**SINGAPORE**

**Human rights and drug policy**

**Submitted by: Transformative Justice Collective**

*The Transformative Justice Collective is an abolitionist group in Singapore working on issues related to the criminal punishment system, covering prison conditions, drug policy, and the use of capital punishment.*

Singapore adopts a harsh prohibitionist approach, criminalising a wide range of drug-related activity, from possession and consumption to manufacture, sale and trafficking.[[1]](#footnote-1) The [Misuse of Drugs Act](https://sso.agc.gov.sg/Act/MDA1973?ProvIds=P12-#P12-) also criminalises the possession of drug paraphernalia, such as pipes, syringes, or other apparatus.[[2]](#footnote-2) Providing information on how to cultivate, manufacture or consume controlled drugs is also illegal under the same law.[[3]](#footnote-3) Singaporeans and permanent residents are not allowed to consume controlled drugs even when outside Singapore — if they found out via a positive urine test in Singapore, they can be prosecuted under Singaporean law.[[4]](#footnote-4)

**Mandatory drug detention**

The Misuse of Drugs Act allows the Central Narcotics Bureau to send people found to be using drugs directly to mandatory drug detention, without the need for charge, trial or conviction by the courts. The law states that “[every] person who is admitted to an approved institution under this section is to be detained in the institution for a period of 12 months unless he or she is discharged earlier by the Director or the Review Committee of the institution.”[[5]](#footnote-5)

Although the state-run Drug Rehabilitation Centre (DRC) is framed as “treatment” and “rehabilitation”, the reality is that DRC is operated by the Singapore Prison Service, and detainees are subject to prison conditions. In [*You Don’t See The Sky: Life Behind Bars in Singapore*](https://transformativejusticecollective.org/2022/05/09/you-dont-see-the-sky-life-behind-bars-in-singapore/), a report by the Transformative Justice Collective, respondents said that they found the experience of being caught and sent to mandatory drug detention traumatic, especially since there is a lack of transparency about how long their period of incarceration would be. They also said that they did not find the counselling sessions to really meet their needs, and that the entire approach felt designed to shame and guilt-trip people over their drug use.[[6]](#footnote-6)

**Judicial corporal punishment for drug offences**

The Misuse of Drugs Act also provides for caning for offences like drug trafficking, manufacture and import. People aged 21 and above can also be sentenced to up to 15 strokes of the cane if they caused a young or vulnerable person to commit offences under the Misuse of Drugs Act.[[7]](#footnote-7) In early 2023, [amendments](https://sso.agc.gov.sg/Bills-Supp/9-2023/Published/20230224?DocDate=20230224) were made to the Misuse of Drugs Act to expand its provisions to cover new psychoactive substances, and increase penalties for possession of controlled drugs. Among these changes was the introduction of caning for possession over a certain threshold (e.g. 330g of cannabis).[[8]](#footnote-8)

**Death penalty for drug offences**

Although international standards state that capital punishment, if retained, should only be reserved for the “most serious crimes”, the death penalty in Singapore is mainly used on people convicted of nonviolent drug offences. The Misuse of Drugs Act provides for the mandatory death penalty if an individual is convicted of trafficking over a specific threshold — for example, 15g or more or diamorphine, or 500g or more of cannabis — of a controlled substance.[[9]](#footnote-9)

Very little information on the use of the death penalty is released by official sources. Prison officers and counsellors working on death row are bound by the Official Secrets Act and are unable to speak publicly about their work or provide details of death row conditions or the execution process. There is no official reporting on the number or identities of people on death row.

Most of the publicly available information on the use of the death penalty in Singapore has been gathered by anti-death penalty activists who monitor court proceedings and are in communication with family members of death row prisoners. According to research done by the Transformative Justice Collective, there are currently over 50 people on death row, the vast majority of whom were convicted of drug trafficking.[[10]](#footnote-10)

In 2022, Singapore resumed executions after a two-year hiatus, hanging 11 men for nonviolent drug offences between March and October. Among those executed was Nagaenthran K Dharmalingam, who was hanged despite appeals from various groups, including [UN human rights experts](https://www.ohchr.org/en/press-releases/2021/11/singapore-un-experts-urge-halt-execution-drug-offender-disabilities), calling on Singapore not to execute a man with psychosocial disabilities.[[11]](#footnote-11) Also executed were [Abdul Kahar Othman](https://transformativejusticecollective.org/2022/03/28/when-will-we-stop-killing-small-people-who-need-care/)[[12]](#footnote-12) and [Nazeri Lajim](https://transformativejusticecollective.org/2022/05/31/we-were-like-strays-a-life-marked-by-drugs-incarceration-and-the-death-penalty/)[[13]](#footnote-13), both of whom were in their 60s and were lifelong drug users who had spent the majority of their adult lives in mandatory drug detention or prison.

