



## PRESS RELEASE

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### ISSUANCE OF CORRECTION DIRECTION UNDER THE PROTECTION FROM ONLINE FALSEHOODS AND MANIPULATION ACT REGARDING STATEMENT BY THE TRANSFORMATIVE JUSTICE COLLECTIVE CONCERNING THE TREATMENT OF PRISONERS AWAITING CAPITAL PUNISHMENT

The Ministry of Home Affairs (MHA) is aware of the following publications that contain false statements of fact concerning the treatment of prisoners awaiting capital punishment (PACPs):

- Transformative Justice Collective (“TJC”) article published on its website on 1 Aug 2024 (“TJC’s article”); and
- TJC’s Facebook, Instagram and X (formerly known as Twitter) posts on 1 Aug 2024 (“TJC’s FB, IG and X posts”).

#### **Falsehoods**

2. The posts make the following false statements:

- a. The execution of a Singaporean death row prisoner on 2 August 2024 was scheduled without regard for due legal process.
- b. PACPs are denied legal counsel in court proceedings, and have to rush to prepare and argue their own cases which are deliberately scheduled to be heard at short notice.
- c. Scheduled executions are arbitrarily stayed at the last minute.
- d. The State arbitrarily makes laws in relation to the death penalty.

#### **Facts**

##### *Facts pertaining to the case of the Singaporean death row prisoner*

3. An execution will only be scheduled when a prisoner has exhausted all rights of appeal and the clemency process. This is the case for all PACPs, including the PACP referred to in TJC’s posts.
4. The PACP was convicted for having in his possession 36.93 grammes of diamorphine (pure heroin) for the purpose of trafficking. This is more than two times the capital

threshold stipulated in the Misuse of Drugs Act 1973, and would have been sufficient to feed the addiction of about 440 abusers for a week.

5. The PACP was afforded due legal process. He was arrested on 12 April 2016 and underwent trial in the High Court in 2018. The High Court considered the evidence adduced at trial and the arguments put forth by the Prosecution and the PACP's lawyers. He was convicted after the trial and was sentenced to death on 15 February 2019. His appeal against his conviction and sentence was dismissed by the Court of Appeal (CA) on 25 November 2019.
6. The PACP's application for clemency was denied by the President on 20 May 2020.
7. Thereafter, he went on to file three legal applications for permission to take out review proceedings in respect of his appeal ("**review applications**"). Two of these review applications were filed within days of his scheduled executions.
  - He was first scheduled for execution on 24 September 2020. On 22 September 2020, he filed his first review application. An order of respite was granted by the President on 23 September 2020, so that the CA could consider the application. This review application was summarily dismissed by the CA on 12 October 2020.
  - He was next scheduled for execution on 26 April 2024. He filed his second review application on 19 April 2024. The execution was stayed by the CA, for the Prosecution to respond to the matters raised. This application was summarily dismissed by the CA on 21 May 2024.
  - He filed the third review application on 27 June 2024, despite being statutorily prohibited from doing so. The application was summarily dismissed by the CA on 30 July 2024.
8. The PACP was represented by counsel of his choice in all three review applications. In all, he was represented by no fewer than eight lawyers throughout the legal proceedings. He was not denied legal counsel at any stage.
9. The PACP was also a joint applicant with other PACPs for three other legal proceedings. All of these had been dismissed by the High Court and/or the CA as they were found to be unmeritorious. Pertinently, in two of these applications, the Court found that they were an abuse of the process of the courts.
10. On 29 July 2024, the PACP was given notice that his execution was to take place on 2 August 2024. As at the date of the execution notice, the PACP had two pending legal applications: (i) his third review application – this was materially similar to the first two review applications that had been dismissed by the CA previously; and (ii) a civil appeal (jointly with other PACPs), relating to the High Court's decision to strike out an application for a declaration that the policy of not assigning LASCO counsel for post-appeal applications was unconstitutional.
11. The third review application was statutorily prohibited under s 394K(5) of the Criminal Procedure Code 2010. On 30 July 2024, the CA dismissed the application, and found

this application to be “*totally without merit*” and that “*its commencement and continuation was an abuse of the process of the Court*”. Accordingly, the Court found that the application was an abuse of process and dismissed it before the sentence was carried out. The outcome of the civil appeal would have had no bearing on his conviction and sentence. The CA confirmed this on 2 August 2024 before the PACP’s sentence was carried out.

12. It is therefore false and misleading to suggest that the execution of the Singaporean death row prisoner on 2 August 2024 was scheduled without regard for due legal process.

### Fair treatment of PACPs

13. All PACPs are treated fairly and have access to legal counsel throughout court proceedings. They are assigned legal counsel under the LASCO, which is administered by the State, for their trial and appeal, which can last several years. After their right of appeal has been exhausted, they are free to engage counsel of their choice to represent them in any post-appeal applications.

14. An execution is only scheduled when a prisoner has exhausted all rights of appeal and the clemency process. Some PACPs have abused the court process by deliberately and repeatedly filing last-minute applications to prevent the punishment from being carried out. In such cases, the stay (if granted by the Court) is occasioned by the prisoner’s own decision to file applications at the last minute. The scheduled executions are not arbitrarily stayed by the State. They are stayed by reason of the prisoner’s own applications. Where such applications are filed, the Court will have to consider if there is merit in them.

### Singapore’s legal system and support for the death penalty

15. All laws in Singapore, including those relating to the death penalty, are considered and enacted by the Legislature (consisting of the Parliament and the President), according to proper legal process. Any law that is sought to be introduced or amended, must go through the Parliamentary process and be assented to by the President, before it becomes law. Our laws are not made arbitrarily.

16. There is also strong support for the death penalty amongst Singaporeans. A survey by MHA in 2023 found that:

- a. 77% of the respondents agreed or strongly agreed that the death penalty should be used for the most serious crimes, including drug trafficking. Only a small minority, 8.3% disagreed or strongly disagreed with this statement; and
- b. 69% of respondents agreed or strongly agreed that the mandatory death penalty was an appropriate punishment for trafficking a significant amount of drugs.

17. It is clear that Singaporeans support the need for the death penalty to deal with the most serious of crimes, including the trafficking of significant amounts of drugs. MHA has explained before how drug trafficking feeds drug abuse, which in turn harms not just the drug abusers but also their families and the wider society. The impact can be seen in

public safety, public health and socio-economic outcomes, including higher rates of drug-fuelled violence and deaths in societies where drug abuse is rampant.

18. The Government takes a serious view of the deliberate communication of falsehoods. The Minister for Home Affairs has instructed the POFMA Office to issue a Correction Direction to TJC. TJC will be required to carry correction notices on its website and alongside its Facebook, Instagram and X posts.
19. The Factly article “Corrections regarding false statements concerning the treatment of PACPs can be found here: <https://www.gov.sg/article/factly080824>.

**MINISTRY OF HOME AFFAIRS**  
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