

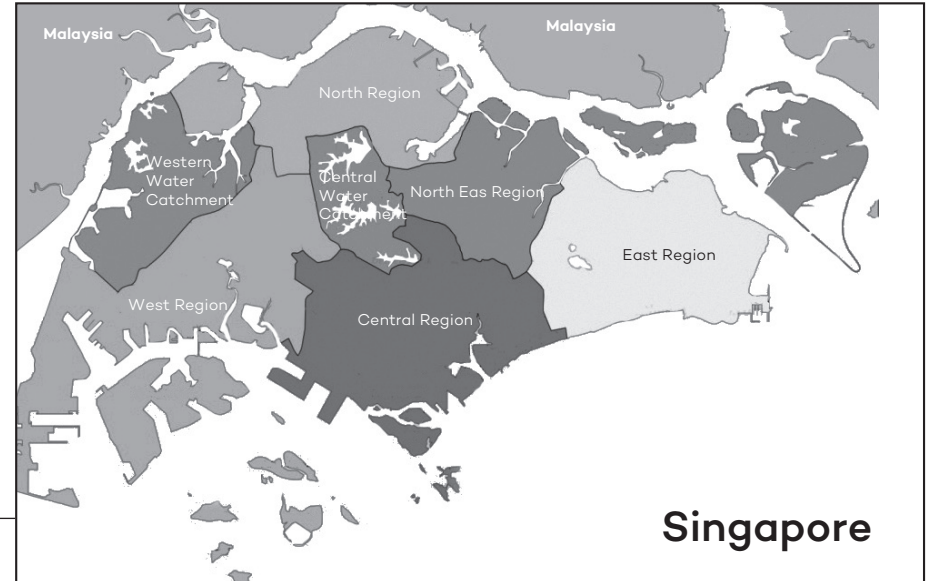
# THE DEATH PENALTY IN LAW AND IN PRACTICE

REPUBLIC  
OF SINGAPORE



**EC**  
**PM** TOGETHER  
AGAINST  
THE DEATH  
PENALTY

ANTI  
DEATH  
PENALTY  
ASIA  
NETWORK



REPUBLIC OF SINGAPORE

AREA

719 km<sup>2</sup>

CAPITAL

Singapore

POPULATION

5,64 million (June 2022, State statistics)

OFFICIAL LANGUAGE

Malay

HEAD OF STATE

Since 14 September 2017, **Halima Yacob** is the Head of State of the Republic of Singapore (ROS), also referred to as the President of Singapore.

HEAD OF GOVERNMENT

On 12 August 2004, **Lee Hsien Loong** was appointed Prime Minister of the Republic of Singapore.

MINISTER OF FOREIGN AFFAIRS

Dr. Vivian Balakrishnan

MINISTER OF JUSTICE

M. Shanmugam Kasiviswanathan SC

MINISTRY IN CHARGE OF THE PENITENTIARY ADMINISTRATION

Ministry of Home Affairs

## DEATH PENALTY APPLICATION AND CONDITIONS OF DETENTION OF DEATH ROW PRISONERS

### APPLICATION OF THE DEATH PENALTY

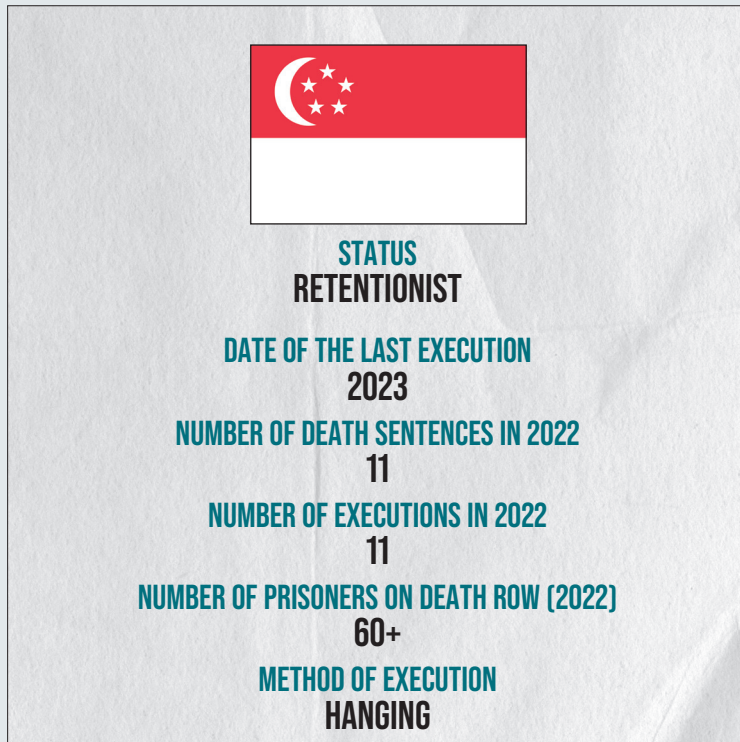
The application of the death penalty in Singapore has raised multiple alarms among the human rights organisations, particularly regarding its widespread imposition in drug-related cases, which does not comply with the “most serious crimes” international norm on application of the death penalty. The Singapore legislation provides the mandatory death penalty for carrying over a certain amount of various drugs, this mechanism is at the source of the majority of death sentences imposed in the country, all executions carried out in 2022 were for drug-related offenses.

In 2012, the Singapore government introduced an amendment to the Misuse of Drugs Act article 33B (2)(b), which provides that if the defendant is only a courier, and “has substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore” (which is materialized by a Certificate of Substantive Assistance issued by the Public Prosecutor) they may not face the death penalty. The amendment has been criticized for discriminating the small couriers who have no intel to provide, and are as a result not eligible to this mechanism.

Besides the mandatory death penalty, other aspects of the process leading to death sentences raise concern over the respect of the fair trial guarantees. The presumption of innocence is not respected, as the defendants are presumed guilty and have to prove their innocence beyond raising a reasonable doubt. As the Transformational Justice Collective reports, the criminal justice system also makes it possible to be convicted on the basis of the confession of a co-defendant. According to Harm Reduction International, defendants in drug trafficking cases can be denied access to a lawyer. In addition, Singapore authorities have also been using punitive cost orders against lawyers representing death row prisoners, invoking “abuses of process” as a way of obstructing the defense. These practices have led to several defendants having to represent themselves because of the lack of lawyers willing to face the consequences of pleading for them, as the International Commission of Jurists reports. In addition, the defendants’ right to appeal are often denied, as the threshold for a case to be reviewed is particularly high.