So far in 2023, Singapore has carried out two executions, both for drug offences related to cannabis. [Tangaraju Suppiah](https://learningfromthemargins.substack.com/p/if-i-could-give-my-life-in-exchange), who was executed on 26 April 2023, had not even handled the one kilo of cannabis that he was accused of conspiring to traffic, and there were [serious due process and fair trial concerns](https://www.wethecitizens.net/arent-we-supposed-to-be-all-about-rule-of-law-and-due-process/) related to his case.[[14]](#footnote-14)

Death row prisoners face severe barriers to access to justice, particularly at the post-appeal stage. Although the [Legal Assistance Scheme for Capital Offences (LASCO)](https://www.judiciary.gov.sg/join-us/join-legal-assistance-scheme-capital-offences-counsel) exists, it only recognised an individual’s right to legal counsel at the trial and appeal stage only.[[15]](#footnote-15) Suspects and accused persons are interrogated by the police without the presence of legal counsel. Once appeals are dismissed, death row prisoners are no longer seen as requiring legal counsel and are generally left to their own devices to seek legal counsel. Given that most death row prisoners come from working class backgrounds, family members often struggle to afford lawyers’ fees. In recent years, prisoners who have filed post-appeal applications — either via lawyers or as litigants-in-person — have been accused by the Attorney-General’s Chambers (AGC) of abusing court process. If the court agrees with the AGC, lawyers are made personally liable for cost orders. One human rights lawyer, [M Ravi](https://www.theonlinecitizen.com/2023/03/31/ngos-in-asia-show-solidarity-with-m-ravi-suspended-human-rights-lawyer-in-singapore/), has paid around S$70,000 in cost orders to the AGC, and faced disciplinary proceedings and police investigations linked to his work on the death penalty.[[16]](#footnote-16) Such cost orders, alongside concerns about reputational risk, have deterred lawyers from taking on post-appeal capital cases, affecting prisoners’ right to access to justice.

**Surveillance and privacy**

Apart from being sent to the Drug Rehabilitation Centre, people who use drugs can also be subject to [Drug Supervision Orders](https://www.cnb.gov.sg/CNBExplains/where-do-adult-drug-abusers-go-when-caught). Under such orders, which can last for up to five years, people are expected to show up for mandatory regular urine tests.[[17]](#footnote-17) Such requirements are often disruptive to people’s lives, and further perpetuate stigma and discrimination against people who use drugs.

**Contact**

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1. Part 2, Misuse of Drugs Act 1973 [↑](#footnote-ref-1)
2. Section 9, Misuse of Drugs Act 1973 [↑](#footnote-ref-2)
3. Section 11D, Misuse of Drugs Act 1973 [↑](#footnote-ref-3)
4. Section 8A, Misuse of Drugs Act 1973 [↑](#footnote-ref-4)
5. Section 34, Misuse of Drugs Act 1973 [↑](#footnote-ref-5)
6. Transformative Justice Collective, *You Don’t See the Sky: Life Behind Bars in Singapore*, <https://transformativejusticecollective.org/2022/05/09/you-dont-see-the-sky-life-behind-bars-in-singapore/> [↑](#footnote-ref-6)
7. Second Schedule, Misuse of Drugs Act 1973 [↑](#footnote-ref-7)
8. Misuse of Drugs (Amendment) Bill [↑](#footnote-ref-8)
9. Second Schedule, Misuse of Drugs Act 1973 [↑](#footnote-ref-9)
10. Unpublished research by the Transformative Justice Collective [↑](#footnote-ref-10)
11. United Nations Office of the High Commissioner on Human Rights, *Singapore: UN experts urge halt to execution of drug offender with disabilities*, <https://www.ohchr.org/en/press-releases/2021/11/singapore-un-experts-urge-halt-execution-drug-offender-disabilities> [↑](#footnote-ref-11)
12. Transformative Justice Collective, *When will we stop killing “small people” who need care?*, <https://transformativejusticecollective.org/2022/03/28/when-will-we-stop-killing-small-people-who-need-care/> [↑](#footnote-ref-12)
13. Transformative Justice Collective, *“We were like strays”: A life marked by drugs, incarceration, and the death penalty*, <https://transformativejusticecollective.org/2022/05/31/we-were-like-strays-a-life-marked-by-drugs-incarceration-and-the-death-penalty/> [↑](#footnote-ref-13)
14. Kokila Annamalai, *"If I could give my life in exchange for his, I would": Yet another sister fights for her brother's life*, <https://learningfromthemargins.substack.com/p/if-i-could-give-my-life-in-exchange>

Kirsten Han, *Aren’t we supposed to be all about rule of law and due process?*, <https://www.wethecitizens.net/arent-we-supposed-to-be-all-about-rule-of-law-and-due-process/> [↑](#footnote-ref-14)
15. SG Courts, *Join the Legal Assistance Scheme for Capital Offences*, <https://www.judiciary.gov.sg/join-us/join-legal-assistance-scheme-capital-offences-counsel> [↑](#footnote-ref-15)
16. The Online Citizen, *NGOs in Asia Pacific show solidarity with M Ravi, suspended human rights lawyer in Singapore*, <https://www.theonlinecitizen.com/2023/03/31/ngos-in-asia-show-solidarity-with-m-ravi-suspended-human-rights-lawyer-in-singapore/> [↑](#footnote-ref-16)
17. Central Narcotics Bureau, *CNB Explains: Where do adult drug abusers go when caught?*, <https://www.cnb.gov.sg/CNBExplains/where-do-adult-drug-abusers-go-when-caught> [↑](#footnote-ref-17)