

KOPI SESSION ON DRUGS AND DEATH PENALTY

20 September 2023 | Asian Civilisations Museum

On 20 September 2023, 86 youths participated in a dialogue to share their sentiments on the death penalty in relation to drug trafficking in Singapore, and to better understand the reasons behind its use for certain drug trafficking cases. This session was co-organised by the National Youth Council (NYC) and the Ministry of Home Affairs (MHA). The session was helmed by:

- Minister K Shanmugam, Minister for Home Affairs and Minister for Law
- (Moderator) Ms Teng Zi Ying, Manager, Boys' Town and a NYC INSPIRIT Youth Leader.



Here are the key insights from the session:

Opening Remarks by Minister K Shanmugam

Policy Considerations

- Minister Shanmugam said there should be certainty that the presence of the death penalty would save many more lives than if the death penalty was not present.
- Minister Shanmugam said there needed to be a “soft heart, but hard head” approach towards drugs in that the facts of each specific case must be analysed, but with compassion factored into its analysis.

Global Impact of Drugs

- Minister Shanmugam shared statistics from the World Health Organisation, which showed rising fatality rates and a decline in life expectancy as a result of drug usage.
- Minister Shanmugam also shared about the effects of drug decriminalisation or legalisation in other countries and the negative sentiment from its citizens. He added that narco-states (where drug cartels possess significant influence) could potentially form in some countries.

Impact of Cannabis

- Minister Shanmugam shared the findings from a literature review of the effects of cannabis; he highlighted the association between the consumption of cannabis and early onset psychiatric disorders.
- Minister Shanmugam also said that although there appeared to be some medicinal benefits from the use of cannabis, its usage should require approval by medical professionals. He added that the medicinal usage of cannabis should not be used as a trojan horse to make cannabis readily available.

Deterrent Effect of the Death Penalty

- Minister Shanmugam shared that historically, there had been a drastic reduction in kidnapping and firearms cases after the death penalty was imposed. He also shared that there was a reduction in rates of serious crimes and the average net weight of opium trafficked following the enforcement of the death penalty. He added that cases of drug consumption in Singapore had also dropped over the years.
- Minister Shanmugam also shared the findings from a study conducted in parts of the region outside Singapore which showed its deterrent effect.

Singapore's Approach to Drugs

- Minister Shanmugam said the death penalty was imposed on drug traffickers bringing in significant amounts of drugs, due to the serious harm inflicted on the lives of drug users and their families.
- Minister Shanmugam shared that the death penalty was only one aspect out of a series of measures in preventing drug use, and that Singapore deployed a significant amount of other drug preventive measures including educational materials in schools.

Panel Dialogue

A participant asked about the possibility of increasing international cooperation to better fight drug trafficking through the implementation of tougher laws.

- Minister Shanmugam said it was difficult to have tougher laws than what Singapore currently had, as the death penalty had been quite effective within the region. With increased awareness in the community, Singapore could continue to take steps towards reducing drug trafficking.
- Minister Shanmugam added that the fight against drug trafficking needed to start before the drugs reach our borders. He shared that there needed to be a better understanding why certain communities might be driven towards trafficking drugs, and only with that knowledge could governments better address the issue of drug trafficking.

A participant asked about the effectiveness of the death penalty as a form of deterrence if “softer hearts” were to prevail among the larger Singaporean population.

- Minister Shanmugam said there was currently an overwhelming majority of people in support of the policies surrounding the death penalty for drug trafficking. He also shared how the legitimacy and reliability of the policies in place could be damaged if leniency was given to placate the “softer hearts”.
- Minister Shanmugam said that at engagements, such as this dialogue, he could share the considerations behind the use of the death penalty, so that citizens could better understand the rationale.

Participants asked how the minimum amount of drugs (before the death penalty was pursued) was calculated, and if there were processes in place to review them regularly given the changing circumstances.

- Minister Shanmugam said the amount was calculated based on research, and based on the amount whereby it became unlikely that it is for an individual's personal consumption.
- Minister Shanmugam said there was constant review of the policies, and that the amount chosen had to be grounded in research.

