

**Mandatory Capital Punishment for Drug Offences in Singapore
and its Accordance with International Human Rights Law**

Ellen-Maria Makus

University of Groningen, Campus Fryslan

A.C. Belloir

June 5, 2024

Abstract

Lethal injections, hanging, electrocution, beheading, and gas chambers- only some of the gruesome execution methods practised around the world in the year 2023. Contrary to the modern human rights movement, the death penalty remains embedded in several regions of the world as a form of capital punishment. Singapore has fallen under particular scrutiny due to their strong retentionist stance and justifications for drug-related executions. Political response from international organisations such as the United Nations and Amnesty International has claimed Singapore's executions for drug offences to be in violation of International Human Rights Law. The given research aims to examine the disparity between Singapore's stance on its death penalty practice and the contrasting global denunciation of the latter. Relevant human rights instruments were analysed to answer the research question: Is Singapore's use of the death penalty for drug offences justified under International Human Rights Law? The research concludes that while international human rights mechanisms advocate for the protection of fundamental human rights, their application is largely subject to interpretation and debate. While stating that the death penalty shall only be assigned for the most serious crimes with either lethal or extremely grave consequences, both the terms "most serious" as well as "extremely grave" are contestable to go beyond the classical case of intentional killing. Evidently, the eventual global abolition of the death penalty is desired, however, currently international human rights instruments and mechanisms do not permit it in general nor for drug offences.

Keywords: Death penalty, capital punishment, International Human Rights Law, Singapore.

Contents

Introduction	4
Historical Development and Context of the Death Penalty as Capital Punishment in the World, Southeast Asia and Singapore	5
Human Rights Discourse in ASEAN and Singapore	7
War on Drugs in Southeast Asia	8
Asian Values	9
Literature Framework	12
The Government- People’s Action Party	12
Defining the ‘Most Serious Crime’	14
The Tension Between International Human Rights Law and National Sovereignty	15
Methodology	16
Legal and Enforcement Framework	17
Universal Instruments	17
Universal Declaration of Human Rights	17
International Covenant on Civil and Political Rights	18
Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty	19
Intraregional Acts	19
ASEAN Human Rights Declaration	19
National Legislations	20
Misuse of Drugs Act 1973	20
Critical Discussion	22
Political Response, Public Opinion and Social Impact	23
International Criticism and Condemnation	23
Amnesty International	23
United Nations and the European Union	25
Governmental Justifications and Responses to Criticism	26
Social Impact	28
Local Public Opinion	28
Crime Deterrence	28
Conclusion	30
Bibliography	32
Appendix	39

Introduction

The history of the death penalty is as ancient as civilization itself, with its origins tracing back to the earliest recorded legal codes in human history (Death Penalty Information Centre, 2024). In 2022, fifty-five countries continued to hold a retentionist stance¹ in practising capital punishment (Amnesty International, 2023). While progressively more nations are moving towards an abolitionist stance, the majority of countries in Southeast Asia remain unswayed by the global pressure of abolition. At the United Nations General Assembly in 2020, five out of ten Association of Southeast Asian Nations (ASEAN) member states abstained from voting on a moratorium for exercising the death penalty, while Singapore, alongside Brunei, voted against it (Petcharamesree et al., 2023).

In the early 2000s, Singapore fell under international scrutiny after Amnesty International (2004) released a report in which it claimed the city-state to hold “possibly the highest” execution rate per capita in the world, surpassing countries like China, Iran and the United States. Thereafter, global criticism of its capital punishment system by foreign governments, international organisations and NGOs followed Singapore, claiming the executions for drug offences to be unlawful. In July 2023, Singapore executed the first known woman in twenty years (Amnesty International, 2023), gaining once again infamous attention. Singapore, on the other hand, has denied any false doings in practising the law and enforcing its capital punishment system. Amidst, this backdrop, the focus of my study is on examining the disparity between Singapore’s stance on its death penalty practice and the contrasting global denunciation of the latter. Accordingly, I will research the relevant legislations, laws and treaties to determine whether global condemnation of their drug-deterrence-aimed capital punishment system is justified. In precis, within this thesis, I

¹ Countries are regarded as retentionist if they retain the death penalty for ordinary crimes (Amnesty International, 2023)

pose the question: is Singapore's use of the death penalty for drug offences justified under International Human Rights Law?

In the first section, I shall underline the historical discourse of capital punishment in the world, Southeast Asia and Singapore. Further, this section will highlight the motivators behind the strong retentionist stance in the Asian region by exploring the concepts of Asian values and the "war on drugs" motion. The second section recaps the academic work done on the theme of the universal applicability of international human rights, exploring the role of Singapore's government and the definition of the umbrella term "most serious crime". The section thereafter analyses the relevant legal instruments and mechanisms to identify the inconsistency which is apparent in the international discussion on Singapore's criminal justice system. In the fourth section, I will draw attention to the international criticism Singapore has fallen under for its death penalty practices and include the governmental responses and justifications for it. This section shall further reflect on the public opinion of Singapore citizens on the death penalty system, and investigate the statistics on drug deterrence before moving on to the conclusion which summarizes the main findings and answers the research question.

Historical Development and Context of the Death Penalty as Capital Punishment in the World, Southeast Asia and Singapore

Variations of the death penalty have existed since ancient times. The first established death penalty laws could be found in the Code of King Hammurabi of Babylon, as early as the Eighteenth Century BCE; the first proof of performing an execution, however, can be ascribed to Sixteenth Century BCE Egypt. In sixteenth-century Britain, executions were carried out by either drowning, burning, beating, impalement or crucifixion, attributable to over two hundred offences. (Death Penalty Information Centre, 2024)

Throughout colonial times, one could find the death penalty designated for hundreds of violations in most colonies' laws. The shift towards the idea of *abolishing* the death penalty expanded around the first half of the Twentieth Century in Western Europe and the United States, however, it shortly plummeted after the First World War, followed by the rise of totalitarian governments and the Second World War (Johnson and Zimring, 2009). After the Second World War, the abolition movement once again gained momentum and rapidly spread across Western European nations, and thereby began to move further away from the notion of criminal justice and towards a human rights discourse. With the ratification of the European Convention on Human Rights in 1983, the countries of Western Europe virtually set on the mission of annihilating capital punishment in the modern world (Johnson and Zimring, 2009). Indeed, Europe has managed to achieve their abolitionist status (with the exception of Belarus, who still actively executes) largely due to the European Union attaching an absolute ban on the death penalty as a prerequisite to membership (European Union, 2012). Exponentially, countries utilising the death penalty as a governmental tool have become a minority, with the Asian region remaining rather steadfast in the immense abolition wave.

In many instances, a decrease in death penalty rates correlates with the rise of democracy and economic development (Anckar, 2014). The majority of the world embraced the death penalty abolition as their authoritarian regimes fell, since a common way for the new governments to set themselves apart from the old governments was to abandon capital punishment (Johnson, 2010). Similarly, capital punishment can be detected to a greater extent in less economically advantaged nations. A statistical study on determinants influencing the use of the death penalty found that abolitionist countries are much wealthier in comparison with countries that still execute (Anckar, 2014). Although this does not refrain wealthy nations from exercising the death penalty, it does make Singapore, a country with the

second-ranking GDP per capita in the world in 2021 (World Bank, 2023), an anomaly alongside countries like the U.S. and China, in the global arena of capital punishment.

