

APPENDIX A

LIST OF CRIMES PUNISHABLE WITH DEATH IN SINGAPORE

No.	Crime	Punishment Provided	Statutory Reference
OFFENCES AGAINST THE STATE			
1.	Waging or attempting to wage war or abetting the waging of war against the Government.	<ul style="list-style-type: none">• Death, or;• Imprisonment for life and a fine.	S 121, Penal Code (Cap 224, 2008 Rev Ed).
2.	Compassing, imagining, inventing, devising, or intending the death of or hurt to or imprisonment or restraint of the President.	<ul style="list-style-type: none">• Death, or;• Imprisonment for life and a fine.	S 121A, Penal Code (Cap 224, 2008 Rev Ed).
PIRACY			
3.	Murder or attempted murder of a person, or doing any act that is likely to endanger the life of another person whilst committing or attempting to commit an act of piracy.	<ul style="list-style-type: none">• Death.	S 130B, Penal Code (Cap 224, 2008 Rev Ed).
GENOCIDE			
4.	Killing of any persons during the commission of genocide.	<ul style="list-style-type: none">• Death	S 130E, Penal Code (Cap 224, 2008 Rev Ed).
OFFENCES RELATING TO THE ARMED FORCES			
5.	Abetment of the commission of a mutiny	<ul style="list-style-type: none">• Death, if the mutiny was a	S 132, Penal Code (Cap 224, 2008 Rev Ed).

	by an officer or any serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore.	consequence of the abetment.	
6.	<p>Persons subject to military law who:</p> <ul style="list-style-type: none"> • Take part in a mutiny involving the use of violence or the threat of the use of violence, or having as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with operations against, the enemy, or the impeding of the performance of any such duty or service; or • Incites any person subject to military law to take part in such a mutiny, whether actual or intended. 	<ul style="list-style-type: none"> • Death, if the offence is committed in the face of the enemy or involves the use of violence. 	S 15(1), Singapore Armed Forces Act (Cap 295, 2000 Rev Ed).
GIVING FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE			
7.	Giving or fabricating false evidence with intent to procure conviction of a capital offence, or with knowledge that such a conviction is likely.	<ul style="list-style-type: none"> • Death, if an innocent person is convicted and executed in consequence of such false evidence. 	S 194, Penal Code (Cap 224, 2008 Rev Ed).
MURDER/HOMICIDE OFFENCES			
8.	Causing the death of a person with the	<ul style="list-style-type: none"> • Death. 	S 300(a) read with s 302(1), Penal Code (Cap 224,

	intention of causing death.		2008 Rev Ed).
	<p>Causing the death of a person with:</p> <ul style="list-style-type: none"> • The intention of causing such bodily injury as the offender knows is likely to cause death [s 300(b)], or; • The intention of causing bodily injury to another person, and the bodily injury is sufficient in the ordinary course of nature to cause death [s 300(c)], or; • The knowledge that the act is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, without any excuse for incurring the risk of death or such bodily injury [s 300(d)]. 	<ul style="list-style-type: none"> • Death, or; • Life imprisonment with caning. 	S 300(b), (c), or (d) read with s 302(2), Penal Code (Cap 224, 2008 Rev Ed).
9.	<p>Abetting the commission of suicide of a person who is:</p> <ul style="list-style-type: none"> • Under 18 years of age, • Insane, • Delirious, or; • In a state of intoxication. 	<ul style="list-style-type: none"> • Death, or; • Imprisonment for life, and a fine or; • Imprisonment for a term not exceeding 10 years, and a fine. 	S 305, Penal Code (Cap 224, 2008 Rev Ed).

10.	Attempted murder by an inmate who is under a sentence of life imprisonment.	<ul style="list-style-type: none"> • Death. 	S 307(2), Penal Code (Cap 224, 2008 Rev Ed).
KIDNAPPING, ABDUCTION AND HOSTAGE-TAKING			
11.	Kidnapping or abducting any person in order that such person shall be murdered, or may be disposed of so as to be put in danger of being murdered.	<ul style="list-style-type: none"> • Death, or; • Imprisonment for life and caning. 	S 364, Penal Code (Cap 224, 2008 Rev Ed).
12.	Abduction, wrongful restraint or wrongful confinement of a person with the intention to hold that person for ransom.	<ul style="list-style-type: none"> • Death, or; • Imprisonment for life and caning. 	S 3, Kidnapping Act (Cap 151, 1999 Rev Ed).
13.	Seizing or detaining any person and threatening to cause death or hurt or the continual detention of such person or acting in a manner that gives rise to a reasonable apprehension that death or injury to that person will be caused, in order to compel the Government of Singapore or another state or an intergovernmental organization to do or abstain from doing anything.	<ul style="list-style-type: none"> • Death, or; • Imprisonment for life and caning or a fine. 	S 3(1), Hostage-Taking Act (Cap 126C, 2011 Rev Ed).
GANG ROBBERY WITH MURDER			
14.	Participation in a gang robbery during which a murder is committed in	<ul style="list-style-type: none"> • Death, or; 	S 396, Penal Code (Cap 224, 2008 Rev Ed).

