the scourge of drug trafficking.

Presumption of Innocence and Right to Fair Trial

3 The presumption of innocence is a fundamental principle of justice in Singapore's domestic law. Singapore fully complies with the obligation that each person charged with a criminal offence shall be presumed innocent until proven guilty according to law under Article 11 of the Universal Declaration of Human Rights and Article 20(1) of the ASEAN Human Rights Declaration. The presumptions under the MDA do not undermine the presumption of innocence. Rather, they are designed to address the practical challenges in proving certain facts that are exclusively within the accused person's knowledge, or which it would not be practical for the Prosecution to obtain direct evidence of. The prosecution continues to bear the legal burden of proving the guilt of the accused person beyond reasonable doubt. These presumptions are triggered only after the predicate facts such as the possession of an item containing controlled drugs or psychoactive substance have been proven by the prosecution beyond a reasonable doubt. The onus is then on the accused to rebut the presumption on a balance of probabilities.

4 To ensure fair trial rights and uphold access to justice, Singapore provides comprehensive legal aid for individuals facing criminal charges, particularly those who cannot afford a lawyer. The Public Defender's Office (PDO) offers legal representation for most types of criminal offences and may refer eligible applicants to Pro Bono SG, where volunteer private lawyers provide assistance. Pro Bono SG also administers the Criminal Legal Aid Scheme (CLAS), which supports needy individuals by offering free legal aid for a range of offences such as theft, assault, and drug-related crimes. Under the Legal Assistance Scheme for Capital Offences (LASCO), individuals charged with capital offences are offered free legal counsel for the entire duration of the trial and appeal, regardless of nationality. There are no means testing or other eligibility criteria imposed. These mechanisms ensure that all accused persons have adequate access to legal representation.

5 In addition, an accused person convicted by a trial court may also appeal against his conviction or sentence. For capital cases, if no appeal is filed, the Court of Appeal must examine the record of proceedings and grounds of decision; satisfy itself as to the correctness, legality and propriety of the conviction and sentence of death; and issue a certificate confirming the sentence. These safeguards ensure a balance between effective law enforcement and protection of the rights of the accused.

No International Consensus on the Death Penalty or "Most Serious Crimes"

6 There is no international consensus against the use of the death penalty nor that it amounts to torture, cruel, inhuman, or degrading treatment, when it is imposed in accordance with due process of law and judicial safeguards. Sovereign states retain the right to determine the most appropriate penalties in accordance with their national circumstances. We remind you that this is reflected by the significant support for operative paragraph 1 of United Nations General Assembly resolutions 71/187, 73/175, 75/183, 77/222, and 79/458 entitled "Moratorium on the use of the death penalty", which reaffirmed the sovereign right of all countries to develop their

own legal systems, including determining the legal penalties, in accordance with their international law obligations.

7 For many countries, the death penalty remains an important component of their criminal justice systems, and an effective deterrent to what they regard as the most serious crimes. There is no explicit definition under international law nor international consensus on what constitutes the “most serious crimes”. In determining whether to prescribe the death penalty for a specific offence, the Government takes into account, among other factors, three key considerations. First, the seriousness of the offence, in terms of the harm that the offence will cause to the victim and society. Second, how frequent or widespread the offence is. Third, the need for a high degree of deterrence. These considerations are considered in totality.

8 Furthermore, none of the international drug control conventions prohibit the imposition of the death penalty for drug offences. On the contrary, these conventions impose an obligation on States Parties to impose adequate punishment in the form of imprisonment or other penal sanctions in accordance with each Party’s constitutional principles. This flexibility enables States Parties to implement effective drug control policies tailored to their unique challenges and legal frameworks. In Singapore’s context, drug trafficking could pose an extraordinary threat to public safety and societal well-being, causing serious harm through addiction, crime, and the destruction of families. The quantities of drugs triggering the death penalty under the MDA are not small. For example, 15g of diamorphine (or pure heroin) can be converted to 1,250 straws, which is sufficient to feed the addiction of about 180 abusers for a week.

9 Our laws are regularly reviewed to ensure that they remain relevant and effective to safeguard Singapore’s safety and security. Since 2012, amendments to the MDA provide the Courts with the discretion to sentence an offender to life imprisonment in lieu of the death penalty, if the accused is determined to be a “courier”¹ and provides substantive assistance to authorities in disrupting drug trafficking activities within or outside Singapore. This reflects our commitment to proportionality and individualised justice, ensuring that the death penalty is reserved for only the most serious cases.