According to data from the end of 2022 gathered by Amnesty International (2023), one hundred and forty-four countries have abolished the death penalty either by law or in practice (having the death penalty included in the law but having abstained from executions for the past ten years), while fifty-five countries hold a retentionist stance. Nineteen United Nations member states continue executions, out of which five are ASEAN member states- Singapore, Indonesia, Malaysia, Myanmar, and Thailand, which all permit the death penalty for drug offences. Throughout 2022, Amnesty International recorded the highest number of worldwide recorded executions since 2017, alongside a record spike in recorded executions for drug-related offences compared to previous years. Alas, statistics on death penalty numbers remain potentially inaccurate due to various retentionist countries keeping their data classified under state secrets.

Human Rights Discourse in ASEAN and Singapore

Until 1963, Singapore, alongside many Southeast Asian nations, remained under British rule as a Crown Colony, followed by briefly becoming part of Malaysia, before declaring itself a sovereign state in 1965 (The Telegraph, 2019). The roots of the death penalty practice in the fairly young city-state therefore date back to British Colonial rule, preserving low-drop hanging as the tool of execution. It must be noted, however, that the disciplined capital punishment system was heavily extended further by the freshly independent government (Yap and Tan, 2020) by enacting stricter laws. This juridical discourse applies to several ASEAN countries, which sought to prioritise their economic development over civil and democratic rights after breaking free from foreign power. Correspondingly, a British colonial past is revealed to result in a higher likelihood of

exercising capital punishment due to the widescale implementation of the death penalty in colonial Britain (Anckar, 2014).

War on Drugs in Southeast Asia

One of the core objectives of the region's stringent judicial system is drug control—diminishing the production and trafficking of narcotics in the area. The Golden Triangle, a region between the mountain ranges of Thailand, Myanmar and Laos, is considered one of the world's primary trafficking destinations of opium and methamphetamine, with Myanmar dominating the production (Harper and Tempura, 2019). Because of the intensive drug activity in the Golden Triangle region, drug deterrence, enforced through a punitive criminal justice system, remains a high priority on the national agenda of countries in the vicinity. According to a regional report composed by the United Nations Office on Drugs and Crime (2023), the upward trend of Southeast Asia's drug market, especially the production and trafficking of methamphetamine, continues. ASEAN's joint commitment to halt the drug trade, however, remains barriered by struggles in uniting the states together, internal corruption, and a lack of resources (Harper and Tempura, 2019).

To tackle and prevent the drug menace in Singapore, the Central Narcotics Bureau (CNB) was established in 1971 to serve as the primary drug enforcement agency in the country. Its mission is to enforce, educate and engage for a drug-free Singapore, whereby the enforcement aspect includes operations and investigations in accordance with national “robust laws and policies”. The CNB is part of the ten-agency union The Home Team, comprising governmental institutions aiming to keep Singapore secure. (Central Narcotics Bureau, 2024)

In Singapore, the death penalty was made mandatory for drug sentences in 1975 with the aim of deterring the use and trade of illicit drugs, however, it was tweaked in 2012 by allowing a judge to also impose life imprisonment for drug offences in certain cases and

circumstances. Nevertheless, drug-related offences constitute over seventy per cent of all of Singapore's death sentences (Pascoe, 2019). As of August 2023, fifty inmates remained on death row, out of who 47 were convicted of non-violent drug offences (Death Penalty Information Centre, 2023). Drug deterrence is used as the main justification by the government for enforcing capital punishment. The Singaporean Permanent Mission to the UN, in its reply to a Joint Urgent Appeal by the latter, relied on statistics to illustrate the harm done by drugs, and emphasised that 'Singapore cannot afford such high costs to our society and our people' (Ministry of Foreign Affairs Singapore, 2023). Hence, the death penalty is not only exercised but *relied* on as a strong deterrent for crime control, with Singapore being among the few countries that still execute drug-related offences. Additionally, clemency rates in Singapore appear to be one of the lowest in the world. Between 1991 and 2016, merely three out of 450 death row inmates gained clemency (Pascoe, 2019).

Asian Values

When it comes to implementing universal and international human rights in Asia, the discussion often steers towards the argument of Asian values. There is no one definition of the latter, however, it is generally a cultural discourse characterised by the collective interests of the community being put before individualistic pursuits. Thompson (2015) describes it as a narrative which argues that an individualist (Western) liberal democracy is 'inappropriate' in collectivistic Asian societies. Other scholars have further attributed the concept to cultural relativism (Barr, 2000), the tension between cultural particularism and universalism (Thompson, 2015), and the precedence of noninterference in another nation's domestic affairs over the enforcement of international norms (Hoon, 2004). It has been largely influenced by Confucian thinking, again emphasising the weight of the collective desire over individual rights and pursuits. However, Asian values have also been explained through inherited authoritarian characteristics. For instance, Petcharamesree et al. (2023) note that the death

penalty, often justified with Asian values, is intended not only to punish but also to instil obedience into the public.

As noted above, the Asian values notion is often used as a justification for opposing the implementation of Western norms in Asian countries. Many of them view it as an expansion of Western imperialism, enforcing ‘universal’ civil, social and political practices without accounting for cultural peculiarities. As can be drawn from the historical discourse above, the abolition movement originated from the Western world, with Europe acting as the main advocate of the matter. The idea of capital punishment (or its absence) being a key premise in a state’s governance of its citizens was an entirely European innovation of the late 20th century (Johnson and Zimring, 2009). This conception of Western human rights imperialism was seen from the very beginning of the process of institutionalising human rights at the UN (Duxbury and Tan, 2019). The tensions of human rights implementation approaches between Western democracies and East Asian nations' became further apparent in the 1993 Bangkok Declaration, presented shortly after the 1991 World Conference on Human Rights. The declaration underlines: (1) the necessity of respect for non-interference in the internal affairs of countries, (2) the need to avoid the politicisation of human rights and the usage of human rights as a tool of political pressure, and (3) the enforcement of human rights through cooperation rather than the “confrontation and imposition of incompatible values” (Report of the Regional Meeting for Asia of the World Conference on Human Rights, 1993).

Subsequently, a pattern of Singapore determinedly voting against the UN’s resolutions opposing the use of the death penalty, and calling for a moratorium on exercising the latter, emerged. The reasoning was consistent with the notion of Western, abolitionist nations imposing universal human rights on other countries and thereby impeding their sovereign right to determine their customs. Lee Kuan Yew, considered by many the father of Singapore

who served as prime minister from 1959-1990, was one of the most fierce promoters of the Asian values notion, having argued that:

“The basic difference in our approach springs from our traditional Asian value system, which places the interests of the community over and above that of the individual. (...) In criminal law legislation, our priority is the security and well-being of law-abiding citizens rather than the rights of the criminal to be protected from incriminating evidence.” (Yew, 1990)

This notion continues to be conveyed after every vote on the given resolution, in a Note Verbale addressed to the UN Secretary-General by a group of East Asian and Islamic retentionist countries condemning the resolution on grounds of national sovereignty (Hoyle and Hutton, 2024).

