

Capital Offences / Death Penalty in Singapore

1. What are listed as capital offences?

Under the Penal Code, Cap 224, they are namely:

- Murder
- Abetting suicide of a person under the age of 18 or an insane person
- Kidnapping
- Gang Robbery that resulted in death of person
- Drug Trafficking
- Unlawful discharge of firearms

2. What happens?

When a person is charged for a capital offence, be it a Singapore Citizen, Permanent Resident or any foreign nationals, the State of Singapore, offers State Assigned Counsels (ie private defence lawyers) to the accused person.

Extracted from Supreme Court of Singapore website
(<http://app.supremecourt.gov.sg/default.aspx?pgID=84>)

All persons facing capital charges in the High Court are ensured of legal representation under the Legal Assistance Scheme for Capital Offences ('LASCO'). Under the scheme, anyone facing a capital charge is eligible to be assigned counsel by the state free of charge. No means test or other eligibility criteria is imposed. In most cases, counsel will be assigned once a hearing date has been fixed for the Preliminary Inquiry.

Generally, for more complex cases, (and subject to the approval of the Registrar, Supreme Court,) two counsels will be assigned – one to lead, and one to assist. At the discretion of the Registrar, Supreme Court, junior assisting counsel may also be assigned to aid in an accused person's defence.

3. There about 200 criminal lawyers listed in the Supreme Court of Singapore's database, called LASCO.

4. How did death penalty come about in Singapore?

Singapore has had capital punishment since it was a British colony and became independent before the United Kingdom abolished capital punishment. The Singapore procedure of hanging condemned individuals is heavily influenced by the methods formerly used in Great Britain.

5. Foreigners facing Executions

The people on death row include foreign nationals, many of whom were convicted of drug-related offences. Figures released by the government of Singapore showed that between 1993 to 2003, 36% of those executed were foreigners, including some residents in Singapore (one quarter of Singapore residents are foreigners).

Persons executed in the last 5 years by offences and nationality.

Breakdown by nationality	
Singaporeans	101
Foreigners	37
Breakdown by offences	
Drugs-related offences	110
Non drugs-related offences (Murder and arms-related offences)	28

6. Trial Process / Clemency

Capital cases are heard by a single judge in the sitting in the High Court of Singapore. After conviction and sentencing, the accused person has one appeal to the Court of Appeal of Singapore. Three judges sit to hear the appeal. If the appeal fails, the final recourse rests with the President of Singapore who has the power to grant clemency on the advice of the Parliament.

7. How is it done?

Under Section 316 of the Criminal Procedure Code, Cap 184

Judgment of death

316. Where any person is sentenced to death, the sentence must direct that he must be hanged by the neck until he is dead but shall not state the place where nor the time when the sentence is to be carried out.

8. When and how is execution carried out?

Each execution is carried out by hanging at Changi Prison at dawn on a Friday.

9. Who cannot be hanged?

Neither persons under the age of 18 at the time of their offence nor pregnant women can be sentenced to death.

10. What happens before the days leading to the execution process?

- The condemned are given notice at least four days before execution.
- In the case of foreigners who have been sentenced to death, their families and diplomatic missions/embassies are given one to two weeks' notice.
- Four days before the execution, the condemned is allowed to watch television or listen to the radio.
- Special meals of their choice are also cooked, if within the prison budget.
- Visitation rights are increased from one 20 minute visit per week to a maximum of 4 hours each day.
- No physical contact is allowed with any visitors.
- The 'hangman' will visit the condemned to check his weight and measure the distance from the condemned's neck to the floor before making his calculations for the drop hanging.

11. Who is present at the hanging?

Normally, only the prison staff and a doctor are present at executions in Singapore, although others, such as a minister of religion, may be admitted at the discretion of the prison superintendent.

12. What happens after the execution?

- The body is released to the next-of-kin. Costs borne by the next-of-kin.
- If the next-of-kin does not retrieve the body, then the state pays for the cremation.

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