Foreign nationals make for a significant part of the sentences and executions, mainly in drug-related cases. In particular, among 50+ death row prisoners in Singapore in 2022, there were 10 Malaysian nationals.

Defendants with mental illnesses are also being sentenced to death in Singapore. In April 2022, a Malaysian national with mental disabilities, Nagaenthran K. Dharmalingam, was executed on drug charges despite international outcry from human rights organisations.



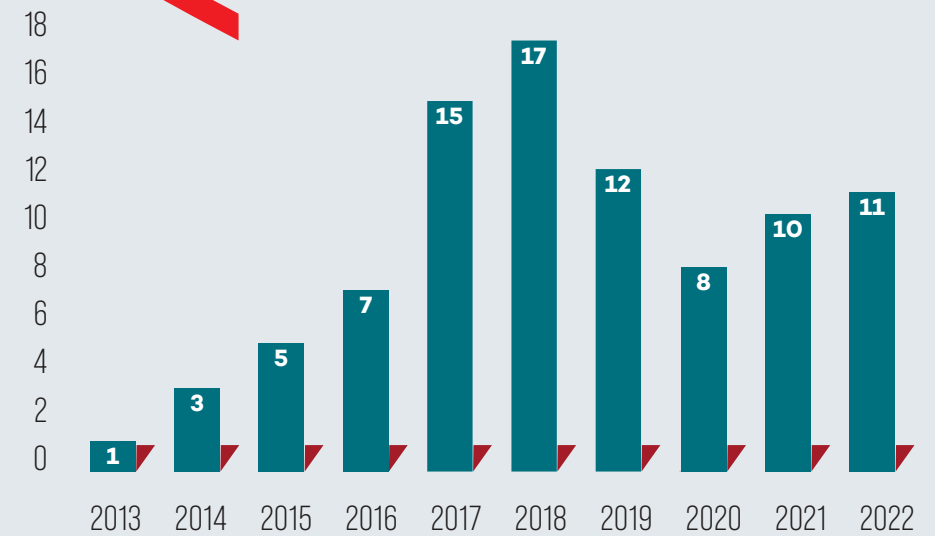
### CONDITIONS ON DEATH ROW

The Singapore authorities offer very little transparency regarding their practice of the death penalty: only after 2021 and the work of the Transformative Justice Collective were the numbers of the death row population made public. This opacity prevents human rights organisations from obtaining precise information on the life of death row prisoners. The last study which investigated the life conditions on death row in Singapore was an Amnesty International report in 2004, through exchanges with families of death row prisoners. It appeared that the prisoners were kept in individual cells of 2 meters square and denied outside exercise time, and that the families were warned one week before the execution.

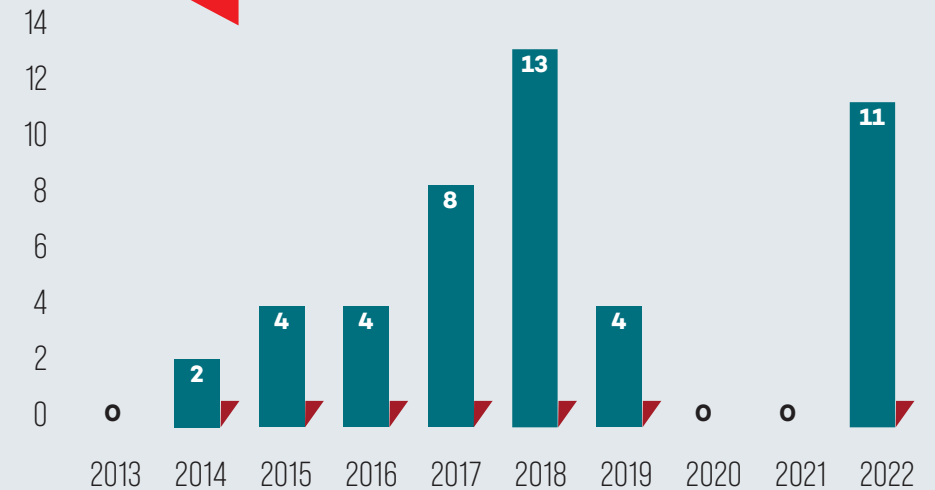
### PARDON AND COMMUTATION

According to article 334 (a), the President has the power to commute a sentence of death to a sentence of imprisonment. Article 22P of the Constitution also provides that the President can grant pardon to “any offender convicted of any offence in any court in Singapore”. In practice however, only six pardons have ever been granted in Singapore, as clemency petitions are being systematically dismissed (Pascoe, D (2019) *Last Chance for Life: Clemency in Southeast Asian Death Penalty Cases*, 103-4. London: Oxford University Press).