At the same time, the inconsistency among death penalty policies and governance within these nations advocating for the peculiarity of Asian values, undermines the validity of a regional difference (Zimring, 2013). Critics of the Asian values concept often disregard the applicability of a certain set of values in a region as large as Asia. In the 2002 European Parliament Debate on the Abolition of the Death Penalty in Japan, South Korea and Taiwan, a representative from the Socialist Group noted that “there is no Asian way to the rights of man” (Bae, 2008). Amartya Sen (1999) supposed that generalising a population accounting for 60% of the whole world is difficult, albeit advocates of the topic oftentimes focus particularly on East Asia, the region remains largely diverse. Additionally, Sen (1999) poses that there doesn't appear to exist a consistent favour of order over freedom across any of these East Asian cultures. On the contrary, in 1994 Kim Dae Jung (1994), the former president of South Korea, opposed Lee Kuan Yew by claiming that Confucianism holds

inherently participatory values and democratic characteristics. Indeed, many Asian advocates of democracy argue that the latter can not be regarded as a Western idea as its' indigenous expression can be found in several religious values (Thompson, 2015).

Literature Framework

In the subsequent sections, I shall delve into the current academic work on national sovereignty and the universal application of human rights in Singapore. For a coherent image of the mechanisms and peculiarities behind Singapore's continued retentionist stance, I will first briefly introduce the political ecosystem governing the nation-state. Thereafter, I will zoom into the academic discussion on the umbrella definition of 'the most serious crime', highly relevant in the human rights and abolition motions. Lastly, I will recap the research conducted on the paradox between sovereign rights and international human rights.

The bibliography for the literature review was identified through academic search engines and electronic databases such as SmartCat and Google Scholar, using the following keywords: 'death penalty', 'capital punishment', 'Singapore', 'human rights', 'People's Action Party', 'criminal justice system'. The used publications range from 2004 until 2024.

The Government- People's Action Party

To better understand the cultural and social motivations for exercising capital punishment in Singapore, one must acknowledge the role that the government, more specifically the ruling party, plays in it. Since becoming free from foreign powers nearly sixty-five years ago, the People's Action Party (PAP) has held unwavering power in the government. Although appearing as a Westminster-model democracy on paper, its nature has been largely contested due to PAP's monopoly of politics among all government branches. Rajah (2012), in his book on the legitimacy and discourse of Singapore's rule of law, describes the complexity of Singapore's regime type, with descriptions of scholars ranging from illiberal,- and pseudo-democracy to dictatorship and despotism. Thompson (2015)

asserts that Asian nations continue to depend on the concentrated power of a small elite to promote economic growth over the civil and political rights of citizens, whereas political opposition is seen as a threat to a country's stability and harmony.

One of the key obstacles to abolishing the death penalty in Singapore is the resistance of the government, which essentially holds the power to amend the national legislation governing capital punishment. It can be argued that, as mentioned above, upon independence, the new government sought to establish its power by enforcing values of obedience and discipline through strengthening the criminal justice system. Next to the death penalty, Singapore also exercises corporal punishment, in the form of caning, attributable to a variety of criminal offences found in the Penal Code under the Statutes of the Republic of Singapore (2008 Rev Ed). Druzin (2015) suggests that death and corporal punishment by the state, also referred to as shock punishment, serve as a political tool of power, whereby governments that feel their legitimacy and authority threatened are more inclined to enforce it. Johnson and Zimring (2009) question whether there is an inherent tension between authoritarian governments and the abolition movement, as the central premise of the latter insists on a limit to state power- the power to punish. They (2009) further note that any systematic change to Singapore's capital punishment system is unlikely without an intrinsic motivation or shift in the beliefs of political elites.

The punitive policies thus act as a warning to the citizens of the extent to which the state has power over those who break the law (Hoyle and Hutton, 2024), or doubt the authority of the government. Rajah (2012) draws attention to the persistent portrayal of Singapore as an immensely vulnerable nation that *requires* strict laws enforced through violence; ergo, the way in which the state is able to legitimise this degree of violence is what keeps the citizens under control.

The vulnerability to a “drug hazard” remains the prominent justification for exercising capital punishment at large for drug offences. In February 2024, Singapore was part of a joint statement addressed to the UN by 39 states, expressing their concern about the involvement of UN human rights bodies in UN mechanisms governing drugs and crime (Ministry of Foreign Affairs Singapore, 2024). The Singaporean government persistently portrays drugs as a threat to both the security of the nation and the safety of its citizens (Yap and Tan, 2020), while affirming that executing sentenced drug offenders is rational and necessary for the well-being of the larger public (Lye, 2015). While *exercising* capital punishment is reasoned with drug vulnerability, the (non-)application of international human rights is retained through the above-discussed Asian values. It’s emphasised that no country has the right to impose a certain set of subjective norms on another country, with different cultural values and traditions (Bae, 2008). Each national culture is unique and should not be subjected to universal rights or norms, especially to Western notions of selfishness and individualism (Thompson, 2015). To maintain Singaporean values of collective harmony and well-being, certain people, posing harm to the general public, must be eliminated from society through capital punishment.

Defining the ‘Most Serious Crime’

Before analysing the relevant global and regional legislations, treaties and acts that constitute the applicability of international human rights as well as the death penalty, I will look into the academic interpretation of an umbrella term used throughout all the legal instruments: “most serious crime”.

Evidently, the word “serious” is highly subjective in interpretation as can be seen from the variety of crimes it is sentenced for in retentionist countries (Hoyle and Hutton, 2024), indicating that there isn’t a consensus on its nature even throughout the retentionist countries (Lines, 2010). Although human rights institutions have made efforts to narrow the

definition, retentionst nations maintain that the definition is up for interpretation and therefore the death penalty is justified for what they deem the most serious crime (Lines, 2010). In the United States, for instance, the controversial threshold for the most serious crime runs just above rape offences, regarding the latter as a serious, but not *the* most serious crime (Hor, 2004). Hor (2004) regards the intentional causing of death as the “classic capital crime”, hence the claim of “life for life” as a rationale behind capital punishment.

Several International Criminal Tribunals, such as the ones set up for the committed war crimes in former Yugoslavia or Rwanda, have disregarded the death penalty as a sentence for the gravest crimes against humanity (including war crimes), at which Lehrfreund (2013) begs the question of how could capital punishment be justified for any crimes considered “less” grave?

