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The Principle of Judicial Discretion and the Death Penalty in Singapore-Constitutional Approach[2]

Keywords: post-colonial Asia, human rights, the death penalty, constitutional review, judicial discretion.
Słowa kluczowe: Azja postkolonialna, prawa człowieka, kara śmierci, kontrola konstytucyjności, aktywizm sędziowski.

Summary

Any discussion of human rights in post-colonial countries of Asia conducted from the perspective of Western civilization faces many obstacles, particularly related to existing differences, or even cultural barriers and different traditions. Postcolonial states, despite the remaining remnants of the colonial era-visible in their legal systems, that still contain normative acts adopted before obtaining sovereignty – very firmly resist to the adoption of the universal catalog of human rights set out in the UN Covenants, as well as the use of standards in their observance that are compatible with those made within the United Nations. Both – the so-called ideology of Asian values, as well as the concept of the ASEAN community is not conducive to the creation of international binding legal framework and does not allow (or even leading in the future) to create a universal system of human rights protection. On the contrary – it leads to the deepening ideological differences or even philosophical, in the further development of democracy among Western countries

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[2] The text of the article is based on the speech delivered on August 15, 2017 at the EuroSEAS 2017 conference in Oxford (UK).

and Asia. From the perspective of European constitutional law, it may be interesting to see the arguments of post-colonial Asia judges on the issue of the division of power in the context of judicial activism and the protection of constitutional values. The purpose of this publication is to present the views of Singapore's judiciary in connection with the reforms introduced in 2013 that abolish the mandatory death penalty for certain crimes together with the possibility of replacing it by a court decision with life imprisonment and flogging.

Streszczenie

Dyskrecjonalna władza sędziego i kara śmierci w Singapurze – spojrzenie konstytucyjne

Wszelka dyskusja na temat przestrzegania praw człowieka w postkolonialnych państwach Azji prowadzona z perspektywy cywilizacji Zachodu napotyka wiele przeszkód, w szczególności związanych z istniejącymi różnicami, czy wręcz barierami kulturowymi i odmiennymi tradycjami. Państwa postkolonialne, mimo nadal istniejących pozostałości z czasów kolonialnych – widocznych np. w systemie prawa, który wciąż zawiera akty normatywne uchwalone przed uzyskaniem suwerenności – bardzo stanowczo opierają się przyjęciu uniwersalnego katalogu praw człowieka określonego w paktach ONZ, jak też stosowaniu standardów w ich przestrzeganiu, które byłyby zgodne z tymi wypracowanymi w ramach ONZ. Przyjęta ideologia tzw. azjatyckich wartości prowadzi do ponownego pogłębiania się różnic ideowych, czy wręcz filozoficznych, w dalszym rozwoju demokracji między państwami Zachodu i Azji. Z perspektywy europejskiej nauki prawa konstytucyjnego interesujące może wydać się spojrzenie sędziów państw Azji postkolonialnej na kwestie dotyczące podziału władzy w kontekście aktywizmu sędziowskiego i ochrony wartości konstytucyjnych. Celem niniejszej publikacji jest zaprezentowanie poglądów judykatury Singapuru w związku z wprowadzonymi w 2013 r. reformami znoszącymi obligatoryjny wymóg orzekania kary śmierci w przypadku niektórych przestępstw i możliwości zastąpienia tejże – w wyniku decyzji sądu – karą dożywotniego więzienia i chłosty.