### NUMBER OF DEATH SENTENCES OVER THE LAST 10 YEARS



### NUMBER OF EXECUTIONS OVER THE LAST 10 YEARS



## THE NATIONAL LEGAL FRAMEWORK

### CRIMINAL PROCEDURE CODE, 2010

#### PART 16: SENTENCES

##### Division 1 — Sentences in general

313. **Provisions as to execution of sentences of death**  
The following provisions apply to death sentences:
- (a) after sentence has been pronounced, a warrant under the seal of the court must be made out for the person sentenced to be committed to the custody of the Commissioner of Prisons in accordance with such prescribed form;
  - (b) the warrant is full authority to the Commissioner of Prisons, or any officer appointed by the Commissioner of Prisons for that purpose, for receiving into his or her custody and detaining the person sentenced until he or she receives the court's further warrant or order;
  - (c) the trial Judge who tried the accused must, within a reasonable time after sentence has been pronounced, prepare a copy of the notes of evidence taken at the trial and a report in writing signed by the trial Judge stating whether, in his or her opinion, there is any reason (and, if so, particulars of the reason) why the death sentence should not be carried out;
  - (d) the trial Judge must forward to the Court of Appeal the notes of evidence and report mentioned in paragraph (c), within a reasonable time after being notified by the Registrar of the Supreme Court that a notice of appeal has been given or petition for confirmation has been lodged, as the case may be;
  - (e) if the Court of Appeal dismisses the appeal or confirms the imposition of the sentence of death, then the Chief Justice or other presiding Judge must, within a reasonable time, forward to the Minister the notes of evidence and report mentioned in paragraph (c), stating whether he or she agrees with the trial Judge, together with a notification of the decision of the Court of Appeal and also any report on the case that the Court of Appeal may think fit to make, signed by the Chief Justice or other presiding Judge;
  - (f) the President must, acting in accordance with the Constitution —
    - (i) transmit to the Court of Appeal a copy signed and sealed by the President of any order he or she makes;
    - (ii) if the sentence is to be carried out, state the time and place of execution of the sentence in the order; and
    - (iii) if the person sentenced is pardoned or the sentence is commuted to another punishment, state this in the order;
  - (g) on receiving the copy of the President's order the Court of Appeal must, if the sentence is to be carried out, cause a warrant to be issued under the seal of the Supreme Court and signed by the Chief Justice or other presiding Judge, or in the absence thereof any other Supreme Court Judge, setting out the time

- and place of execution as prescribed in the order of the President;
- (h) the President may, at any time before the warrant is carried out, order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution;
- (i) the warrant must be directed to the Commissioner of Prisons who must carry out the sentence in accordance with law;
- (j) there must be present at the execution of the sentence the superintendent of the prison, a medical officer of the prison, and any other prison officers that the Commissioner of Prisons requires;
- (k) there may also be present a minister of religion in attendance at the prison and any other persons that the Commissioner of Prisons thinks proper to admit;
- (l) immediately after the death sentence has been carried out, the medical officer of the prison present must examine the body of the person executed, ascertain the fact of death and sign a death certificate and deliver it to the Commissioner of Prisons;
- (m) within 24 hours after the execution, a Coroner must hold an inquiry as provided under the Coroners Act 2010 and satisfy himself or herself of the identity of the body and whether the sentence of death was duly carried out;
- (n) a copy of the Coroner's findings must be forwarded to and filed in the Registry of the Supreme Court and another must be forwarded to and filed in the office of the Minister;
- (o) where a sentence of death is avoided by the escape of the person sentenced to death, the sentence must be carried out at such other time after the person's recapture that the General Division of the High Court then orders;
- (p) no omission or error as to time and place and no defect in form in any order or warrant given under this section, and no omission to comply with paragraphs (j) to (n) may be held to make illegal any execution carried out or intended to have been carried out under the order or warrant or make illegal any execution that would otherwise have been legal.

314. **No sentence of death against person below 18 years of age**  
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, the accused was below 18 years of age, but instead the court must sentence the accused to life imprisonment.
315. **Sentence of death not to be passed on pregnant woman**  
(1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court before whom a woman is so convicted thinks fit, the question whether or not the woman is pregnant must, before sentence is passed on her, be determined by the court.  
(2) If the court finds the woman pregnant, it must pass a sentence of life imprisonment on her.  
(3) If the court finds the woman not to be pregnant, she may appeal to the Court of Appeal against that finding in the manner set out under this Code.  
(4) On hearing the appeal mentioned in subsection (3), the Court of Appeal, if satisfied for any reason that the finding should be set aside, must set aside the sentence, and pass a sentence of life imprisonment.

316. **Judgment of death**  
Where any person is sentenced to death, the sentence must direct that the person must be hanged by the neck until the person is dead but must not state the place where nor the time when the sentence is to be carried out.

### Division 3 — Suspensions, remissions and commutations of sentences

334. **Power to commute punishment**  
The President may —  
(a) commute a sentence of death for a sentence of imprisonment or fine or both; or  
(b) commute a sentence of imprisonment for a sentence of fine.

## PENAL CODE, 1871

### CHAPTER 3: PUNISHMENTS

53. **Punishments**  
The punishments to which offenders are liable under the provisions of this Code are —  
(a) death;  
(b) imprisonment;  
(c) forfeiture of property;  
(d) fine;  
(e) caning.

### CHAPTER 6: OFFENCES AGAINST THE STATE

121. **Waging or attempting to wage war or abetting the waging of war against the Government**  
Whoever wages war against the Government, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or with imprisonment for life.

### CHAPTER 6A: PIRACY

- 130B. **Piracy by law of nations. Cf. 12 and 13 Victoria c. 96 (Admiralty Offences (Colonial) Act 1849)**  
(1) A person commits piracy who does any act that, by the law of nations, is piracy.  
(2) Whoever commits piracy shall be punished with imprisonment for life and with caning with not less than 12 strokes, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be punished with death.

### CHAPTER 6B: GENOCIDE

- 130E. **Punishment for genocide**  
Whoever commits genocide shall —  
(a) if the offence consists of the killing of any person, be punished with death; or  
(b) in any other case, be punished with imprisonment for life or with imprisonment for a term which may extend to 20 years.

### CHAPTER 7: OFFENCES RELATING TO THE ARMED FORCES

132. **Abetment of mutiny, if mutiny is committed in consequence thereof**  
Whoever abets the committing of mutiny by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore shall, if mutiny be committed in consequence of that abetment, be punished with death or with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall, if he is not sentenced to death or imprisonment for life, also be liable to fine.

### CHAPTER 11: FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

#### Giving or fabricating false evidence with intent to procure conviction of a capital offence

194. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this Code, or under any other law for the time being in force, shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 20 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine; and if an innocent person is convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

### CHAPTER 16: OFFENCES AFFECTING THE HUMAN BODY

302. **Offences affecting life**  
**Punishment for murder**  
(1) Whoever commits murder within the meaning of section 300(a) shall be punished with death.  
(2) Whoever commits murder within the meaning of section 300(b), (c) or (d) shall be punished with death or imprisonment for life and shall, if he is not punished with death, also be liable to caning.
305. **Abetment of suicide or attempted suicide of minor or person who lacks mental capacity**  
(1) If any minor or other person who lacks capacity —

(a) commits suicide, whoever abets the commission of the suicide and who knew or ought reasonably to have known that the person who committed suicide was a minor or a person who lacks capacity, shall be punished with death or imprisonment for life, or with imprisonment for a term which may extend to 20 years, and shall, if he is not sentenced to death or imprisonment for life, also be liable to fine;

(b) attempts suicide, whoever abets the attempted suicide and who knew or ought reasonably to have known that the person who attempted suicide was a minor or a person who lacks capacity, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine; or  
(c) attempts suicide and hurt is caused to any person in the course of the attempted suicide, whoever abets the attempted suicide and who knew or ought reasonably to have known that the person who attempted suicide was a minor or a person who lacks capacity, shall be punished with imprisonment for life or with imprisonment for a term which may extend to 20 years, and shall, if he is not sentenced to imprisonment for life, also be liable to fine.

