

Singapore Plans to Amend Death Penalty for Drugs

By SHIBANI MAHTANI

SINGAPORE—Singapore announced plans to amend laws that dictate a mandatory death penalty for drug traffickers, a surprise move that signaled a small but significant shift in the city-state's strict laws on drug-related crime.

The proposed new law will give courts the discretion to sentence some people convicted of drug-related crimes to life in prison with caning, rather than to death, provided they cooperate with authorities in a "substantive way," or provided they have a mental disability, said Deputy Prime Minister Teo Chee Hean.

Speaking in Singapore's Parliament on Monday, Mr. Teo, who is also the minister for home affairs, said the changes would apply to drug couriers rather than to those involved in the supply or distribution of drugs at higher levels. Convicted drug distributors and syndicate leaders would still face the mandatory charge of death by hanging. Mr. Teo didn't elaborate on how the law will differentiate between low-level couriers and more serious offenders.

The changes come after the Ministry of Home Affairs' yearlong review of Singapore's death penalty and include an easing of the penalty for homicide in the city-state. Also

speaking in Parliament, the Minister for Law and Foreign Affairs K. Shanmugam said that certain types of homicide cases, in which there is no explicit intention to kill, would no longer result in the mandatory death penalty.

"Our cardinal objectives remain the same. Crime must be deterred," Mr. Shanmugam said when announcing the proposed laws Monday. "But justice can be tempered with mercy and where appropriate, offenders should be given a second chance."

The changes to the laws must be approved by Parliament before they are adopted. But they will likely pass with little opposition as the ruling People's Action Party controls a majority of seats—81 of 87—in Parliament.

Legal representatives, including the Association of Criminal Lawyers of Singapore and the Law Society of Singapore, called the proposed changes a "milestone" in the city-state legal history. Some of these people said the laws are a sign that the government has been responsive to the views of the legal community, many of whom have pushed for a change to the mandatory death penalty in favor of giving courts more discretion.

"This change...recognizes that the measure of a society is how it treats its most unfortunate," said

Subhas Anandan, president of the Association of Criminal Lawyers of Singapore and a prominent Singapore defense lawyer, in a statement. "Death-row inmates deserve punishment, but not all deserve death. These new measures...will have a massive impact on the criminal justice system."

Other legal experts say the law doesn't represent a huge shift in Singapore's policy on capital punishment. Instead, they said, it is a refinement of an existing policy according to changing social norms.

'Justice can be tempered with mercy,' Singapore's Home Minister K. Shanmugam said.

"There is a concern that this could lead to false hope and expectations. This is not a big bang at all, but a refinement," said Eugene Tan, a professor of law at the Singapore Management University and an independent lawmaker. "This is not Singapore sending a signal that it is soft on capital punishment."

Many activists who have campaigned against Singapore's strict death penalty said the announcement was unexpected but is a step

in the right direction for Singapore, which has long been criticized for what human-rights group say are unnecessarily harsh laws around drug control.

"[We] certainly did not expect this announcement to be made today," said Kirsten Han, co-founder of the anti-death penalty activist group We Believe in Second Chances. "I think it is a good first step and hope it means that inmates...will be able to have their cases relooked, and that they will be shown mercy."

Since the review of the mandatory death penalty last year, all pending executions have been halted, Mr. Teo said.

He added that draft legislation implementing changes outlined in Parliament on Monday will be introduced later this year but that all accused people, including those in open cases and those already convicted, may choose to be considered for resentencing under the new laws.

Activist Ms. Han said that while she had "initial concerns" on how certain criteria and specifics would be defined, and that drafting and implementation of the new laws remain to be seen, she said the new rulings are a sign that the government is responding to civil society groups and is willing to engage with them.

Other groups, while applauding the government's efforts, maintain that this is but a "small step" in the right direction but want to see an end to the mandatory death penalty without any conditions such as those sketched out by the government. Human-rights group Maruah said in a statement that the government still hasn't provided evidence of the effectiveness of the death penalty in deterring crime and added that the death penalty is "fundamentally troubling" and continues to be applied to a substantial number of offenses.

Singapore's use of the death penalty, particularly to control narcotics, has invited widespread criticism over the years. In the early 1990s, a journalist dubbed the city-state "Disneyland with the death penalty"—a catch phrase that has stuck. According to an Amnesty International report published in 2011, at least 26 people were sentenced to death from 2007 to 2010, though not all of these people have been executed. Since 2009, nine people have been executed in the city-state, according to official prison statistics.

Singapore's government has long defended its strong stance on crime and the death penalty, which it says has succeeded in keeping drug usage and homicide rates among the lowest in the world.