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> There is no. way to really do it right. The final decision has always come down to the members of our (Supreme Court) as to whether someone should live or someone should die... I am not smart enough to make that decision on any fair and consistent basis given the tremendous range of facts and circumstances that affect every victim and every defendant and every set of facts that make up a case.
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> *Arizona Supreme Court Judge Stanley Feldman (July 15, 2002)*[3]

Any discussion of human rights in post-colonial countries in Asia conducted from the perspective of Western civilization faces many obstacles, particularly related to the existing cultural differences, or even barriers and different traditions. Postcolonial states, despite the remaining remnants of the colonial era-visible example in their legal system, which still contains normative acts adopted before obtaining sovereignty – very firmly based universal adoption of the catalog of human rights as defined in the UN covenants, as well as the application of the standards in their compliance, which would be in line with those elaborated within the framework of the UN. The adopted ideology of so-called "Asian values" leads to a re-widening ideological differences, or even philosophical, in the further development of democracy between Western countries and Asia. At the same time, this gives rise to extract new direction of research, which is to analyze the development of human rights in post-colonial countries of Asia and the West, the study of unknown problems that will come up in relation to the existence of the doctrine of "Asian values".

Singapore is a state of more than 5 million inhabitants, representatives of many races, religions and cultures, of which only 70% are citizens of that country. The state attracts expats from Western Europe, Australia and Canada, and migrant workers from other countries of South East Asia (mainly Malaysia and India). Experts point out that Singapore is a country offering the highest standard of living in Asia, including the level of security of its people. However, this success is closely linked to the narrow catalogue of freedoms and rights guaranteed by the 1965 Constitution and restrictive pe-

[3] S. Chandra Mohan, P. Chia Wen Qi, *The death Penalty and the Desirability of Judicial Discretion*, "Singapore Law Gazette", March 2013, http://v1.lawgazette.com.sg/2013–03 (20.11.2017).

nal law providing the mandatory death penalty in the case of committing certain types of crime.

Fundamental rights and freedoms define Part IV of the Constitution, in which we do not find such fundamental guarantees, from the Western point of view, as the right to vote, the right to property, or the prohibition of torture. At the same time, the ban on deprivation of life has been formulated in this normative act and specified in the jurisprudence that it allows the death penalty to be ruled in cases determined by statutory law, also enacted before the entry into force of the basic law in force.

The mentioned part of the Constitutions is extremely laconic – from a European standpoint (it includes only 8 provisions, i.e. Art. 9–16) – and guarantees the individual the following rights and freedoms: right to life, personal freedom, freedom of conscience and freedom of movement, the prohibition of slavery and forced labour (absolute), the ban on the retroactivity of criminal law and the re-enactment of the same act, the principle of equal rights protection (as a principle of inviolability) and freedom of speech, assembly and association (which can be limited in order to protect, inter alia, public order).

These provisions were copied from the Malaysian Constitution adopted in 1957 and based on the Act of Independence incorporated into the constitutional system of the Republic of Singapore. At the same time, as the first Prime Minister of the State, Lee Kuan Yew pointed out, for the sake of development, security and the prevention of the propagation of the idea of communism, certain freedoms and civil liberties must be sacrificed (property rights, prohibition of torture including violations of dignity). *Salus populi suprema lex* and *salus republicae suprema lex* he announced an the people followed him[4]. It must be remembered that Lee Kuan Yew never claimed to be a leader of democracy. He wanted to make his country "Confucian republic", characterized by the efficiency and honesty of governments, the harmonious coexistence of representatives of different races, religions and nationalities, and above all, the consequence of realizing the set goals. In practice, striving at all costs to achieve social well-being, under conditions of Confucian democracy, is at the expense of human rights, including those that appear natural and inalienable.

[4] These principles continue to be the respected directive for the public authorities and the application of the law to the courts (cf. the judgment of the High Court [1994] 3 SLR (R) 209, 40).

The death penalty was introduced in Singapore during British colonial rule and was not abolished after gaining independence in 1965 [the Penal Code (Chapter 224), order no. 4 from 1871 is still a binding legal act]. Despite pressure from international public opinion, the government of Singapore has been indefatigable for many years in its support for the unconditional death penalty, particularly as a drug-fighting instrument.

In Singapore, about 26 offences carry the death penalty. It is most commonly used for murder (under s.300 of the Penal Code) and drug trafficking/importation and exportation offences (under ss.5 and 7 of the Misuse of Drugs Act). Between 1991 and 2004 the number of 400 executions was reported. It is suggested that the current number of executions is now markedly lower, with only 4 executions in the five years between 2007 and 2012. The above mentioned laws were however amended in 2012 and the amendments came into effect on 1 January 2013.