(2) In subsection (1) —

“minor” means a person below 18 years of age;

“person who lacks capacity” means a person who lacks capacity to understand the consequences of attempting or committing suicide, as the case may be, from unsoundness of mind, mental incapacity, intoxication, or the influence of any drug or other substance.

307. **Attempt to murder**

—(1) Whoever does any act with the intention of causing death and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment for a term which may extend to 15 years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be punished with —

(a) Imprisonment for life and shall also be liable to caning; or

(b) Imprisonment for a term which may extend to 20 years, and shall also be liable to fine, or to caning or to both.

Other offences by convicts

(2) When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

**Kidnapping, abduction, slavery and forced labour**

364. **Kidnapping or abducting in order to murder**

Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with death or imprisonment for life and shall, if he is not sentenced to death, also be liable to caning.

**CHAPTER 17: OFFENCES AGAINST PROPERTY**

**Robbery and gang-robbery**

396. **Gang-robbery with murder**  
If any one of 5 or more persons who are conjointly committing gang-robbery, commits murder in so committing gang-robbery, every one of those persons shall be punished with death or imprisonment for life, and if he is not sentenced to death, shall also be punished with caning with not less than 12 strokes.

**SINGAPORE ARMED FORCES ACT, 1972**

11. **Misconduct in action**

(1) Every person subject to military law who, without lawful excuse —

(a) surrenders any place or thing to the enemy; or

(b) abandons any place or thing which it is his or her duty to defend against the enemy or to prevent from falling into the hands of the enemy, shall be guilty of an offence.

(2) Every person subject to military law shall be guilty of an offence under this section if, being in the presence or vicinity of the enemy, or being engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy, the person —

(a) fails to use his or her utmost exertions to carry out the lawful orders of his or her superiors (being officers or senior military experts);

(b) while on guard duty and posted or ordered to patrol, or while on watch, sleeps or, without having been regularly relieved, leaves any place where it is his or her duty to be; or

(c) behaves in such a manner as to show cowardice, or induces any other person so to behave at a time when that other person, being a member of the Singapore Armed Forces or of any force cooperating therewith is in the presence or vicinity of the enemy, or is engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy.

(3) A person guilty of an offence under this section shall be liable on conviction by a subordinate military court to suffer death or any less punishment authorised by this Act.

12. **Assisting enemy**

Every person subject to military law who, knowingly and without lawful excuse —

(a) communicates with or gives intelligence to the enemy;

(b) fails to make known to the proper authorities any information received by him or her from the enemy;

(c) furnishes the enemy with supplies of any description;

(d) having been captured by the enemy, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale, or in any other manner not authorised by international usage;

(e) harbours or protects an enemy not being a prisoner of war or knowingly does any other act to prevent the capture of an enemy;  
(f) surrenders himself or herself to the enemy or leaves the battle;  
(g) without authority transmits or discloses any information to the enemy regarding the Singapore Armed Forces or any forces cooperating therewith; or  
(h) does any act calculated to imperil the success of any military action or operation of the Singapore Armed Forces or of any forces cooperating therewith or wilfully delays or discourages upon any pretext any such action or operation, shall be guilty of an offence and shall be liable on conviction by a subordinate military court to suffer death or any less punishment authorised by this Act.

15. **Mutiny**

(1) Every person subject to military law who —  
(a) takes part in a mutiny involving the use of violence or the threat of the use of violence, or having as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with operations against, the enemy, or the impeding of the performance of any such duty or service; or  
(b) incites any person subject to military law to take part in such a mutiny, whether actual or intended, shall be guilty of an offence and shall be liable on conviction by a subordinate military court to imprisonment for a term not exceeding 10 years or any less punishment authorised by this Act; and if the offence is committed in the face of the enemy or involves the use of violence he or she shall be punished with death.  
(2) Every person subject to military law who, in a case not falling within subsection (1), takes part in a mutiny, or incites any person subject to military law to take part in a mutiny, whether actual or intended, shall be guilty of an offence and shall be liable on conviction by a subordinate military court to imprisonment for a term not exceeding 10 years or any less punishment authorised by this Act.  
(3) In this section, “mutiny” means a combination of 2 or more persons subject to military law —  
(a) to overthrow or resist lawful authority in the Singapore Armed Forces or any forces cooperating therewith or any part of those forces;  
(b) to disobey lawful authority in circumstances that make the disobedience subversive of discipline or with the object of avoiding any duty or service against the enemy or in connection with operations against the enemy; or  
(c) to impede the performance of any duty or service in the Singapore Armed Forces or in any forces cooperating therewith or any part of those forces.

39. **Offences by officer, etc., serving in ship involved in conveying and protection of vessel**

Every officer, warrant officer or military expert of or above the rank of ME3 who while serving in a ship of the Singapore Armed Forces involved in the conveying and protection of a vessel —  
(a) fails to defend a vessel or goods in his or her convoy;  
(b) refuses to fight in the defence of a vessel in his or her convoy when it is attacked; or

(c) cowardly abandons or exposes a vessel in his or her convoy to hazards, shall be guilty of an offence and shall be liable on conviction by a subordinate military court to suffer death or any less punishment authorised by this Act.