The Tension Between International Human Rights Law and National Sovereignty

In recent times, some level of resistance towards universal human rights mechanisms has emerged. Human rights frameworks aim to act as an encouragement to create a universal threshold for moral norms and values, however, imposing a universalist enforcement framework will inevitably result in a negative flashback, hindering the efforts of human rights advocates. (Donnelly, 2020)

Similarly, Conlon (2004) argues that modern-day imperialism is disguised under the many labels of “humanitarian intervention”. At the beginning of the emergence of the UN, sovereignty was the key at the centre of it all in hopes of avoiding war and international conflict. Yet with the increasing global pressure to apply universal human rights everywhere, the balance between state sovereignty and human rights has tilted toward the importance of the latter. Therefore, the motion that human rights can *only* be internationally protected if national sovereignty may be violated in case of any human rights breach, has gained major

momentum. If the untouchability of a nation's sovereignty is taken seriously, there is no achievement of universal human rights protection. (Conlon, 2004)

In their book titled "Can human rights and national sovereignty coexist?" Sakurai and Zamboni (2023) discuss the duality of implementing universal human rights and maintaining a state's right to sovereignty. On one hand, the traditional argument of state sovereignty has the legal weight of a nation's independent power in decision-making. However, with the rise of the "culture of rights", the basic rights assigned to a human being upon birth are also legally undisputed. (Sakurai and Zamboni, 2023)

From another viewpoint, Albahary (2010) sees international human rights as the biggest challenge in exercising national Westphalian-style² sovereignty. He argues that international human rights and national sovereignty remain polar opposites with the dominance of the latter fading through the "global demand for human rights". Claiming that human rights can only be respected when national sovereignty is abolished, he reasons that the application of universal human rights will never be achieved until sovereignty can be invoked against it. Alas, national sovereignty will not cease to exist. (Albahary, 2010)

Methodology

In order to unpack the inconsistency within the application of international human rights in Singapore, I will take a qualitative research approach through doctrinal and non-doctrinal research into the relevant legislations, treaties and acts to contrast international, regional and national law. The accordant documents have been identified through literature research into international law and its implications on the human rights discourse. The objective of this research is to obtain an understanding of the obligations international law imposes on nation-states regarding human rights.

² Westphalian-style democracy, originating from the Treaty of Westphalia from 1648, asserts the inviolability of nation-states' borders and internal affairs (Albahary, 2010).

Legal and Enforcement Framework

Dozens of international treaties, declarations and acts have been developed with the aim of setting a universal standard of human rights needed to be protected by all. Concerning the issue of capital punishment, the developed instruments have from the very beginning been created with the desire for eventual universal abolition of the death penalty across the world. However, as can be seen from retentionist statistics, it is inherent that this has currently remained too vague of a tool.

The following section consists of relevant frameworks regarding the application of human rights and the death penalty internationally, regionally and nationally in the world and in Singapore. For a more comprehensive view, international instruments and the relevant articles can be found in Table 1 in the appendix.

Universal Instruments

Universal Declaration of Human Rights

Published at the United Nations General Assembly in Paris in 1948, the Universal Declaration of Human Rights (UDHR) marked a milestone in the global human rights discourse. It was the first international declaration that established a “common standard” of human rights that need to be protected by all nations. The declaration constitutes perhaps the most fundamental value in the human rights discourse, as Article 3 states that: “Everyone has the right to life, liberty and the security of person,” (United Nations (General Assembly), 1948, art. 3). Article 5 further establishes: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (United Nations (General Assembly), 1948, art. 5). Although having set the baseline for many legally binding human rights treaties and being globally acknowledged as a common human rights norm, the UDHR in itself is not a legally binding instrument with which the member states have to comply.

International Covenant on Civil and Political Rights

Nearly twenty years later, the United Nations adopted the International Covenant on Civil and Political Rights (ICCPR) to complement the preceding UDHR. In laying out the commitment towards civil and political freedoms, the ICCPR explicitly affirms in Article 6(2):

“In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.” (United Nations (General Assembly), 1966, art. 6(2))

Lastly, Article 6(6) states, "Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant," (United Nations (General Assembly), 1966, art. 6(6)).

Additionally, a subsidiary agreement- the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty- was adopted in 1989 by the UN General Assembly. The given protocol establishes more concrete guidelines applicable to the signed States Parties. For instance, under Article 1, within the jurisdiction of the given State Parties, no person shall be executed, and every State Party should “take all necessary measures to abolish the death penalty within its jurisdiction” (United Nations (General Assembly), 1989, art. 1).

Moreover, the introduction of the protocol affirms that the above-noted Article 6 of the ICCPR “refers to abolition of the death penalty in terms that strongly suggest that

abolition is desirable” (United Nations (General Assembly), 1989). This reiterates the inherent assumptions of both the UDHR as well as the ICCPR, of the instruments serving as a prompt for eventual global abolition. Unlike the UDHR, the ICCPR is legally binding, however, Singapore remains one of thirteen countries in the UN to have not signed it, ergo they hold no treaty obligations subject to any of the given provisions.

Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty

For countries exercising the death penalty, the United Nations Economic and Social Council in its Resolution No 1984/50 sets out the minimum standard of treatment towards death row offenders. The first point reaffirms the notion of capital punishment’s applicability merely for the most serious crimes, however, it expands further by noting that “their scope should not go beyond intentional crimes with lethal or other extremely grave consequences” (United Nations (Economic and Social Council), 1984, art. 1). The resolution also safeguards the rights of persons below the age of 18 years, pregnant women or new mothers, and persons “who have become insane”, and concludes that executions should be carried out in a manner of “minimum possible suffering” (United Nations (Economic and Social Council), 1984, art. 3, 9).

Intraregional Acts

ASEAN Human Rights Declaration

Adopted only at the 21st ASEAN Summit in 2012, the ASEAN Human Rights Declaration further expands from the 2007 ASEAN charter, by providing a framework for cooperation on human rights. The preamble reaffirms ASEAN member states’ commitment to all international human rights instruments to which they are subject to, particularly the UDHR. Article 7 states that “all human rights are universal”, nonetheless, “at the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious

backgrounds” (Association of Southeast Asian Nations (ASEAN), 2012, art. 7). This already echoes a resistance to the application of universal human rights, arguing for the subjectivity and sovereignty of each country with its unique characteristics. Next to that, Article 8 notes that the application of human rights can be limited only:

“(…) for the purpose of securing due recognition for the human rights and fundamental freedoms of others, and to meet the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society.” (Association of Southeast Asian Nations (ASEAN), 2012, art. 8)

Hence, under this argument, Singapore’s use of capital punishment is justified since it protects the well-being of the larger public from a drug menace. However, other than reaffirming Article 5 from the UDHR, the ASEAN Human Rights Declaration doesn’t broach the topic of capital punishment or the death penalty.

National Legislations

Attributable to its British colonial history, Singapore practices a common law judiciary system. The supreme source of law is the Constitution, with which no other passed law can be in conflict. Additionally, the law is derived from government-passed Acts of Parliament and subsidiary legislation, illustrating the government’s power in judiciary enforcement. (Singapore Courts, 2021).

Misuse of Drugs Act 1973

The Misuse of Drugs Act is the primary legislation governing the regulations on the manufacturing, trafficking, possession and consumption of substances in Singapore. The document has seen several amendments throughout the decades, primarily via the expansion

of the list of substances. The act classifies drugs into three classes, with each class carrying a different punishment. In order to illustrate the punitive approach Singapore has taken to drug control, I will draw attention to some of the key aspects of the regulation.

Section 18 of the Misuse of Drugs Act (2021 Rev Ed) lays out several presumptions affirming the possession of controlled substances, for instance, if the accused is in possession of:

- (a) anything containing a controlled drug;
- (b) the keys to anything containing a controlled drug;
- (c) the keys of any place or premises or any part thereof in which a controlled drug is found; or
- (d) a document of title relating to a controlled drug or any other document intended for the delivery of a controlled drug;

one is accordingly presumed to be in possession (and aware) of the identified substances. Additionally, none of these presumptions “are to be rebutted by proof that the accused never had physical possession of the controlled drug” (Misuse of Drugs Act, 2021).