For murder, the mandatory death penalty no. longer applies to homicide committed without an intention to kill. For drug trafficking/importation and exportation offences, the mandatory death penalty continues to be applicable unless two conditions are fulfilled. Additionally accused persons, who were convicted and sentenced for the above offences before 1 January 2013, were given an opportunity to apply to the Court to be resentenced.

Before the amendments, the Courts had no. discretion in sentencing someone found guilty of murder, as the death penalty was the mandatory sentence that had to be imposed for this crime. Under the new Penal Code (Amendment) Act, the death penalty is only mandatory for homicide committed with an intention to kill (s.300a of the Penal Code), meaning that the offender acted with the intention of causing death. Today[5] the Court has the discretion to sentence an offender to either the death penalty or to life imprisonment with corporal punishment[6].

[5] Section 302 of the Penal Code, which prescribes the punishment for murder, now reads as follows: Punishment for murder: (1) Whoever commits murder within the meaning of section 300(a) shall be punished with death. (2) Whoever commits murder within the meaning of section 300(b) (c) or (d) shall be punished with death or imprisonment for life and shall, if he is not punished with death, also be liable to caning".

[6] In cases where the offender: (a) Caused bodily injury, knowing that the injury will or is likely to cause the death of the victim (section 300b of the Penal Code); (b) Caused a bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary

Singapore not only considers trafficking of a controlled drug an offence, but also offering to traffic, to do or offer to do any act preparatory to or for the purpose of trafficking of a controlled drug, as well as importing into or exporting from Singapore a controlled drug.

Before amendment of the Act, trafficking, importing/exporting and manufacturing above certain stipulated amounts of Class A drugs attracted the mandatory imposition of the death penalty.

The amendment Misuse of Drugs (Amendment) Act gave the courts the discretion to impose a life sentence, with caning in given circumstances, instead of a death sentence, in cases where: a) the offender proves that his or her role was limited to that of a courier (Condition 1); and b) the Public Prosecutor has certified that the offender substantively assisted the drug enforcement agency in disrupting trafficking activities (Condition 2A); or c) The offender proved that he she was suffering from such abnormality of mind as substantially impaired his mental responsibility for committing the offence (Condition 2B)[7].

It is also important to note that the judge's discretion is not triggered automatically, as in the case of homicide offences. Instead, it is only triggered when the two conditions are fulfilled. Under s. 33B (4) of the Misuse of Drugs Act, the determination of whether or not any person has substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities shall be at the sole discretion of the Public Prosecutor and no. action or proceeding shall lie against the Public Prosecutor in relation to any such determination unless it is proved to the court that the determination was done in bad faith or with malice.

The amendment to the Criminal Procedural Code created a new procedure for reviewing death sentences (review of sentence of death when no. ap-

course of nature to cause death (section 300c of the Penal Code); and/or (c) Committed the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death (section 300d of the Penal Code).

[7] Where Condition 1 and Condition 2A are fulfilled, the court has the discretion to impose either the death penalty or life imprisonment with not less than 15 stroke of the cane. Where Condition 1 and Condition 2B are fulfilled, the court shall only impose life imprisonment. Where the two conditions are not fulfilled, the mandatory death penalty continues to apply. The death penalty continues to be the mandatory punishment for the manufacturing of certain controlled drugs.

peal was filed). According to these new provisions, all capital sentences require confirmation by the Court of Appeal, either requested by the offender or by a petition for confirmation by the public prosecutor if the offender did not appeal. Additionally, the Court is required to examine the record of the proceedings and confirm the correctness, legality and propriety of guilt and sentence[8].

Taking into consideration that the Singapore Constitution guarantees the right to life in Art. 9, it is worth noting the judges arguments that prove the capital punishment constitutional in Singapore.

