

**SINGAPORE’S SUBMISSION TO THE SPECIAL RAPPORTEUR ON  
EXTRAJUDICIAL, SUMMARY, OR ARBITRARY EXECUTION’S CALL FOR  
INPUT ON THE IMPOSITION OF THE DEATH PENALTY AND ITS IMPACT**

**Death Penalty in Singapore**

The death penalty is an important component of Singapore’s criminal justice system. It is applied only to the most serious crimes in Singapore, such as murder, kidnapping, terrorist bombing, and trafficking in or importing/exporting large quantities of drugs. The death penalty has been effective in deterring these crimes. The death penalty serves the larger interests of Singapore society by ensuring our people’s fundamental human right to safety and security.

2. The death penalty does not amount to extrajudicial, summary, or arbitrary execution. There is no international consensus against the use of the death penalty when it is imposed according to the due process of the law and with judicial safeguards. Every country has the sovereign right to determine its own criminal justice system, based on its circumstances and in accordance with its international obligations. This has been reaffirmed in the United Nations General Assembly (UNGA) resolutions A/RES/71/187, A/RES/73/175, and A/RES/75/183.

**Due Process and Judicial Safeguards**

3. The right to life is a fundamental liberty guaranteed by the Singapore Constitution. Article 9(1) of the Constitution provides that “No person shall be deprived of his life or personal liberty save in accordance with law”. The use of the death penalty in Singapore is provided for by law and is applied only after due process of law and with judicial safeguards. The use of the death penalty in Singapore does not violate any prohibition against torture or any other cruel, inhuman or degrading treatment or punishment. Further, there is no international consensus that the death penalty amounts to torture, cruel, inhuman, or degrading treatment when applied in accordance with due process of law and judicial safeguards.

4. Any person who faces capital charges is ensured legal representation under the Legal Assistance Scheme for Capital Offences. Once charged with a capital offence, legal counsel is offered to the person free of charge, regardless of the person’s nationality.

5. All capital offences are heard in the Singapore High Court, and there are additional safeguards in place for all capital cases. For instance, the High Court shall not record a guilty plea in a capital case unless the accused is tried and the Public Prosecutor leads evidence to prove that the elements of the offence have been made out. In addition, all convicted persons sentenced to death by the High Court are entitled to appeal against both the conviction and sentence to the Singapore Court of Appeal.

6. As a further safeguard, every death sentence imposed is reviewed by the Court of Appeal, regardless of whether the convicted person appeals against the conviction and/or sentence. Section 394A of the Criminal Procedure Code 2010 (“CPC”) provides that where the High Court sentences a person to death and the person does not file an appeal within the time allowed, the Public Prosecutor is required to lodge a petition for confirmation. The Court of Appeal must then satisfy itself as to the correctness, legality, and propriety of the conviction and the imposition of the death sentence, before confirming it.

7. The death penalty is not applied to persons of unsound mind. Where an accused person was, by reason of unsoundness of mind, incapable of knowing the nature of the act, incapable of knowing that what he was doing was wrong, or completely deprived of any power to control his actions at the time of the commission of the alleged offence, the accused person will be acquitted of the offence by reason of unsoundness of mind under section 84 of the Penal Code 1871.

8. In addition, if an offender facing a murder charge was suffering from an abnormality of mind which substantially impaired his capacity to know the nature of the acts which caused the death, his capacity to know whether such acts are wrong, or his power to control his acts in causing the death, the offender would not be found guilty of murder, but of the lesser offence of culpable homicide not amounting to murder, which does not attract the death penalty. For an offender facing drug trafficking or importation/exportation charges who can prove that he was suffering from an abnormality of mind which substantially impaired his mental responsibility for the act, the death penalty would not be applied if the offender only played the role of a courier and was not involved in any other activity related to the supply or distribution of drugs.

9. Where a court has reason to suspect that an accused person is of unsound mind and consequently incapable of making his defence, the court is required to investigate the fact of such unsoundness. The court is also required to postpone the inquiry or trial or other proceeding if it is not satisfied that the accused person is capable of making his defence. The inquiry, trial or other proceeding may resume only if the accused person is subsequently found to be of sound mind and capable of making his defence.

## **Procedures and Conditions of Incarceration**

### *Treatment and Facilities of Prisoners Awaiting Capital Punishment*

10. Prisoners awaiting capital punishment (“PACPs”) are allowed weekly visits from family members and relatives. They may also correspond via letters.

11. PACPs are notified at every stage of the legal and clemency process and have access to legal counsel should they require legal advice or assistance.

12. PACPs are provided medical services and basic amenities. They are housed in single-occupancy cells with in-cell showers, toilet facilities, and a television. They are also provided the same kind of clothing as other inmates and are given haircuts at least once a month.

13. PACPs are allowed out of their cells on a regular basis for recreation. In addition, they are provided access to religious counselling from the time of admission into prison, if they wish to receive such counselling.

### *Prison Oversight Mechanism*

14. Under section 79 of the Prisons Act 1933, the Minister for Home Affairs shall appoint a Board of Visiting Justices, comprising Justices of the Peace, who are distinguished private individuals appointed by the President of Singapore. The members of the Board inspect the prisons and ensure that the basic welfare of prisoners is taken care of.

15. A Visiting Justice may visit any prison at any time to inspect the living conditions of prisoners and hear the complaints of the prisoners. Under the Prisons Regulations, Visiting Justices are not to be accompanied by the Prison Superintendent in their inspections. PACPs are given access to the Visiting Justices.

### **Support for Inmates' Families**

16. Singapore has measures in place to support the families of inmates, including those sentenced to capital punishment. Through interviews conducted upon the inmate's incarceration, the Singapore Prison Service ("SPS") facilitates timely identification and referral of the needs of the inmates' family, including their children, to resources in the community. Inmates can also request assistance on behalf of their family at any time during their incarceration.

17. The SPS has established Family Resource Centres ("FRCs") adjacent to the prison complex to make it convenient for inmates' families to seek social and financial support. The FRCs' services include childcare, housing, and employment assistance. For families requiring longer-term assistance, they will be referred to Family Service Centres near their homes.

18. The SPS also works with a network of government organisations and social service agencies to run programmes and services such as tuition assistance, parenting programmes, and family bonding programmes for inmates and their family. These help, in particular, to mitigate the impact of parental incarceration on the inmates' children. Under the Yellow Ribbon Community Project, community volunteers also engage and visit families of inmates to check on their well-being and link them up with community support where required.

### **Lead-Up to Execution**

19. In the lead-up to the execution, PACPs and their next-of-kin will be notified of the date of execution. Thereafter, the SPS will facilitate extended daily face-to-face visits or tele-visits for the PACP's family until the day before the execution. The SPS will facilitate requests from the PACP and his family as much as possible. Counsellors are assigned to support the PACP's family during this period, as well as after the execution.

### **Treatment of Bodies**

20. Under section 313 of the CPC, 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. A Coroner must hold an inquiry as provided under the Coroners Act 2010 within 24 hours of the execution and satisfy himself of the identity of the body and whether the sentence of death was duly carried out.

21. The body of the executed person will be returned to the person's family, and the family will be informed to make the necessary funeral arrangements. If the family is unable to do so or the body is unclaimed, the State will assist to make the necessary arrangements.

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