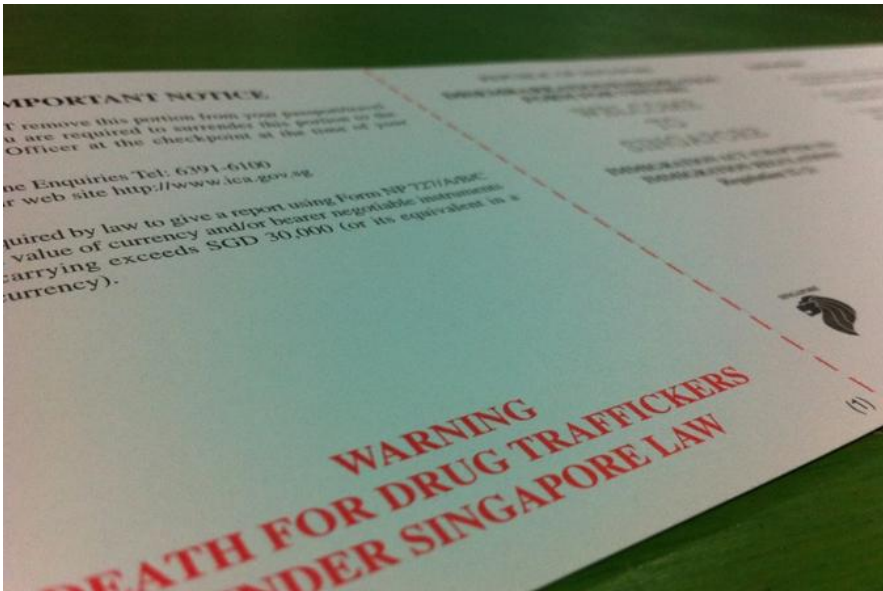


## Death penalty debate divides Singapore

### Reform of capital punishment laws leaves many questioning the balance of leniency for criminals and justice for victims.

Heather Tan Last Modified: 02 Dec 2012 14:49



A visitor arrival form to Singapore warns of the death penalty for peddling drugs [Heather Tan/Al Jazeera]

Singapore, RoS - This Southeast Asian city-state was once described as "Disneyland with the death penalty" by science fiction writer William Gibson - highlighting the contrast between its easy-going lifestyle and zero-tolerance for serious criminal offences with hundreds hanged during the past few decades.

But Singapore's hardline, exemption-free policy of death for convicted killers and drug-traffickers was recently relaxed. As it prepares to change its laws on the death penalty, defence lawyers such as M Ravi are trying to obtain newly introduced "certificates of co-operation" for clients on death row.

Judges will now be given more discretion in dealing with death penalty cases, enabling them to commute death sentences to life imprisonment under certain conditions.

"It is the universal notion that life is irreversible and once you claim a life, you can never get it back," says Ravi, a human rights lawyer from Singapore who represents two men in prison on death row. "I welcome any amendment that preserves lives and gives hope to prisoners."

If granted, the certificates will show the courts those convicted had co-operated with authorities by providing information needed to bust bigger players in the lucrative narcotics industry - thereby allowing them to escape the gallows.

Under the amended legislation, a judge now has the discretion to impose life imprisonment on a person convicted of murder, if that individual has been found not to have intended to cause death.

For drug offences, courts can impose a life term if the accused is found to be "only a drug courier" or "suffering from such an abnormality of mind that it substantially impaired his mental responsibility for committing the offence".

Qualifying for these exceptions, however, will be no easy feat - as there is a lot more at stake now in Singapore's legal system.

"One of the requirements now in proving one's innocence is giving information of drug masterminds behind the act. But mere couriers will not be able to do that, because they are not the masterminds, but just cogs in the wheel," said Subhas Anandan, a prominent criminal lawyer in Singapore.



Human rights lawyer M Ravi defends those on death row in Singapore [Heather Tan/Al Jazeera]

Anandan once represented a man who stabbed his girlfriend to death, but managed to have his client's death sentence overturned.

The man is now serving 20 years in jail. Anandan told Al Jazeera that defence lawyers will now have to work "extra hard" to hand over information on kingpins, producers, distributors and retailers to the authorities.

"A person can only tell you so much, like who passed him the drugs. But the moment he is arrested and that third party disappears, how will that be satisfactory to anyone?"