Section 33 under the Second Schedule outlines the punishments for criminal offences. The minimum threshold amounts of the trafficking/import/export of substances, for which the death penalty is applicable for are the following:

- (a) More than 1,200 grammes of opium containing more than 30 grammes of morphine;
- (b) More than 30 grammes of morphine;
- (c) More than 15 grammes of diamorphine (heroin);
- (d) More than 30 grammes of cocaine;
- (e) More than 500 grammes of cannabis;
- (f) More than 1,000 grammes of cannabis mixture;
- (g) More than 200 grammes of cannabis resin;

(h) More than 250 grammes of methamphetamine.

In these cases, if the offender were to satisfy the requirements listed in Section 33B(1) proving that his/her involvement in the offence was restricted to (offering the) transporting, sending or delivering of the drug, the judge is allowed to impose life imprisonment and no less than 15 cane strokes, instead of the death penalty. Moreover, if the accused were to prove that he/she suffers from impaired mental responsibility, the punishment shall be life imprisonment *only*. On the contrary, offences regarding the unauthorised *manufacturing* of controlled drugs, such as morphine, diamorphine, cocaine or methamphetamine require the mandatory death penalty as a punishment. (Misuse of Drugs Act, 2021).

Critical Discussion

While the above-discussed global instruments advocate for the protection of fundamental human rights, their application is largely subject to interpretation and debate. The scope of the claim that no person should be subjected to cruel or inhuman treatment or punishment is not only idealistic but also too vague to have any realistic weight. While stating that the death penalty shall only be assigned for the most serious crimes with either lethal or extremely grave consequences, both the terms “most serious” as well as “extremely grave” are contestable to go beyond the classical case of intentional killing. Likewise, the safeguards governing the implementation of death sentences, such as the insurance of carrying out the death sentence through inflicting the least suffering possible, explicitly do not state which execution methods those shall be. Contrastingly, while claiming the right to life be of absolute value, they also permit it in some cases through stating in which cases it shall not be permitted. Evidently, the eventual global abolition of the death penalty is desired, however, currently international human rights instruments and mechanisms do not permit it in

general nor for drug offences, making the Misuse of Drugs Act lawful and in accordance with international human rights mechanisms.

Political Response, Public Opinion and Social Impact

Today, countries that still practice and maintain the death penalty are widely scrutinized by the public. Although the majority of retentionist nations stay unwavering by international criticism, the global attention and pressure on the issue undoubtedly leave a mark on a country's image. For instance, it was no coincidence that Singapore's execution rates dropped significantly after the 2004 report by Amnesty International which announced the small but well-developed island state of Singapore as the "world execution capital" (Johnson and Zimring, 2009).

The following section will examine some of the most vocal criticism from supranational bodies, international organisations and NGOs towards Singapore on its use of capital punishment. Moreover, the section will showcase some of the many political responses and justifications by the government of Singapore, and further investigate the social impact the death penalty has on Singaporean society as well as the crime deterrence statistics.

International Criticism and Condemnation

Amnesty International

Amnesty International has been one of the key players in the human rights protection discourse as an international NGO. During the 1980s, Amnesty International started publishing annual reports on the practices of the death penalty around the world. Its extensive work and exposure to human rights issues have prompted a great deal of discussions and concrete actions.

In January of 2004, Amnesty International (2004) published a report on Singapore's rising death toll rates, claiming the city-state to have "possibly the highest execution rate in

the world relative to its population”, and emphasising the “cruel and arbitrary nature of the death penalty”. At the time, Singapore was further condemned for the non-closure of execution data. In the report, Amnesty International includes an extract from an interview with the then Prime Minister Goh Chok Tong who was asked about the execution statistics. When stating an approximate estimate, he was further asked the reason for not having a precise number, for which he stated that he has “got more important things to worry about.” (Amnesty International, 2004)

Amnesty International (2004) also argues in its report that although Singapore has not signed nor ratified the ICCPR, it must adhere to several resolutions of various UN bodies, for instance, the above-mentioned Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. Singapore’s compliance with the Safeguards is also contested by Amnesty International, claiming that foreign nationals sentenced to the death penalty in Singapore are impeded in their right to a fair trial. Similarly, the report draws attention to the conditions the death row prisoners are faced with- strict isolation, inhumane cells, prohibition of fresh air and exercise, on top of the psychological burden of receiving their execution date with less than one week's notice. (Amnesty International, 2004)

The 2004 report concludes on the subject of the mandatory death penalty that the application “deprives the courts of the discretion to weigh the evidence in capital cases” and thus can “result in decisions which are both arbitrary and disproportionate to the circumstances of the case” (Amnesty International, 2004).

Two decades later, Amnesty International continues vocally condemning the drug executions in Singapore, calling for a moratorium and claiming the executions to be unlawful as drug offences do not embody the essence of the most serious crime. The organisation’s death penalty expert Chiara Sangiorgio stated in the past year:

“This week has cast a harsh and tragic spotlight on the complete lack of death penalty reform in Singapore, as the state carried out two unlawful drug executions, including the first known execution of a woman in two decades. As most of the world turns its back on this cruel punishment, Singapore’s government continues down the path of executing people for drug-related crimes, violating international human rights law and standards.” (Amnesty International, 2023)

As late as April 2024, sixteen organisations including Amnesty International, have jointly disapproved the issuance of at least four execution notices in the given year (Amnesty International, 2024). The list of signed organisations includes among others the World Coalition Against the Death Penalty, the Capital Punishment Justice Project and the Anti Death Penalty Asia Network.

United Nations and the European Union

United Nations Human Rights Office of the High Commissioner has released several press releases in the past years following executions deemed contrary to international law. The UN continues urging the halt of all scheduled executions in Singapore. Corresponding to Amnesty International, the UN claims many of the executed offenders to have been stripped of their rights to a fair trial in accordance with the above-discussed Safeguards, reckoning their concerns on “discriminatory treatment of individuals belonging to minorities” (United Nations Human Rights Office of the High Commissioner, 2023).

Correspondingly, the European Union denounces all countries still practising the death penalty as these countries refuse to acknowledge International Human Rights Law by sentencing drug offenders to capital punishment. They call on retentionst states to “promote an open and democratic debate toward the abolition” of capital punishment, and emphasise the necessity of transparency (Council of Europe Secretary General and the High

Representative, 2023). In the Guidelines to EU Policy toward Third Countries on the Death Penalty adopted in 1998, it is stated that the EU's objective is working "towards universal abolition of the death penalty as a strongly held policy view agreed by all EU member states," and emphasises the role of EU demarches against the death penalty when "a country's policy on the death penalty is in flux" (Council of the European Union, 1998).