Like many common law jurisdictions, Singapore does not have a constitutional court having exclusive authority to decide disputes relating to the Constitution. All cases apart from those regarded as routine are dealt with by the Supreme Court of Singapore, which determines private law cases as

[8] The Criminal Procedural Code rewrites in Art. 394A: (1) Where the High Court passes a sentence of death on an accused and no. appeal is filed by the accused within the time allowed under this Code for an appeal, the Public Prosecutor shall, on the expiry of 90 days after the time allowed under this Code for appeal, lodge a petition for confirmation with the Registrar of the Supreme Court and serve the petition on the accused. (2) When a petition for confirmation has been lodged, the trial court shall transmit to the Court of Appeal, the Public Prosecutor, and the accused or his advocate, a signed copy of the record of the proceedings and the grounds of decision free of charge.

394B. The Court of Appeal shall examine the record of proceedings and the grounds of decision and shall satisfy itself as to the correctness, legality and propriety of (a) the conviction of the accused for the offence for which the sentence of death is imposed; and (b) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law.

394C. The Court of Appeal may in any proceeding relating to a petition for confirmation exercise such powers as it may exercise in an appeal by the accused.

394D. (1) No party has the right to be heard either personally or by advocate before the Court of Appeal in any proceeding relating to a petition for confirmation. (2) The Court of Appeal may, if it thinks fit, hear any party either personally or by advocate.

394E. (1) If the Court of Appeal is satisfied as to the correctness, legality and propriety of (a) the conviction of the accused for the offence for which the sentence of death is imposed; or (b) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law, it shall issue a certificate to the Public Prosecutor and the accused or his advocate confirming the imposition of the sentence of death on the accused. (2) If the Court of Appeal is not satisfied as to the correctness, legality and propriety of (a) the conviction of the accused for the offence for which the sentence of death is imposed; or (b) the imposition of the sentence of death for the offence, where the sentence of death is not mandatory by law, it shall set aside the sentence of death, and may make such further order as it deems fit.

well. The Supreme Court consists of the High Court, the superior court of first instance; and the Court of Appeal which is Singapore's highest appellate court. The latter recently reaffirmed that the nation's Westminster-model legal system 'is based on the supremacy of the Singapore Constitution, with the result that the Singapore courts may declare an Act of the Singapore parliament invalid for inconsistency with the Singapore Constitution and, hence, null and void'[9].

However, the judges recognize the respective roles of the Judiciary and Executive in the criminal process. In Singapore's constitutional scheme, the legislature is vested with the power to make laws of general application. This includes the power to define offences and to prescribe punishments for them, whether the punishments be mandatory or discretionary; fixed or within a prescribed range. The duty of the courts is first and foremost to decide on legal guilt. Once it has done so, it is duty bound to "pass sentence according to law". The duty of the Executive is to investigate possible offences and to "institute, conduct or discontinue proceedings for any offence". After sentence is passed, it is legally bound to carry the sentence into effect. However, it is also empowered, through the exercise of the extraordinary power of clemency, to prevent the law from taking its course[10].

At the same time, the court has the power and duty to ensure that the provisions of the Constitution are observed. The court also has a duty to declare invalid any exercise of power, legislative and executive, which exceeds the limits of the power conferred by the Constitution, or which contravenes any prohibition which the Constitution provides[11]. The courts, in upholding the

[9] J. Tsen-Ta Lee, *According to the Spirit and not to the Letter: Proportionality and the Singapore Constitution*, "Vienna Journal on International Constitutional Law" 2014, no. 8 (3), pp. 276–304. Research Collection School Of Law; http://ink.library.smu.edu.sg/sol_research/1316 (20.11.2017).

[10] S. Chong, *Singapore Law Review Annual Lecture: Recalibration of the Death Penalty Regime – Origin, Ramifications and Impact*, "The 28th Singapore Law Review Annual Lecture", 8 November 2016, p. 14, https://www.supremecourt.gov.sg (20.11.2017).