A participant asked about the steps taken to prevent drug trafficking both domestically and internationally. In particular, the participant asked how the right information surrounding drugs could be channelled to the youth population.

- Minister Shanmugam shared that there was significant effort made to reach out to the youth population through schools, Institutes of Higher Learning (IHLs) and other areas.
- Minister Shanmugam said it was hard to campaign on an international level given the resources and capacity of pharmaceutical companies to lobby on an international stage. He shared that Singapore would continue to use facts to back up policy-making even in face of opposing international opinion. He added that it had been difficult, given how an increasing number of countries were moving towards harm-reduction as opposed to harm-prevention regarding drugs.

A participant asked about the possibility of collecting data from drug abusers and their victims in order to better support the current stance towards drug trafficking.

- Minister Shanmugam said studies were being conducted on a broader range across the entire population, and that studies that focused on the effects on the victims of drug abusers could be explored.

A participant asked if the government relied more on surveys and public opinion or evidence when drafting the laws surrounding this topic, and how right or wrong would be determined if the former was relied upon more.

- Minister Shanmugam said the approach would always be to look at the evidence, and added that opinions in the wider region regarding its effectiveness was a clear example. He also added that other data points (such as the reduction in murder and abduction in Singapore, and how things had been playing out in countries with a more relaxed policy) painted a compelling picture of the usefulness of the deterrent effect of the death penalty.

A participant asked about prior interactions Minister Shanmugam had with convicts on the death row, and if there were any takeaways from such interactions.

- Minister Shanmugam shared that he had worked with someone on the death row in his capacity as a lawyer in the past, and that it was always difficult when people were caught for crimes resulting in capital punishment.
- Minister Shanmugam also said there was a need to provide rehabilitation and different kinds of support for drug abusers both during and after their incarceration. He added that if the small amount of drugs were to be proven as being for one's own consumption, he / she would not be prosecuted but sent for rehabilitation instead.

A participant shared that the existing literature on cannabis seemed to speak of an association, rather than a causal effect; and asked if it should still be classified as a class 1 drug.

- Minister Shanmugam said the effects of cannabis were potentially debilitating and destructive. He shared that as a policymaker, the first and more important step would be to reject cannabis and whether it is classified as a class 1 or class 2 drug would be less of a priority.

A participant shared that clemency had not been granted in Singapore since 1998, and asked about the considerations in cases for clemency to be granted moving ahead.

- Minister Shanmugam said clemency only occurred after the entire criminal process had been exhausted, where there were no more mitigating factors to consider. As such, he shared that beyond very exceptional circumstances, he believed that there would be no basis for the cabinet to recommend clemency.

A participant asked about the possibility of the death penalty being applied discretionarily by the judges instead of the current system whereby the death penalty is applied on a mandatory basis by the prosecution.

- Minister Shanmugam said the prosecution's decision to proceed on a charge with a mandatory death penalty was based on objective considerations, and that it would be putting the judges in an impossible position if the responsibility to apply the death penalty was placed on them instead. He added that if the judges were to impose the death penalty discretionarily, questions would be raised about the death penalty, rendering the law unworkable and causing it to lose its deterrent effect.

A participant asked about the possibility of legal trials with pre-determined outcomes given the rigorous nature of the procedures before someone was charged with drug trafficking.

- Minister Shanmugam said the court would be looking for the actual circumstances of the cases, and that the prosecution would have to prove that the person had trafficked drugs. He shared there had been instances where it had been explained and judged in court that the defendant did not know about the presence of the drugs.
- Minister Shanmugam also added that there were many different possibilities and exceptions in court, and that cases were not predetermined regardless of the procedures of the prosecution.

Closing Sentiments

Before the end of the engagement, the moderator, Ms Teng asked if sentiments had changed regarding the death penalty.

- About 20 raised hands were observed from the participants, but the exact change in position was not further elaborated upon.
- Ms Teng then called for more conversations to be had around this topic.