## INTERNAL SECURITY ACT, 1960

### CHAPTER 3: OFFENCES RELATING TO SECURITY AREAS

58. **Offences relating to firearms, ammunition and explosives.**

(1) Any person who without lawful excuse, the onus of proving which shall be on such person, in any security area carries or has in his possession or under his control —  
(a) any firearm without lawful authority therefor; or  
(b) any ammunition or explosive without lawful authority therefor, shall be guilty of an offence under this Part and shall be liable on conviction to be punished with death.  
(2) A person shall be deemed to have lawful authority for the purposes of this section only if he —  
(a) is a police officer or a member of the security forces, or any person employed in the Prisons Department, and in every such case is carrying or is in possession of or has under his control such firearm, ammunition or explosive in or in connection with the performance of his duty;  
(b) is a person duly licensed, or authorised without a licence, under the provisions of any written law for the time being in force to carry, possess or have under his control such firearm, ammunition or explosive; or  
(c) is a person exempted from this section by an officer in charge of a division, or is a member of any class of persons so exempted by the Commissioner of Police by notification in the Gazette:  
Provided that no person shall be deemed to have lawful authority for the purposes of this section or to be exempt from this section if he carries or has in his possession or under his control any such firearm, ammunition or explosive for the purpose of using the same in a manner prejudicial to public security or the maintenance of public order.  
(3) A person shall be deemed to have lawful excuse for the purposes of this section only if he proves —  
(a) that he acquired such firearm, ammunition or explosive in a lawful manner and for a lawful purpose; and  
(b) that he has not at any time while carrying or having in his possession or under his control such firearm, ammunition or explosive acted in a manner prejudicial to public security or the maintenance of public order.  
(4) A person charged with an offence under this section shall not be granted bail.

59. **Consorting with person carrying or having possession of firearms or explosives**

—(1) Any person who in any security area consorts with or is found in the company of another person who is carrying or has in his possession or under



his control any firearm, ammunition or explosive in contravention of section 58, in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted, with such other person in a manner prejudicial to public security or the maintenance of public order shall be guilty of an offence under this Part and shall be liable on conviction to be punished with death or with imprisonment for life.

(2) Any person who in any security area consorts with, or is found in the company of, another person who is carrying or has in his possession, or under his control any firearm, ammunition or explosive in contravention of section 58, in circumstances which raise a reasonable presumption that he knew that such other person was carrying or had in his possession or under his control any such firearm, ammunition or explosive shall be guilty of an offence under this Part and shall be liable on conviction to imprisonment for a term not exceeding 10 years.

(3) Where, in any prosecution for an offence under this section, it is established to the satisfaction of the court that the accused person was consorting with or in the company of any person who was carrying or had in his possession or under his control any firearm, ammunition or explosive, it shall be presumed, until the contrary is proved, that such last mentioned person was carrying or had in his possession or under his control such firearm, ammunition or explosive in contravention of section 58.

## MISUSES OF DRUGS ACT, 1973

### SECOND SCHEDULE – OFFENCES PUNISHABLE ON CONVICTION

#### Section creating offence:

- 5** Trafficking in controlled drugs  
—(1) Except as authorised by this Act, it shall be an offence for a person, on his or her own behalf or on behalf of any other person, whether or not that other person is in Singapore —  
(a) to traffic in a controlled drug;  
(b) to offer to traffic in a controlled drug; or  
(c) to do or offer to do any act preparatory to or for the purpose of trafficking in a controlled drug.  
(2) For the purposes of this Act, a person commits the offence of trafficking in a controlled drug if he or she has in his or her possession that drug for the purpose of trafficking.

#### General nature of offence under 5

General nature of offence (2): Unauthorised traffic in opium where the quantity is —  
(b) more than 1,200 grammes and containing more than 30 grammes of morphine  
Punishment: Death

General nature of offence (3): Unauthorised traffic in controlled drug (except opium) containing such quantity of morphine being (b) more than 30 grammes  
Punishment: Death

General nature of offence (4): Unauthorised traffic in controlled drug containing such quantity of diamorphine being — (b) more than 15 grammes  
Punishment: Death

General nature of offence (5): Unauthorised traffic in controlled drug containing such quantity of cocaine being — (b) more than 30 grammes  
Punishment: Death

General nature of offence (6): Unauthorised traffic in cannabis where the quantity is — (b) more than 500 grammes  
Punishment: Death

General nature of offence (7): Unauthorised traffic in cannabis mixture where the quantity is — (b) more than 1,000 grammes  
Punishment: Death

General nature of offence (8): Unauthorised traffic in cannabis resin where the quantity is — (b) more than 200 grammes  
Punishment: Death

General nature of offence (9): Unauthorised traffic in controlled drug containing such quantity of methamphetamine being — (b) more than 250 grammes  
Punishment: Death

#### Section creating offence:

- 6** Manufacture of controlled drugs  
Except as authorised by this Act, it shall be an offence for a person to manufacture a controlled drug.

#### General nature of offence under 6

General nature of offence (2): Unauthorised manufacture of morphine, or any salt of morphine, ester of morphine or salt of ester of morphine  
creating offence:  
Punishment: Death

General nature of offence (3): Unauthorised manufacture of diamorphine, or any salt of diamorphine  
Punishment: Death

General nature of offence (4): Unauthorised manufacture of cocaine, or any salt of cocaine  
Punishment: Death

General nature of offence (5): Unauthorised manufacture of methamphetamine, or any salt of methamphetamine  
Punishment: Death

#### Section creating offence:

- 7** Import and export of controlled drugs  
Except as authorised by this Act, it shall be an offence for a person to import into or export from Singapore a controlled drug.

#### General nature of offence under 7

General nature of offence: (2) Unauthorised import or export of opium where the quantity is – (b) more than 1.200 grammes and containing more than 30 grammes of morphine  
Punishment: Death

General nature of offence: (3) Unauthorised import or export of controlled drug (except opium) containing such quantity of morphine being – (b) more than 30 grammes  
Punishment: Death

General nature of offence (4): Unauthorised import or export of controlled drug containing such quantity of diamorphine being – (b) more than 15 grammes  
Punishment: Death

General nature of offence (5): Unauthorised import or export of controlled drug containing such quantity of cocaine being – (b) more than 30 grammes  
Punishment: Death

General nature of offence (6): Unauthorised import or export of cannabis where the quantity is – (b) more than 500 grammes  
Punishment: Death

General nature of offence (7): Unauthorised import or export of cannabis mixture where the quantity is – (b) more than 1.000  
Punishment: Death