	furtherance of the common intention to rob.	<ul style="list-style-type: none"> • Imprisonment for life and not less than 12 strokes of the cane. 	
DRUG OFFENCES			
15.	Unauthorised trafficking/import/export of: <ul style="list-style-type: none"> • More than 1,200 grammes of opium containing more than 30 grammes of morphine, • More than 30 grammes of morphine, • More than 50 grammes of diamorphine (heroin), • More than 30 grammes of cocaine, • More than 500 grammes of cannabis, • More than 1,000 grammes of cannabis mixture, • More than 2,00 grammes of cannabis resin, or; • More than 250 grammes of methamphetamine. 	<ul style="list-style-type: none"> • Death, or (if the Court has a discretion under s 33B(2) of the Misuse of Drugs Act); • Life imprisonment with at least 15 strokes of the cane, or; • If the offender satisfies the requirements of s 33B(3) of the Misuse of Drugs Act, life imprisonment <i>only</i>. 	S 5 (1) or s 7 read with s 33, s 33B and the Second Schedule of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed).

16.	<p>Unauthorised manufacture of:</p> <ul style="list-style-type: none"> • Morphine, or any salt, ester or salt of ester of morphine, • Diamorphine, or any salt of diamorphine, • Cocaine or any salt of cocaine, • Methamphetamine or any salt of methamphetamine. 	<ul style="list-style-type: none"> • Death 	S 6 read with s 33 and the Second Schedule of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed).
17.	<p>Abetting the commission of, or attempting to commit, or does any act preparatory to, or in furtherance of, the commission of any offence under the Misuse of Drugs Act that is punishable with death.</p>	<ul style="list-style-type: none"> • Death. 	S 12, Misuse of Drugs Act (Cap 185, 2008 Rev Ed).
ARMS OFFENCES			
18.	<p>Use or attempted use of any arms</p>	<ul style="list-style-type: none"> • Death. 	S 4, Arms Offences Act (Cap 14, 2008 Rev Ed).
19.	<p>Use or attempted use of arms to commit any offences listed in the schedule of the Arms Offences Act, which includes:</p> <ul style="list-style-type: none"> • Being a member of an unlawful assembly under sections 143 to 145 of the Penal Code, • Rioting under sections 147, 148 and 	<ul style="list-style-type: none"> • Death. 	S 4A, Arms Offences Act (Cap 14, 2008 Rev Ed).

	<p>152 of the Penal Code,</p> <ul style="list-style-type: none">• Offences against the person under sections 302, 304, 307, 324 to 327, 329 to 333, 356, 357 and 506 of the Penal Code,• Abduction or kidnapping under sections 361, 363 to 367 of the Penal Code; and sections 3 to 5 of the Kidnapping Act,• Extortion under sections 384 to 389 of the Penal Code,• Housebreaking and house-trespass under sections 448 to 460 of the Penal Code,• Robbery under sections 392 to 397, 399 and 402 of the Penal Code,• Preventing or resisting arrest under sections 224 and 225 of the Penal Code,• Vandalism under section 3 of the Vandalism Act, and;		
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	<ul style="list-style-type: none"> • Mischief under sections 435, 436, 438 and 440 of the Penal Code. 		
20.	Being an accomplice who is present at the scene where any arm is used in the commission or attempted commission of the offence.	<ul style="list-style-type: none"> • Death, unless reasonable steps to prevent the use of the arm were taken by the accomplice. 	S 5, Arms Offences Act (Cap 14, 2008 Rev Ed).
21.	Trafficking in arms.	<ul style="list-style-type: none"> • Death, or; • Imprisonment for life and at least 6 strokes of the cane. 	S 6(1), Arms Offences Act (Cap 14, 2008 Rev Ed).
OFFENCES RELATING TO NATIONAL SECURITY			
22.	Unlawful possession of a firearm, ammunition or explosive within a security area designated under the Internal Security Act.	<ul style="list-style-type: none"> • Death. 	S 58, Internal Security Act (Cap 143, 1985 Rev Ed).
23.	Consorting with or being found in the company of a person who is in contravention of s 58 of the Internal Security Act and in circumstances which raises a reasonable presumption that he intends to act, is about to act or has recently acted in a manner prejudicial to public order or security with such other person.	<ul style="list-style-type: none"> • Death, or; • Imprisonment for life. 	S 59(1), Internal Security Act (Cap 143, 1985 Rev Ed).