Governmental Justifications and Responses to Criticism

The National Council Against Drug Abuse (NCADA) serves as an advisory council to the Ministry of Home Affairs, aiming to foster Singapore as a drug-free society. Victor Lye, the chairman of the NCADA, expressed in 2015 his apprehension about the increasing pro-drug lobby towards UN drug conventions "driven by greed and profit" (Lye, 2015). Lye (2015) maintained that Singapore's strong anti-drug stance is grounded in their collective values and called on everyone to reflect on the future in which they desire their children to grow up in, urging the opposition to the legalisation of drugs at the 2016 United Nations General Assembly Special Session on the World Drug Problem.

At the Parliamentary Debate on the Motion on Drugs back in 2017, Singapore's Minister for Home Affairs Mr Kasiviswanathan Shanmugam referred back to the period between the 1960s and 1980s in Singapore's history, a time characterised by high crime rates due to high substance abuse rates, resulting in broken families (Shanmugam, 2017). Thus, the government took a punitive approach to tackle the drug menace and its consequences. Shanmugam (2017) alluded to the 33 000 annual deaths caused by heroin in the U.S., and calls on those "with bleeding hearts who talk about the inmates on death row" to "think about these 33 000 deaths" and "spend some time with" the families of those deceased, "rather than just crying with the people on the death row."

The government of Singapore is persistent in its replies to the UN Human Rights Office of the High Commissioners' appeals calling for a halt on executions. I shall summarise

one of the many dialogues between foreign supranational bodies and the government of Singapore, for an illustration of the tensions and ambiguity between international criticism and sovereign rights.

In April 2023, the UN published its press briefing notes on the scheduled execution of Malaysian citizen Tangaraju Suppiah in Singapore. Suppiah was sentenced to death for the coordination of trafficking one kilogram worth of cannabis through his mobile phone. The UN expressed its concerns regarding the due process of a fair trial of this case and urged Singapore's authorities to immediately terminate the death sentence, as "imposing the death penalty for drug offences is incompatible with international norms and standards" (UN Human Rights Office of the High Commissioners, 2023). Tangaraju Suppiah was hanged the next day at dawn (Sky News, 2023). Two days later, the Singaporean Ministry of Foreign Affairs replied to the UN appeal with a statement by the permanent mission of Singapore. Firstly, the statement objected to the concerns surrounding fair due processes, emphasising the local safeguards in place to guarantee a diligent and lawful trial process (Ministry of Foreign Affairs, 2023). Furthermore, the reply expressed concern over how the UN's spokesperson in its appeal "glossed over the serious harms that drugs cause" which is "regrettable", and reaffirmed their sovereign right to "choose the approach that best suits their own circumstances" (Ministry of Foreign Affairs, 2023).

Notably, the structure, phrasing and vocabulary used in Singapore's replies to criticism are in almost every case the same. They start by objecting to any unlawful actions they were accused of, move on to statistics to illustrate the (successful) deterrence rate of the death penalty on drug crimes, and conclude almost always by stating that Singapore can not afford the harmful consequences of drugs to its society and people.

Social Impact

Notably, exercising capital punishment has a profound impact on a nation's citizens, shaping attitudes towards authority, obedience, punishment and the value of human life. The following section aims to examine the local opinion of the death penalty among Singapore citizens and the impact the death penalty realistically has through the lens of deterrence.

Local Public Opinion

Singapore officials continuously refer to the high public support for the death penalty when arguing for its capital punishment system. In 2021, the Ministry of Foreign Affairs appointed a survey company to conduct research into the attitudes of Singaporean residents regarding the death penalty. According to the results of the given research, the majority (73.7%) of the sample size agreed or strongly agreed that the death penalty should be used for the most serious crimes, 15.1% took a neutral stance, while only 11.2% disagreed or strongly disagreed (Ministry of Home Affairs Singapore, 2021). Furthermore, 65.6% of the respondents agreed that the death penalty is an appropriate punishment for trafficking a significant amount of drugs, with 55% of those respondents reasoning that drug trafficking is a danger to society, and 26% believing that the death penalty for it provides deterrence (Ministry of Home Affairs Singapore, 2021). Similarly, in a study conducted between 2019 and 2020 by the Institute of Policy Studies, an astonishing 78.9% of the 2000 respondents agreed that the death penalty deters drug trafficking into Singapore, thereby deterring it more effectively than life imprisonment (Soon and Goh, 2022).

Crime Deterrence

In response to international criticism and condemnation, the government of Singapore never fails to allude to the successful deterrent effect of the death penalty for drug offences. In the above-discussed reply to the UN appeal, an example of drug deterrence is given on account of opium trafficking- when the death penalty was made mandatory for the latter, the

average net weight of opium trafficked into Singapore fell by 66% in the preceding four years (Ministry of Foreign Affairs, 2023). Moreover, they refer to a 2018 study which examined the awareness of capital punishment among sentenced drug traffickers and emphasises that the knowledge of receiving the death penalty as a punishment refrains them from trafficking large amounts (Ministry of Foreign Affairs, 2023). Lastly, Singapore government officials often refer to the public belief in the deterrent power of executions, citing locally conducted studies such as the ones briefed in the paragraph above.

Nevertheless, among the contemporary majority, the deterrence effect of the death penalty is regarded as a myth with no credible evidence. To date, empirical research has failed to demonstrate concrete evidence of an existing drug deterrence effect stemming from the use of capital punishment. On the contrary, evidence suggests that the more severe the offence is, the lower the deterrence impact of the punishment. A survey published in the *Journal of Criminal Law and Criminology* (Radelet and Lacock, 2009) comprising over one thousand criminologists, suggests that the scholarly body is consensually against a successful deterrent effect of the death penalty in comparison with prison sentences. Still, the belief in deterrence remains embedded among retentionist countries, such as Singapore. (The Death Penalty Project, 2022)

Singapore holds high pride in its low crime rates and public safety. According to the World Risk Index 2023, Singapore ranks fourth among the safest countries in the world. Yet, Singapore's crime rate per 100,000 population has nearly doubled since 2014, increasing from 591 crimes per population to 1118 in 2023. Conversely, the prison population in Singapore has decreased from 263.4 in 2010 to 173.45 in 2021 per 100,000 population. (Statista, 2023; 2024)

Overview reports by the Central Narcotics Bureau show a decrease in both new drug abusers as well as total drug abusers arrested. In 2019, the number of new drug abusers

arrested was 1460, whereas in 2023 the number remained at 944. The number of all drug abusers arrested declined from 3526 in 2019 to 3101 throughout 2023. (Central Narcotics Bureau, 2020; 2024)

Conclusion

As a small island state with a population of little under six million people, Singapore has gained infamous attention due to its strong retentionist stance on capital punishment, remaining one of the few countries in the world still executing not only for drug offences but also for *non-violent* drug offences. With its tough position on the harm caused by the drug menace in the South Asian region, the government's punitive law enforcement policies have resulted in concerns over the respect for human rights in the nation.

The aim of this thesis was to examine the apparent inconsistency between global criticism claiming the executions in Singapore to be in violation of International Human Rights Law, and the corresponding justifications for the capital punishment system by Singapore. For that, the relevant legal mechanisms were analysed to determine whether exercising the death penalty for drug offences is in accordance with and justified under International Human Rights Law. As can be drawn from the literature as well as the legal and enforcement framework of this research, international human rights instruments remain fairly subjective to interpretation. Despite the inherent objective of global death penalty abolition by the UN, mechanisms such as the UDHR and ICCPR don't impose restrictions on the use of capital punishment besides urging it only to be applied to the "most serious crimes" with "the lethal or other extremely grave consequences". For Singapore, that includes drug crimes.