General nature of offence (8): Unauthorised import or export of cannabis mixture where the quantity is – (b) more than 200 grammes  
Punishment: Death

General nature of offence (9): Unauthorised import or export of controlled drug containing such quantity of methamphetamine being – (b) more than 250 grammes  
Punishment: Death

## TERRORISM (SUPPRESSION OF BOMBINGS) ACT, 2007

3. **Terrorist bombing**  
—(1) Every person who intentionally and without lawful excuse delivers, places, discharges or detonates an explosive or other lethal device in, into or against —  
(a) a place of public use;  
(b) a State or government facility;  
(c) a public transportation system; or  
(d) an infrastructure facility,  
with intent to cause death or serious bodily injury, or extensive destruction of such place, facility or system that results in or is likely to result in major economic loss, shall be guilty of an offence and shall on conviction —  
(e) if he or she had intended to cause death or serious bodily injury and death is caused, be punished with death; or  
(f) in any other case, be punished with life imprisonment.  
(2) Subsection (1) does not apply to —

(a) the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law; or  
(b) activities undertaken by military forces of a State in the exercise of their official duties, to the extent that those activities are governed by other rules of international law.

## ARMS OFFENCES ACT, 1973

4. **Using or attempting to use arms**  
(1) Subject to any exception mentioned in Chapter 4 of the Penal Code 1871 which may be applicable (other than section 95), any person who uses or attempts to use any arm shall be guilty of an offence and shall on conviction be punished with death.  
(2) In any proceedings for an offence under this section, any person who uses or attempts to use any arm shall, until the contrary is proved, be presumed to have used or attempted to use the arm with the intention to cause physical injury to any person or property.

- 4A. **Using or attempting to use arms to commit scheduled offence**  
Subject to any exception mentioned in Chapter 4 of the Penal Code 1871 which may be applicable (other than section 95), any person who uses or attempts to use any arm at the time of his or her committing or attempting to commit any scheduled offence shall, whether or not the person has any intention to cause physical injury to any individual or property, be guilty of an offence and shall on conviction be punished with death.

5. **Punishment for accomplices**  
Where any arm is used by any person in committing or in attempting to commit any offence or where an offence under section 4A has been committed by any person, each of the person's accomplices present at the scene of the offence who may reasonably be presumed to have known that the person was carrying or had in the person's possession or under the person's control the arm, shall, unless the accomplice proves that he or she had taken all reasonable steps to prevent the use of the arm, be guilty of an offence and shall on conviction be punished with death.

- Trafficking in arms**  
—(1) Any person trafficking in arms shall be guilty of an offence and shall on conviction be punished with —  
(a) death; or  
(b) imprisonment for life and with caning with not less than 6 strokes.  
(2) Any person proved to be in unlawful possession of more than 2 arms shall, until the contrary is proved, be presumed to be trafficking in arms.

## KIDNAPPING ACT, 1961

### 3 Abduction, wrongful restraint or wrongful confinement for ransom

Whoever, with intent to hold any person for ransom, abducts or wrongfully restrains or wrongfully confines that person shall be guilty of an offence and shall be punished on conviction with death or imprisonment for life and shall, if he is not sentenced to death, also be liable to caning.

## INTERNATIONAL LEGAL FRAMEWORK

### THE MAIN INTERNATIONAL INSTRUMENTS AIMING AT ABOLISHING THE DEATH PENALTY

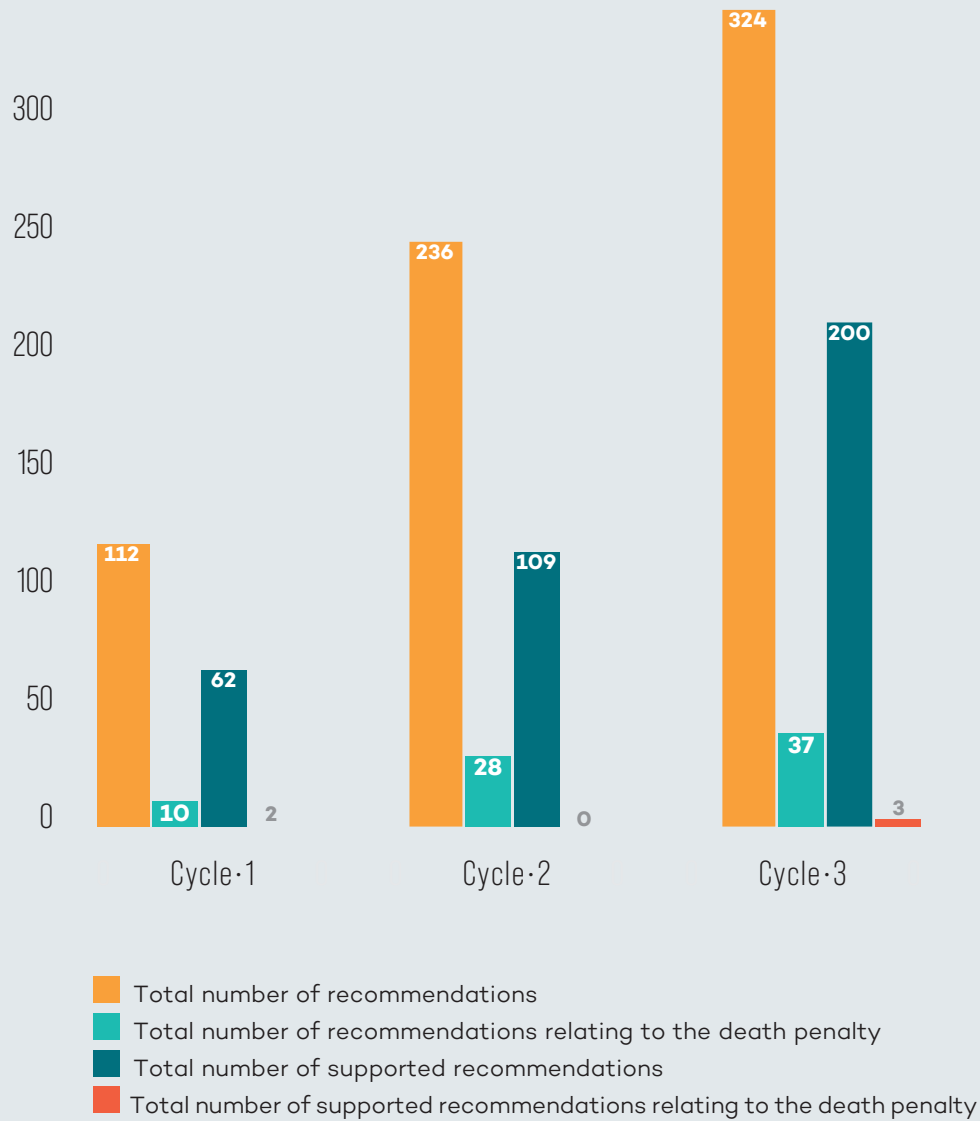
TREATY	RATIFICATION OR ACCESSION DATE
International Covenant on Civil and Political Rights, 1966	x
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty, 1989	x
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984	x
Optional Protocol of the Convention against Torture, 2002	x
Convention on the Rights of the Child, 1989	5 October 1995 (accession)