[11] See M. Faizal bin Sabtu v Public Prosecutor [2012] 4 SLR 947, 958, [14] (CA, Singapore), Chan Hiang Leng Colin v Public Prosecutor [1994] 3 SLR(R) 209, 231, [50] (HC, Singapore).

rule of law in Singapore, will no. doubt readily invalidate laws that derogate from the Constitution which is the supreme law of our land[12].

The Court of Appeal also held that since the Constitution vests the power to prosecute persons accused of crimes in the Attorney – General, this power is equal in status to the judicial power vested in the courts. Thus, "the courts should presume that the Attorney – General's prosecutorial decisions are constitutional or lawful until they are shown to be otherwise"[13]. Finally, the courts have been fairly resistant to assessing the fairness or reasonableness of legislation. In Jabar bin Kadermastan v Public Prosecutor, the Court said: 'Any law which provides for the deprivation of a person's life or personal liberty, is valid and binding so long as it is validly passed by Parliament. The court is not concerned with whether it is also fair, just and reasonable as well. Though the Court subsequently clarified in Yong Vui Kong v Public Prosecutor that laws must comply with fundamental rules of natural justice in order not to offend Art. 9, it affirmed that the provision warranted no. 'fair, just and reasonable procedure' test as this is 'too vague a test of constitutionality', and is undesirable because it 'hinges on the court's view of the reasonableness of the law in question, and requires the court to intrude into the legislative sphere of Parliament as well as engage in policy making'[14].

The discretionary death penalty is not something entirely new in judicial history of Singapore. Section 3 of the Kidnapping Act[15] provides Judges with the discretion to impose either life imprisonment and caning or the death penalty. In this case a general observation from the reported kidnapping cases is that the death penalty has almost never been imposed[16].

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[12] See Public Prosecutor v Taw Cheng Kong [1998] 2 SLR(R) 489, 516, [89] (CA, Singapore), and Lim Meng Suang v Attorney – General [2013] 3 SLR 118, 162, [103] (HC, Singapore).

[13] Ramalingam Ravinthran v Public Prosecutor [2012] 2 SLR 49, 70,[43]-[44] (CA, Singapore).

[14] [1995] 1 SLR(R) 326 (CA, Singapore). See also Rajeevan Edakalavan (n. 25) 19, [21]: "The Judiciary is in no. position to determine if a particular piece of legislation is fair or reasonable as what is fair or reasonable is very subjective. If anybody has the right to decide, it is the people of Singapore".

[15] Original Enactment: Ordinance 15 of 1961; http://statutes.agc.gov.sg (20.11.2017).

[16] Chief Justice Wee Chong Jin explained: It is a long and well established principle of sentencing that the Legislature in fixing the maximum penalty for a criminal offence intends it only for the worst cases. However, in the case of kidnapping for ransom the discretion given

In case of Misuse of Drugs Act Parliament has decided that the decision is to be made by the Public Prosecutor, and that judicial review of the Public Prosecutor's decision will only be available on very limited grounds. The Law Minister presenting the amendment bill in Parliament indicated some factors which have to be considered in their totality "in deciding whether and how to apply the death penalty to a particular offence", like: the seriousness of the offence, both in terms of the harm that the commission of the offence is likely to cause to the victim and to society, the personal culpability of the accused, how frequent or widespread the offence is in society and the need for deterrence[17].

The greatest advantage of the mandatory imposition of the death sentence is that it generally masks or suppresses a Judge's subjective moral inclinations and makes a duty to enforce the law more relevant than resorting to personal beliefs and convictions[18].

In the absence of statutory guide lines, what factors ought the trial Judge to take into consideration in imposing the death sentence? How different are these factors from those that would already been taken into account between him, in finding the offender guilty, and the Public Prosecutor in bringing the particular murder charge before the Court? How does a Judge maintain sentencing consistency between like cases and at the same time allow for adequate consideration for cases with different factual matrixes as he is also required to do?[19]

However, sentencing benchmarks and guidelines have been set by judiciaries the world over to have some semblance of consistency. Indeed, the Singapore Court of Appeal has had occasion to admonish even High Court Judges for not following its sentencing guidelines. In *Public Prosecutor v* UI,

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to the courts as regards the sentence is, as earlier stated, very limited in scope. In our opinion the maximum sentence would be appropriate where the manner of the kidnapping or the acts or conduct of the kidnappers are such as to outrage the feelings of the community (S. Chandra Mohan, P. Chia Wen Qi, *The death Penalty and the Desirability of Judicial Discretion*, "Singapore Law Gazette", March 2013).