Singapore's retentionist stance on the death penalty for drug offences presents a complex interplay of legal, social and political factors. The application of international human rights is often viewed in the region as an extension of Western ideological imperialism, disregarding the cultural context of Asian countries and further impeding their

sovereign right to determine their national customs. Under the Asian values argument, human rights are not universal but rather contingent upon cultural peculiarities. The government, led by the People's Action Party, has been actively vocal in its replies to the international backlash, relying on the paradigm of Asian values, as well as the apparent deterrence effect the death penalty yields and the strong local public support for it. Despite international pressure, Singapore maintains its commitment to its stringent criminal justice enforcement measures and sees those justified for the well-being and harmony of its society.

Bibliography

- Albahary, D. (2010). International Human Rights and Global Governance: The End of National Sovereignty and the Emergence of a Suzerain World Polity? *Michigan State International Law Review*, 18(3). <http://dx.doi.org/10.17613/4cmj-kz33>
- Amnesty International. (2004). *Singapore: The Death Penalty- a Hidden Toll of Executions*. <https://www.amnesty.org/en/documents/act50/6591/2023/en/>
- Amnesty International. (2023). *Singapore: Unlawful and shameful drug executions continue, including of first known woman in 20 years*. <https://www.amnesty.org/en/latest/news/2023/07/singapore-unlawful-and-shameful-drug-executions-continue-including-of-first-known-woman-in-20-years/>
- Amnesty International. (2023). *Abolitionist and Retentionist Countries as of December 2022*. <https://www.amnesty.org/en/documents/act50/6591/2023/en/>
- Anckar, C. (2014). Why Countries Choose the Death Penalty? *The Brown Journal of World Affairs*, 21(1):7-25.
- Association of Southeast Asian Nations (ASEAN). (2012). ASEAN Human Rights Declaration.
- Bae, S. (2008). IS THE DEATH PENALTY AN ASIAN VALUE? *Asian Affairs*, 39(1): 47–56. <https://doi.org/10.1080/03068370701791899>
- Barr, M. D. (2000). Lee Kuan Yew and the ‘Asian Values’ Debate. *Asian Studies Review*, 24(3):309–34.
- Central Narcotics Bureau. (2020). *Drug Situation Report 2019*. [https://www.cnb.gov.sg/newsandevents/reports-\(overview\)/drug-report/Index/drug-situation-report-2019](https://www.cnb.gov.sg/newsandevents/reports-(overview)/drug-report/Index/drug-situation-report-2019)

Central Narcotics Bureau. (2024). *Drug Situation Report 2023*.

[https://www.cnb.gov.sg/newsandevents/reports-\(overview\)/drug-report/Index/drug-situation-report-2023](https://www.cnb.gov.sg/newsandevents/reports-(overview)/drug-report/Index/drug-situation-report-2023)

Central Narcotics Bureau. (2024). About us. <https://www.cnb.gov.sg/about-us#overview>

Council of the European Union. (1998). Guidelines to EU Policy Towards Third Countries on the Death Penalty.

Council of Europe Secretary General and the High Representative. (2023). European and World Day against the Death Penalty, Joint statement by Council of Europe Secretary General and the High Representative, on behalf of the European Union. [Press release].

Death Penalty Information Centre. (2023). Singapore Announces Plans to Execute More Death-Sentenced Prisoners Convicted of Non-Violent Drug Offenses.

<https://deathpenaltyinfo.org/news/singapore-announces-plans-to-execute-more-death-sentenced-prisoners-convicted-of-non-violent-drug-offenses>

Death Penalty Information Centre. (2024). *Early History of the Death Penalty*.

<https://deathpenaltyinfo.org/facts-and-research/history-of-the-death-penalty/early-history-of-the-death-penalty>

Donnelly, M. P. (2020). Democracy and sovereignty vs international human rights: reconciling the irreconcilable? *The International Journal of Human Rights*, 24(10): 1429-1450.

Druzin, B. (2015). The Theatre of Punishment: Case Studies in the Political Function of Corporal and Capital Punishment. WASHINGTON UNIVERSITY GLOBAL STUDIES LAW REVIEW.

Duxbury, A. and Tan, H. L. (2019). *Can ASEAN Take Human Rights Seriously?* Cambridge: Cambridge University Press.

- European Union. (2012). Charter of Fundamental Rights of the European Union.
- Harper, N. and Tempra, N. (2019). Drug Trafficking in the Golden Triangle: The Myanmar Problem and ASEAN Effectiveness. *Jurnal Sentris*, 1(1):116-124.
DOI:[10.26593/sentris.v1i1.4171.116-124](https://doi.org/10.26593/sentris.v1i1.4171.116-124)
- Hoon, C. (2004). Revisiting the Asian Values Argument Used by Asian Leaders and Its Validity. *Indonesian Quarterly*, 32(2):154–74.
- Hor, M. (2004). The Death Penalty in Singapore and International Law. *Singapore Year Book of International Law and Contributors*, 105-117.
- Hoyle, C and Hutton, J. (2024). National Sovereignty versus Universal Human Rights: Drugs and the Mandatory Death Penalty in Singapore. *Amicus Journal*.
- Johnson, D. T. (2010). Asia's Declining Death Penalty. *The Journal of Asian Studies*, 69(2):337-346. <https://www.jstor.org/stable/20721844>
- Johnson, D. T. and Zimring, F. E. (2009). *The Next Frontier: National Development, Political Change, and the Death Penalty in Asia*. Oxford Academic.
<https://doi.org/10.1093/acprof:oso/9780195337402.003.0001>
- Jung, K. D. (1994). Is Culture Destiny? The Myth of Asia's Anti-Democratic Values. *Foreign Affairs* 73(6):189–94.
- Lehrfreund, S. (2013). The Impact and Importance of International Human Rights Standards: Asia in World Perspective'. In Roger H. and Surya D. (eds), *Confronting Capital Punishment in Asia: Human Rights, Politics and Public Opinion*.
- Lines, R. (2010). A 'Most Serious Crime?' – The Death Penalty for Drug Offences and International Human Rights Law. *Amicus Journal*, 12.
- Lye, V. (2015). Speech by Mr Victor Lye, Chairman of the National Council Against Drug Abuse (NCADA) at the Asian Pacific Forum.

Ministry of Foreign Affairs Singapore. (2024). Joint Statement on Human Rights Challenges in Addressing and Countering All Aspects of the World Drug Problem, 5 February 2024. [Press release]

Ministry of Foreign Affairs Singapore. (2023). STATEMENT BY THE PERMANENT MISSION OF SINGAPORE IN RESPONSE TO THE STATEMENT OF SPOKESPERSON FOR THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS RAVINA SHAMDASANI ON SCHEDULED EXECUTIONS IN SINGAPORE. [Press release]

<https://www.mfa.gov.sg/Overseas-Mission/Geneva-UN/Speeches-and-Statements--Permanent-Mission-to-the-UN/2023/04/RAVINA-SHAMDASANI-ON-SCHEDULED-EXECUTIONS-IN-SINGAPORE>

Ministry of Foreign Affairs Singapore. (2023). Reply to Joint Urgent Appeal SGP 3/2023.

