

## Singapore Drug Courier Dodges Death Penalty under New Rule

By Chun Han Wong

11 April 2013

A Singapore court spared a convicted drug courier from the gallows under the city-state's new relaxed sentencing guidelines for lower-level drug trafficking, marking the first time a capital case has been settled under rules that took effect in January.

Abdul Haleem Abdul Karim, 29 years old, who pleaded guilty, was sentenced to life imprisonment Wednesday. Analysts say the case could test the effectiveness of relaxing sentencing rules, a step taken in part to encourage couriers to spill information to authorities to assist in nailing higher-level drug traffickers. The prosecutors decided the defendant gave useful information in the case.

Another defendant in the case, Muhammad Ridzuan Muhammad Ali, 27, who was convicted on the same charges, was sentenced to death because he didn't meet the criteria for a discretionary penalty, according to a statement by the Attorney-General's Chambers, the agency in charge of public prosecution.

Mr. Abdul Haleem had asked Justice Tay Yong Kwang to send him to the gallows if his friend couldn't be spared, according to Mr. Muhammad Ridzuan's lawyer, Mohamed Muzammil Mohamed. But the judge said he couldn't do so, because Mr. Abdul Haleem was certified by prosecutors to have provided "substantive assistance," while the other defendant wasn't.

Drug traffickers had typically faced a compulsory death sentence by hanging if the drugs ferried were above specified amounts. The revised rules allow courts to give life sentences to convicted drug couriers—as opposed to ringleaders, manufacturers, distributors and sellers—who provide "substantive assistance" to the authorities or who are proved to have a mental disability.

Some human-rights activists welcomed the relaxed sentencing rule, calling it the first step in tempering what they call an unnecessarily harsh criminal-justice system. But others said the revised rule still gives prosecutors excessive power in deciding whether accused persons face the death penalty.

In Wednesday's case, Mr. Abdul Haleem was convicted of two drug-trafficking charges, including the trafficking of at least 72.5 grams of heroin. Under Singapore law, people convicted of trafficking more than 15 grams of heroin face the death penalty.

Justice Tay spared Mr. Abdul Haleem from the death penalty after deeming him a courier and reviewing certification by prosecutors that the accused had "substantively assisted" investigators. Abdul Haleem was sentenced to life imprisonment and the maximum 24 strokes of the cane. (The defendants are ethnic Malay and go by their first names.)

Mr. Muhammad Ridzuan had contested one of the two charges brought against him, according to the Attorney-General's Chambers. He and Mr. Abdul Haleem were found jointly in possession of at least 72.5 grams of heroin when arrested in May 2010.



**Publication: The Wall Street Journal**

**Date: 11 April 2013**

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In its statement, the attorney-general's office said the new rules could help authorities glean useful information "to dismantle drug syndicates or facilitate the arrest or prosecution of syndicate members," particularly senior figures. Whether an accused is deemed to have provided "substantive assistance" would "be assessed on the facts of each case," it said.

But some activists criticized the vagueness of this provision, saying it means Singapore prosecutors still have too much authority.

"What this case shows is that the discretion over whether someone lives or dies still stays with the Attorney-General's Chambers," said Siew Kum Hong, a lawyer and vice president at the human-rights group Maruah. Prosecutors should be more transparent on how they make such decisions, Mr. Siew said.

Despite criticism from human-rights watchdogs, the ruling People's Action Party has consistently defended its strong stance on crime and the death penalty, arguing that capital punishment has helped keep Singapore's drug usage and homicide rates among the lowest in the world.

Eugene Tan, a law professor at the Singapore Management University, said prosecutors have to balance "the need for clarity" with preventing accused persons from learning how "to game the system" and escape more severe punishment.

Singapore inherited the death penalty from its former British colonial rulers and first used capital punishment to control the spread of drugs in the 1970s. Capital punishment also is applicable for murder, kidnapping and firearms offenses, among other crimes.

Apart from drug-related offenses, Singapore also has revised mandatory death sentences for murder cases, allowing judges the discretion to impose life imprisonment on a person found guilty of murder if the individual was found "not to have intended to cause death."

According to the Attorney-General's Chambers, 32 people were on death row in Singapore before Wednesday's case. These inmates were allowed to apply for resentencing under the new rules, but none of them have been resented so far.

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