[17] Ministerial statement in Parliament by Law Minister Shanmugam on 9 July 2012: Singapore Parliamentary Debates, Official Report (9 July 2012) vol. 89.

[18] S. Chandra Mohan, P. Chia Wen Qi, op.cit.

[19] *PP v Loqmaul Hakim bin Buang* [2007] 4 SLR 753 at [22]; *Chua Kim Leng Timothy v PP* [2004] 2 SLR 513 at [26]; *PP v UI* [2008] SGCA 35 at [20]; *Tan Kay Beng v PP* [2006] 4 SLR 10.

Chief Justice Chan Sek Keong, in delivering the judgment of the majority in the Court of Appeal, highlighted the importance of consistency in sentencing: "A high level of consistency in sentencing is desirable as the presence of consistency reflects well on the fairness of a legal system. In contrast, the presence of inconsistency in sentencing diminishes the idea of justice being equal to all in a legal system; it also leads to public cynicism about the legal system in question and eventually, to the loss of public confidence in the administration of justice"[20].

At the same time, the general reluctance of the courts to exercise constitutional judicial review in favour of applicants may be explainable by the dominance of the political branches of government – the executive and the legislature – in the Singapore political and legal system. Since the People's Action Party (PAP) swept to power in the 1959 general election, this political party has held more than a two-thirds majority of the elected seats in Parliament and has formed the Government. At present, it holds 80 out of the 87 seats; that is, a majority of about 92%. Combined with the system of strong party discipline inherited from the British which ensures that PAP Members of Parliament (MPs) vote according to the party line, the party's overwhelming parliamentary majority guarantees that it is able to enact primary legislation and constitutional amendments without difficulty. Thus, although in form Singapore's legal system is based on the doctrine of constitutional sovereignty – a point espoused by the judiciary, as we have already seen – in practice elements of the parliamentary sovereignty doctrine may hold sway[21].

Additionally, the Chief Justice and other Supreme Court judges are not appointed by an independent judicial appointments panel. Instead, the Prime Minister nominates a candidate for Chief Justice to the President, who may exercise personal discretion to veto the nomination if he thinks fit. The President is required to consult the Council of Presidential Advisers before exercising this function; and if, contrary to the Council's recommendation, he refuses to make an appointment, the refusal may be overridden by Parliament

[20] [2008] 4 SLR (R) 500 at [19]. See also Liow Eng Giap v PP [1968–1970] SLR (R) 681 at [3].

[21] For a more detailed discussion, see J. Ling-Chien Neo, Y. C L Lee, *Constitutional Supremacy: Still a Little Dicey?*, [in:] *Evolution of a Revolution: Forty Years of the Singapore Constitution*, eds. Li-ann Thio and K. Y L Tan, Routledge–Cavendish 2009, pp. 153–192.

on a vote of not less than two-thirds of the total number of elected MPs. The procedure for the appointment of other Supreme Court judges is the same, except that the Prime Minister is also required to consult the Chief Justice before nominating candidates to the President. To date, no. elected President has declined to follow the Prime Minister's advice in appointing a judge. It is submitted that since the Government essentially steers the system of judicial appointment, it is unsurprising that it selects candidates who share its values and belief in the desirability of a strong government. There is little incentive for the Government to seek out candidates who disagree with this ethos. The result is a judiciary that by and large feels the Government is better placed than it is to decide what is best for Singapore society[22].