### VOTE ON THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY:



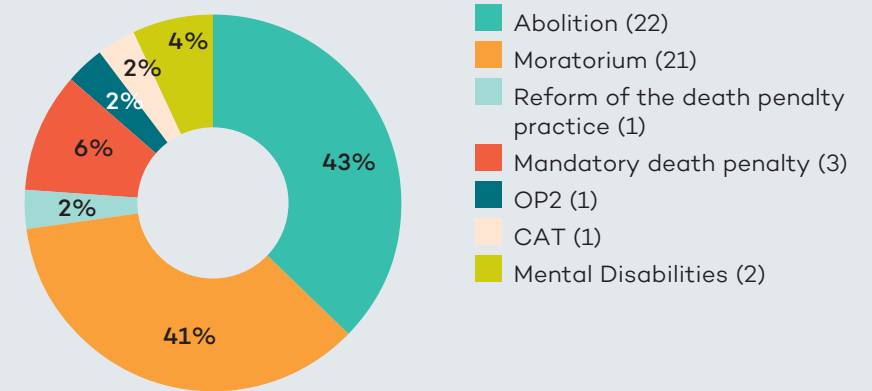
In 2016, Singapore managed to introduce an amendment that reaffirms “the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations.” Singapore has, ever since, reintroduced it at every vote.

## UNIVERSAL PERIODIC REVIEWS

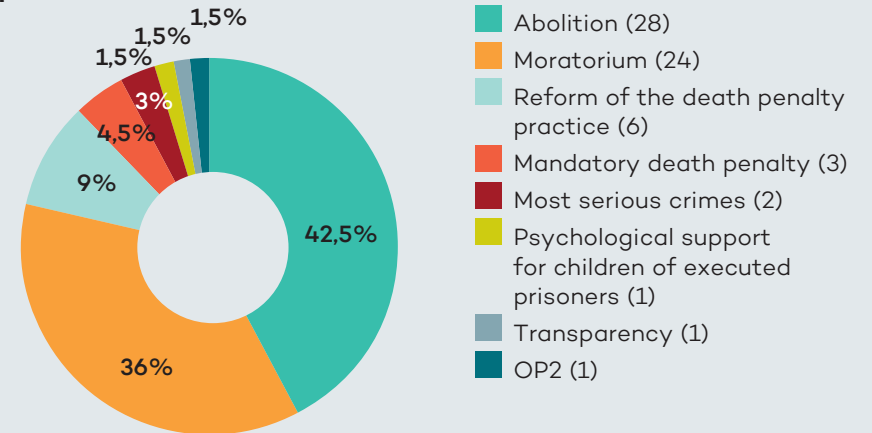


## EVOLUTION OF TOPICS OF RECOMMENDATIONS RELATING TO THE DEATH PENALTY ISSUED TO SINGAPORE BETWEEN 2016 AND 2021

### UPR 2016



### UPR 2021



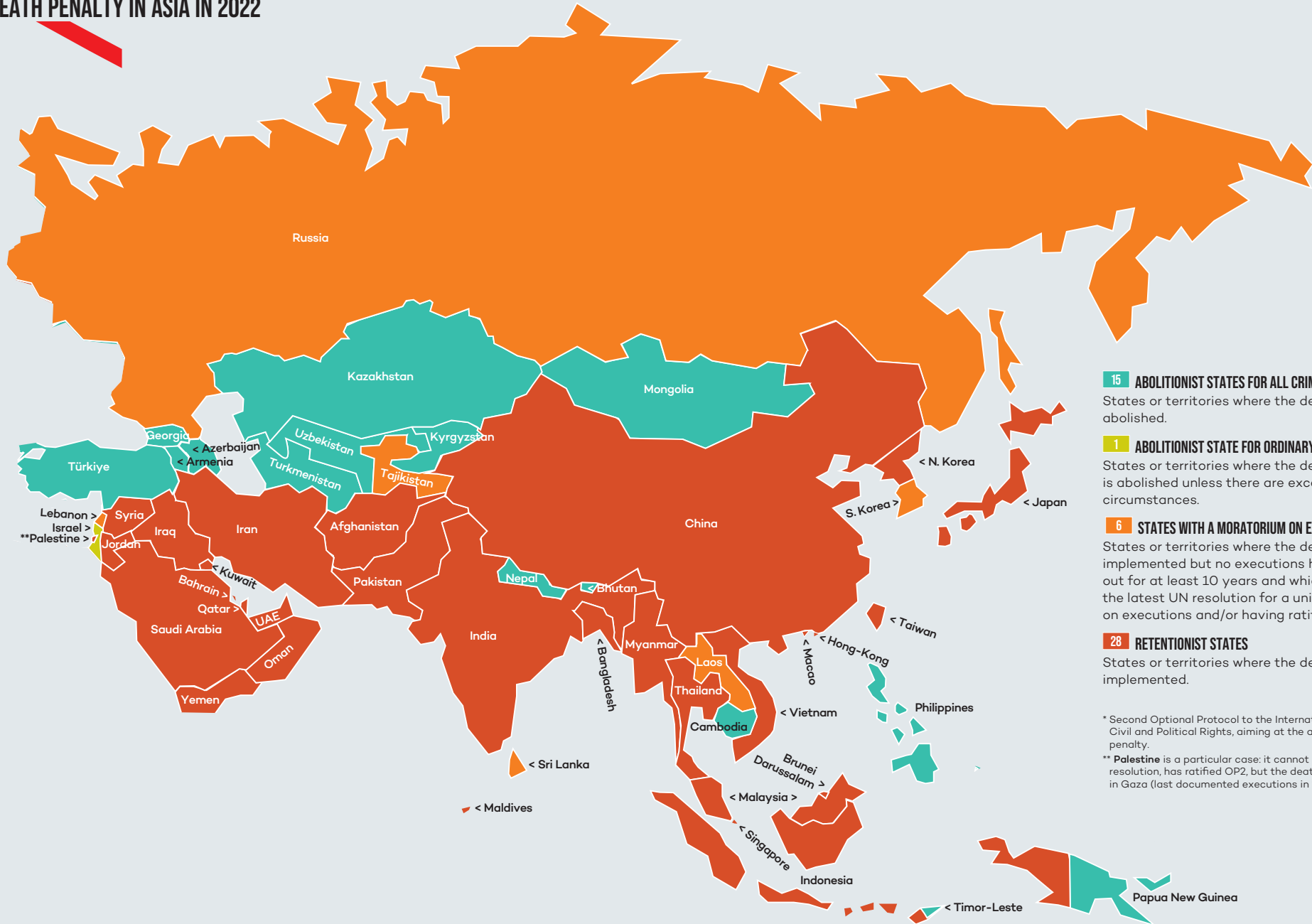
The recommendations made during Singapore's last UPR confirmed the high priority towards the abolition of the death penalty and the establishment of a moratorium on executions. These two issues continue to represent the largest part of the issues mentioned in the recommendations (84% in 2016, 78,5% in 2021). Calls to reform the practice of the death penalty, in particular with regards to its application to the most serious crimes, and the mandatory death sentences were also made during the 2021 UPR.