[Press release]

[\]https://www.mfa.gov.sg/Overseas-Mission/Geneva-UN/Mission-Updates/2023/09/Reply-to-Joint-Urgent-Appeal-dated-25-July-2023](https://www.mfa.gov.sg/Overseas-Mission/Geneva-UN/Mission-Updates/2023/09/Reply-to-Joint-Urgent-Appeal-dated-25-July-2023)

Ministry of Home Affairs Singapore. (2021). Survey on Singapore Residents' Attitudes Towards the Death Penalty 2021. Research and Statistics Division.

<https://www.mha.gov.sg/docs/default-source/default-document-library/publication-dp-survey-2021.pdf>

Misuse of Drugs Act. (2021 Rev Ed). (Singapore).

Pascoe, D. (2019). *Last Chance for Life: Clemency in Southeast Asian Death Penalty Cases*.

Oxford Academic. <https://doi.org/10.1093/oso/9780198809715.001.0001>

Penal Code 1871. (2008 Rev Ed). (Singapore).

Petcharamesree, S., Capaldi, M. P. and Collins, A. (2023). *Unpacking the Death Penalty in ASEAN*. Springer. <https://doi.org/10.1007/978-981-19-8840-0>

- Radelet, M. L. and Lacock, T. L. (2009). RECENT DEVELOPMENTS DO EXECUTIONS LOWER HOMICIDE RATES?: THE VIEWS OF LEADING CRIMINOLOGISTS. *Journal of Criminal Law and Criminology*, 99(2):489-507.
- Rajah, J. (2012). *Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore*. Cambridge Studies in Law and Society. Cambridge University Press.
- Report of the Regional Meeting for Asia of the World Conference on Human Rights. (1993). https://www.hurights.or.jp/archives/other_documents/section1/1993/04/final-declaration-of-the-regional-meeting-for-asia-of-the-world-conference-on-human-rights.html
- Sakurai, T and Zamboni, M. (2023). *Can Human Rights and National Sovereignty Coexist?* Routledge.
- Sen, A. K. (1999). Democracy as a Universal Value. *Journal of Democracy*, 10(3):3-17.
- Shanmugam, K. (2017). Speech delivered by Mr K. Shanmugam, Minister for Home Affairs, at the Parliamentary Debate on the Motion on Drugs.
- Singapore Courts. (2021). *About the legal system. Understand the legal system and the sources of law in Singapore*. <https://www.judiciary.gov.sg/who-we-are/about-legal-system>
- Sky News. (2023). *Singapore execution: Tangaraju Suppiah, 46, hanged over plot to smuggle kilogram of cannabis*. Sky News Board. Retrieved May 7. 2024. <https://news.sky.com/story/singapore-execution-tangaraju-suppiah-46-hanged-over-plot-to-smuggle-kilogram-of-cannabis-12866570>
- Soon, C. and Goh, S. (2022). *IPS Study on Attitudes towards the Use of Capital Punishment*. Institute of Policy Studies.
- Statista. (2023). *Safest countries according to the World Risk Index 2023*. <https://www.statista.com/statistics/273557/safest-countries-according-to-the-world-risk-index/>

Statista. (2024). Prison population rates in Singapore from 2010 to 2021.

<https://www.statista.com/statistics/699395/prison-population-rates-singapore/>

Statista. (2024). Overall crime rate in Singapore from 2014 to 2023.

<https://www.statista.com/statistics/628339/crime-rates-in-singapore/>

The Death Penalty Project. (2022). DETERRENCE AND THE DEATH PENALTY.

<https://deathpenaltyproject.org/knowledge/deterrence-policy-position-paper/>

The Telegraph. (2019). Singapore in the Spotlight. *Telegraph Media Group*.

<https://www.telegraph.co.uk/travel/discover-singapore/history-timeline/>

Thompson, M. R. (2015). Democracy with Asian Characteristics. *The Journal of Asian*

Studies, 74(04):875-887. DOI:[10.1017/S0021911815001187](https://doi.org/10.1017/S0021911815001187)

United Nations (General Assembly). (1948). Universal Declaration of Human Rights.

United Nations (Economic and Social Council). (1984). Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

United Nations (General Assembly). (1966). International Covenant on Civil and Political Rights. *Treaty Series*, 999.

United Nations Human Rights Office of the High Commissioner. (2023). Singapore: Imminent Execution. [Press briefing notes].

United Nations Human Rights Office of the High Commissioner. (2023). Singapore: UN experts condemn continued use of death penalty for drug-related crimes. [Press release].

United Nations Office on Drugs and Crime. (2023). Synthetic Drugs in East and Southeast Asia; Latest Developments and Challenges.

- World Bank. (2023) - with minor processing by Our World in Data. GDP per capita – World Bank. World Bank World Development Indicators. Retrieved March 31, 2024 from <https://ourworldindata.org/grapher/gdp-per-capita-worldbank>
- Yap, A. and Tan, S. J. (2020). Capital Punishment in Singapore: A Critical Analysis of State Justifications From 2004 to 2018. *International Journal for Crime, Justice and Social Democracy*, 9(2):133-151. <https://doi.org/10.5204/ijcjsd.v9i2.1056>
- Yew, L. K. (1990). Speech delivered by Mr. Lee Kuan Yew, then Prime Minister, at the Opening of the Singapore Academy of Law.
- Zimring, F. E. (2013). State Execution: Is Asia Different and Why? In Hood, R. and Deva, S. (eds), *Confronting Capital Punishment in Asia* pp 13-22.

Appendix

Table 1

Articles relevant to the death penalty in international human rights instruments

International human rights instrument	Relevant article	Institution	Application
Universal Declaration of Human Rights 1948	<p><i>Article 3</i>: “Everyone has the right to life, liberty and security of person”</p> <p><i>Article 5</i>: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”</p> <p>(Universal Declaration of Human Rights, 1948)</p>	United Nations General Assembly	Non-binding
International Covenant on Civil and Political Rights 1966	<p><i>Article 6(2)</i>: “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious in accordance with the law in force at the time of the commission of the crime and not contrary to the provision of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court”</p> <p><i>Article 6(6)</i>: “Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant”</p> <p>(International Covenant on Civil and Political Rights, 1966)</p>	United Nations General Assembly	Binding; Singapore is not subject to

<i>Second Optional Protocol to the International Covenant on Civil and Political Rights 1989</i>	<i>Article 1(1):</i> “No one within the jurisdiction of a State Party to the present Protocol shall be executed”	United Nations General Assembly	Binding; Singapore is not subject to
	<i>Article 1(2):</i> “Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction”		
	(Second Optional Protocol to the International Covenant on Civil and Political Rights, 1989)		
	<i>Article 1:</i> “In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences”		
Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty 1984	<i>Article 2:</i> “Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane”	United Nations Economic and Social Council	Non-binding
	<i>Article 9:</i> “Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering”		
	(Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, 1984)		