On the other hand, The "four walls" doctrine (Four Walls) in Singapore transcends a blunt rejection of foreign cases as persuasive authority in Singapore's constitutional jurisprudence. It alludes to the underlying concern that adopting foreign cases that were decided on a different set of social and economic considerations would lead to a misalignment of solution and issue. This "local conditions" concern first surfaced in AG v Wain Barry J[23] and was later affirmed in Chan Hiang Leng Colin v PP[24] where the Court held that "[t]he Constitution is primarily to be interpreted within its own four walls and not in the light of analogies drawn from other countries" given the "markedly different" local and foreign conditions.

While the word "primarily" suggests the possibility of adopting foreign legal principles in the exceptional case where foreign and local conditions are similar, the latter phrase "and not in the light of analogies from other countries" denies this exception. The original case that propounded this concept reinforces this interpretation. It held that, "it is in the end the wording of the Constitution itself that is to be interpreted this wording can never be overridden by the extraneous principles of other constitutions which are not explicitly incorporated in the formulae that have been chosen as the frame of this

[22] J. Tsen-Ta Lee, *According to the Spirit and not to the Letter: Proportionality and the Singapore Constitution*, "Vienna Journal on International Constitutional Law" 2014, no. 8 (3), pp. 276–304. Research Collection School Of Law; http://ink.library.smu.edu.sg/sol_research/1316 (20.11.2017).

[23] [1991] 1 SLR(R) 85 at [36]-[37].

[24] [1994] 3 SLR(R) 209 ("Colin Chan").

Constitution". The natural consequence is that Four Walls rejects the use of all foreign constitutional cases[25].

In 2017 Singapore has completed a review of the mandatory death penalty for all its laws. Parliament was given an update of the review in relation to laws related to drug offences and certain types of homicides.

Deputy Prime Minister and Minister-in-charge of the Civil Service, Mr Teo said: "The death penalty has been an important part of our criminal justice system for a very long time, similar to the position in a number of other countries. Singaporeans understand that the death penalty has been an effective deterrent and an appropriate punishment for very serious offences, and largely support it. As part of our penal framework, it has contributed to keeping crime and the drug situation under control". For drug traffickers, Mr Teo said that the review concluded that the mandatory death penalty should continue to apply in most circumstances.

He also said: "The government's duty is first and foremost to provide a safe and secure living environment for Singaporeans to bring up their families. We must be constantly vigilant, adapt our law enforcement strategies and deterrence and punishment regime to remain ahead of criminals. We must do what works for us, to achieve our objective of a safe and secure Singapore. The changes announced today will sharpen our tools and introduce more calibration into the legal framework against drug trafficking, and put our system on a stronger footing for the future".

Concluding, Mr Teo said the government will monitor how the changes impact and influence the behaviour of the criminal organisations. If the situation worsens, it will consider tightening the provisions or making other changes. "Where many other countries have failed, Singapore has succeeded in keeping the drug menace under control. Singapore's homicide rate is one of the lowest in the world, and we believe that the deterrent effect of the death penalty has played an important part in this. Our tough approach to crime

[25] See also: *Is the "Four Walls" doctrine quietly losing its relevance in Singapore's Constitutional Jurisprudence,* Constitutional and Administrative Law individual research paper, prepared for Professor Tham Lijing by Ong Sim, https://pl.scribd.com/document/335323216/IS-THE-FOUR-WALLS-DOCTRINE-QUEITLY-LOSING-ITS-RELEVANCE-IN-SINGAPORE-S-CONSTITUTIONAL-JURISPRUDENCE (20.11.2017).

has resulted in crime rates which are significantly lower than many other major cities," he said.

Currently, there are 35 persons awaiting capital punishment; 28 are for drug offences and seven for murder[26].

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[26] As it was mentioned before between 1991 and 2004 the number of 400 executions was reported. It is suggested that the current number of executions is now markedly lower, with only 4 executions in the five years between 2007 and 2012. Read more at http://www.channelnewsasia.com/news/singapore/singapore-completes-review-of-mandatory-death-penalty-8369356 (20.11.2017).