"It's very unclear what the law wants," said Ravi, who received a letter from the courts asking for two of his clients to submit the substantive information required by the courts by December 3.

"How can we give the authorities substantive information or statements now? It would have been better at their time of arrest when they would have given their statements. So this is actually a big problem. What happens if one gives substantial information and it doesn't lead to the disruption of such activities?"

'Disneyland with the death penalty'

Singapore's death penalty is designed to deter crimes such as murder, kidnapping and firearms offences. It also reinforces the country's zero-tolerance policy on narcotics - hanging hundreds of people, including foreign citizens.

But recent reports have suggested a rise in the number of young drug abusers. In response, the government has set up rehabilitation centres and passed laws barring drug parties. Those found guilty will be sentenced up to 20 years in jail and caned.

"Hanging almost 1,000 men and women in Singapore since the late 1950s has obviously been a complete waste of time: fear of the death penalty does not deter crime and never has."

- Alan Shadrake, former journalist

More often than not, drug couriers - mainly from neighbouring Malaysia - have borne the brunt of Singapore's strict drug laws. A recent parliament session revealed that Malays made up nearly half of all drug-related arrests.

According to the country's attorney general, 34 prisoners are currently being held on death row.

"Justice has not been served when you have people still coming here and basically being couriers for the big drug barons who are based in places like the Golden Triangle," said Chee Soon Juan, secretary general of the Singapore Democratic Party (SDP), an opposition political party that advocates a liberal human rights agenda.

Alan Shadrake, a former journalist convicted of contempt of court in Singapore in 2010 after the publication of his book *Once a Jolly Hangman*, served five-and-a-half weeks in prison and is now based in Penang, Malaysia.

"Hanging almost 1,000 men and women in Singapore since the late 1950s has obviously been a complete waste of time. Fear of the death penalty does not deter crime and never has," Shadrake told Al Jazeera. "History will tell you this."

Shadrake's book, banned in Singapore, has been credited with raising international awareness of the country's judicial system, and its flawed use of the death penalty.

"I think the stupidity in arresting me for criticising the way the death penalty is meted out in Singapore drew more international criticism than the government anticipated, and I think the global outcry had a major impact."

A growing human rights movement

Human rights groups have long called for the abolition of capital punishment in the country, but the government has been careful to state that the amendments were only made after continuously reviewing the laws.

We Believe in Second Chances, a group that advocates for the complete abolishment of the death penalty, is one of a growing number of human rights groups in Singapore campaigning for inmates on death row.

"In the eyes of others, we may seem heartless, but why should we sell our security just to appease our critics?"

- Jeanne Pereira, retired schoolteacher

"Previously the death penalty used to be a very taboo subject," said co-founder Damien Chng. "Now it seems like the issue has been brought out into the open now that local politicians are also representing a more diverse range of opinions."

Singapore's Deputy Prime Minister and Home Affairs Minister Teo Chee Hean said the changes are not a reversal of the country's "zero-tolerance" stand on drugs, but are instead designed to make "measured and carefully designed exceptions" on the mandatory death penalty.

He also rejected calls to abolish executions, saying the death penalty still proves necessary in deterring serious crimes.

The SDP's Chee said, while it was not surprising for a minister to say this, it could also be seen as a means of discouraging activism in the country - where a legal permit is need to hold protests. "All this came about because activists are willing to fight to highlight some of these discrepancies and that will really embarrass the government."

Divided society

Despite the efforts of human rights groups, the majority of the country remains deeply divided on the issue of the death penalty.

Many are unsettled about a possible future without a death penalty to "keep them safe", said Aloysius Foo, a technical support officer, who felt the government's decision to change the law would send the wrong message to the narcotics industry. "I feel uneasy, like we will become easy targets for drug lords watching us out there."

Jeanne Pereira, a retired schoolteacher, opposed the revision when it was announced in July.

"In the eyes of others, we may seem heartless," she said. "But why should we sell our security just to appease our critics?"

Eugene Tan, an assistant law professor at the Singapore Management University and a member of the Singaporean parliament, said he thinks the movement to abolish the death penalty will "gain strength with time".

"Societal attitudes are evolving and the younger generation of Singaporeans are not in awe of the death penalty as the older generations."