## RECOMMENDATIONS RELATING TO THE DEATH PENALTY ISSUED TO SINGAPORE IN 2021

N°	RECOMMENDATIONS	Number	Supported	Noted
59.121	Move towards the abolition of the death penalty, in line with Sustainable Development Goal 16 (Paraguay)	1		1
59.122	Pursue more comprehensive death penalty reforms, with the ultimate aim of abolishing the death penalty altogether (Romania)	1		1
59.123	Repeal the mandatory use of the death penalty, with a view to its abolishment (Austria)	1		1
59.124	Take concrete steps towards the abolition of the death penalty and corporal punishment (Sweden)	1		1
59.125	Bring the provisions of national legislation authorizing the use of the death penalty into line with relevant norms and standards, by removing the mandatory imposition of the death penalty and repealing the death penalty for drug crimes, treason and kidnapping (Switzerland)	1		1
59.126	Continue to review the use of the death penalty (Timor-Leste)	1	1	
59.127	Ensure strict compliance in all death penalty cases with international fair trial standards and provide the necessary psychological and other support to children whose parents have been sentenced to death (Croatia)	1	1	
59.128	Fully abolish the death penalty (Iceland); Abolish the death penalty (Luxembourg) (Canada); Take steps to abolish the use of the death penalty in practice and in law (New Zealand)	4		4
59.129	Continue to review the use of the death penalty and the type of crimes to which it is applied (Mexico)	1	1	
59.130	Undertake further reforms towards abolishing the death penalty (North Macedonia)	1		1
59.131	Re-establish a moratorium on executions and publish disaggregated data (Australia)	1		1

59.132	Establish a moratorium on the death penalty, with a view to its abolition (Portugal) (Costa Rica); Establish an official moratorium on executions, with a view to abolishing the death penalty (South Africa) (Uruguay); Reinstate the moratorium on the death penalty, with a view to its complete abolition (Spain); Establish an official moratorium on capital punishment, with a view to abolishing the death penalty (Malawi); Establish a moratorium on capital executions, with a view to fully abolishing the death penalty (Italy); Adopt a moratorium on executions, with the ultimate aim of abolishing the death penalty (Czechia); Introduce a moratorium on capital punishment and make legislative reforms, with a view to abolishing the death penalty (Poland); Establish a moratorium on executions, with a view to abolishing the death penalty (Slovenia); Establish immediately a moratorium on executions, with a view to abolishing the death penalty completely, in line with previous recommendations (Finland); Establish a moratorium on executions, with a view to abolishing the death penalty (Albania); Introduce an immediate moratorium on the death penalty, with a view to its future complete abolition (Lithuania); Establish a moratorium on capital punishment, with a view to abolishing the death penalty (Ukraine); Establish a moratorium on the use of the death penalty, with a view to its abolition (Norway); Re-establish a moratorium on executions, with a view to completely abolishing the death penalty (Netherlands)	16		16
59.133	Consider adopting an official moratorium on the application of the death penalty and corporal punishment (Brazil)	1		1
59.135	Consider establishing a moratorium on the use of the death penalty (Chile)	1		1
59.136	Consider establishing an official moratorium on executions (Cyprus)	1		1
59.137	Establish a moratorium on capital executions, with a view to abolishing the death penalty (France)	1		1
59.138	Eliminate the mandatory character of the death penalty and establish an official moratorium (Germany)	1		1
59.139	Introduce measures to restrict the use of the death penalty and consider a moratorium on executions as a step towards abolition (Ireland)	1		1
59.140	Establish a moratorium on the death penalty, with a view to its eventual abolition, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Latvia)	1		1
<b>TOTAL</b>		<b>37</b>	<b>3</b>	<b>34</b>

THE DEATH PENALTY IN ASIA IN 2022



**15** ABOLITIONIST STATES FOR ALL CRIMES

States or territories where the death penalty is abolished.

**1** ABOLITIONIST STATE FOR ORDINARY CRIMES

States or territories where the death penalty is abolished unless there are exceptional circumstances.

**6** STATES WITH A MORATORIUM ON EXECUTIONS

States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2\*.


**28** RETENTIONIST STATES


States or territories where the death penalty is implemented.

\* Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.


\*\* Palestine is a particular case: it cannot vote the moratorium resolution, has ratified OP2, but the death penalty is still applied in Gaza (last documented executions in 2022).

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