Deterrence of the Death Penalty and Public Support

10 There is evidence that the death penalty is an effective deterrent in Singapore’s comprehensive strategy to combat drug trafficking. A study conducted by the Singapore Ministry of Home Affairs (MHA) showed that the average net weight of opium trafficked dropped by 66% in the four-year period after the introduction of capital punishment in 1989, compared to the previous four-year

¹ The requirements referred to are as follows:

(a) the person convicted proves, on a balance of probabilities, that his involvement in the offence under section 5(1) or 7 was restricted —(i) to transporting, sending or delivering a controlled drug; (ii) to offering to transport, send or deliver a controlled drug; (iii) to doing or offering to do any act preparatory to or for the purpose of his transporting, sending or delivering a controlled drug; or (iv) to any combination of activities in sub-paragraphs (i), (ii) and (iii); and (b) the Public Prosecutor certifies to any court that, in his determination, the person has substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore.

period. In a 2021 survey of over 7,200 people from countries in the region from which most drug traffickers into Singapore arrest hail from, 87% believe that capital punishment makes people not want to traffic substantial amounts of drugs into Singapore, and 83% believe that capital punishment is more effective than life imprisonment in discouraging people from trafficking drugs into Singapore. Our strict laws have contributed to one of the lowest drug abuse rates globally, with no local drug production and low prevalence of illicit drug abuse. This is despite the worsening global drug situation and our proximity to the Golden Triangle, which remains a significant and growing source of illicit drugs. To disregard these facts, while choosing instead to pass a judgement on the complex situation in our region by selectively relying on off-the-cuff comments made by an individual, who has no standing to speak on behalf of other countries in the region, is damaging to the credibility of the Special Procedure Mandate Holders.

11 There is strong public support domestically for the death penalty. In 2023, MHA commissioned a survey of about 2,000 residents' attitudes towards the imposition of capital punishment. 77% of respondents agreed or strongly agreed that the death penalty should be used for the most serious crimes, up from 74% in 2021. 80% of the respondents agreed or strongly agreed that the death penalty is more effective than life imprisonment as a deterrent against drug trafficking, up from 74% in 2021.

12 We complement strong deterrence with comprehensive preventive drug education and a robust rehabilitation regime. This includes school-based education, community outreach, and treatment & rehabilitation for abusers. Since 2019, pure drug abusers have been channelled to treatment and rehabilitation with the aim of reducing recidivism and supporting reintegration – they do not receive a criminal record. These measures demonstrate that the death penalty is only a part of Singapore's broader, multi-faceted approach, and is applied sparingly and only to those who pose the greatest threat.

Persons with Intellectual or Psychosocial Disabilities and the Death Penalty

13 Singapore is committed to ensuring that persons with disabilities are treated fairly under the law. The MDA explicitly provides that the court shall impose life imprisonment in lieu of the death penalty if the accused, who is convicted of an offence of trafficking controlled drugs or importing/exporting controlled drugs, is found to be a courier and suffers from an abnormality of mind. Our Courts meticulously assess medical and psychological evidence to determine eligibility, ensuring that sentencing reflects the individual's capacity and culpability.

Conclusion

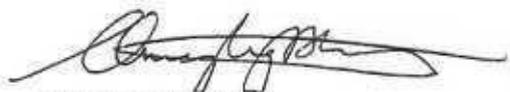
14 Singapore remains committed to a drug-free society, a goal that enjoys overwhelming public support and has yielded tangible results. We have implemented measures to ensure fairness, proportionality, and respect for human rights within our legal framework. These include robust judicial safeguards, flexible sentencing options, rehabilitation programs, and protections for vulnerable

individuals. While we respect that there is a diversity of international perspectives, our policies are shaped by our unique context and the need to protect our citizens from the scourge of drugs. We welcome continued dialogue and are open to sharing our experiences and learning from global best practices. Singapore will continue to review and refine our drug laws, to balance enforcement, deterrence, and compassion, ensuring justice for all.

15 Finally, we note with concern the disproportionate attention Singapore appears to receive in your mandates. While we fully respect the role of the Special Procedures in promoting human rights globally, we observe that other countries maintaining the death penalty for drug related offences have not been subject to comparable levels of scrutiny. We urge Special Procedure Mandate Holders to apply consistent and fair standards to all countries, and ensure that engagements with Singapore are proportionate and balanced in the context of global practices.

16 Countries have the sovereign right to choose the approach that best suits their circumstances, and we will continue to implement measures that work well for us in the fight against drugs. We ask that you respect this fundamental right.

Yours sincerely,



UMEJ BHATIA
Ambassador and Permanent Representative