24.	<p>Where death or serious bodily injury is intended or caused by delivering, placing, discharging or detonating an explosive or other lethal device into or against:</p> <ul style="list-style-type: none"> • A place of public use, • A state or government facility, • A public transportation system, or; • An infrastructure facility 	<ul style="list-style-type: none"> • Death 	S 3(1)(i), Terrorism (Suppression of Bombings) Act (Cap 324A 2008 Rev Ed).
OFFENCES RELATING TO NUCLEAR MATERIALS			
25.	Causing death of a person by committing an act that is directed against or that interferes with the operation of a nuclear facility with the intention of causing death.	<ul style="list-style-type: none"> • Death 	S 26DB(2)(c), Radiation Protection (Amendment) Act 2014 (No. 20 of 2014).
	Causing the death of a person by committing an act that is directed against or that interferes with the operation of a nuclear facility with the intention of causing serious injury and with the knowledge that the injury caused would be likely to cause death.	<ul style="list-style-type: none"> • Death, or; • Imprisonment for life and caning. 	S 26DB(2)(b), Radiation Protection (Amendment) Act 2014 (No. 20 of 2014).
ABETTING OR POSSESSING A COMMON INTENTION TO COMMIT AN OFFENCE PUNISHABLE WITH DEATH			
26.	Abetting a criminal act that is punishable with death, and that criminal act is	<ul style="list-style-type: none"> • Death, if no other punishment is provided for the commission of such 	S 109, Penal Code (Cap 224, 2008 Rev Ed).

	committed in consequence of the abetment.	abetment.	
27.	Abetting the commission of a criminal act during which another offence punishable with death is committed, and the capital offence was a likely consequence of the original act abetted.	<ul style="list-style-type: none"> • Death, or; • Such other punishment as may be provided for the offence. 	S 111 and 113, Penal Code (Cap 224, 2008 Rev Ed).
28.	Possessing a common intention to commit a criminal act, and an offence punishable with death is committed in furtherance of the common intention to commit the criminal act.	<ul style="list-style-type: none"> • Death, or; • Such other punishment as may be provided for the offence. 	S 34, Penal Code (Cap 224, 2008 Rev Ed).

Appendix B

Murder

Murder is defined in Section 300 of the Penal Code (Cap 224, 2008 Rev Ed), which provides that:

Murder

300. Except in the cases hereinafter excepted culpable homicide is murder —

- (a) if the act by which the death is caused is done with the intention of causing death
- (b) if it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused;
- (c) if it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or
- (d) if the person committing 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, or such injury as aforesaid.

Before 2013, the Mandatory Death Penalty applied to all murder offences under Section 300 of the Penal Code. After the amendments, the Mandatory Death Penalty applies only for Section 300(a) of the Penal Code. For offences under Section 300(b) – (d) of the Penal Code, judges are given the discretion to determine whether to impose the death penalty OR imprisonment for one's natural life AND caning. This is provided in Section 302 of the Penal Code :

Punishment for murder

302. —(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.

Appendix C

Drug Trafficking , Importing and Export of Controlled Drugs

Drug Trafficking is defined under Section 5 of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) as :

Trafficking in controlled drugs

5. —(1) Except as authorised by this Act, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not that other person is in Singapore —

(a) to traffic in a controlled drug;

(b) to offer to traffic in a controlled drug; or

(c) to do or offer to do any act preparatory to or for the purpose of trafficking in a controlled drug.

(2) For the purposes of this Act, a person commits the offence of trafficking in a controlled drug if he has in his possession that drug for the purpose of trafficking.

Under the Second Schedule of the Misuse of Drugs Act, the death penalty is attracted if the offender traffics in more than:

- 30 grammes of Morphine;
- 15 grammes of Diamorphine;
- 30 grammes of Cocaine;
- 500 grammes of Cannabis;
- 1000 grammes of cannabis mixture;
- 200 grammes of cannabis resin;
- 250 grammes of methamphetamine;

Drug Importation and Export of controlled drugs is set out under Section 7 of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) as :

Import and export of controlled drugs

7. Except as authorised by this Act, it shall be an offence for a person to import into or export from Singapore a controlled drug.

Under the Second Schedule of the Misuse of Drugs Act, the death penalty is attracted if the offender imports or exports more than:

- Opium of more than 1200 grammes and containing more than 30 grammes of morphine
- Morphine of more than 30 grammes
- Diamorphine of more than 15 grammes
- Cocaine of more than 30 grammes
- Cannabis of more than 500 grammes

- Cannabis mixture where the quantity is more than 1000 grammes
- Cannabis resin of more than 200 grammes
- Methamphetamine of more than 250 grammes

Previously, the mandatory death penalty applied to drug trafficking, importation and export of the above drugs. After the 2013 amendments, the mandatory death penalty still applies to the drug trafficking, importation and export of the above drugs unless:

- The offender's role was only of a drug courier **AND** that
- The offender was suffering from an abnormality of mind at the time of commission of the offence **OR**;
- The Public Prosecutor has granted him a certificate of co-operation because he had **substantively assisted in disrupting drug trafficking activities within or outside Singapore.**

If these two conditions are met, the judge is given to discretion to determine whether the offender should be given the death sentence OR life imprisonment with minimum 15 strokes of the cane. This is set out in Section 33B of the Misuse of Drugs Act which provides that:

Discretion of court not to impose sentence of death in certain circumstances
33B.—(1) Where a person commits or attempts to commit an offence under section 5(1) or 7, being an offence punishable with death under the sixth column of the Second Schedule, and he is convicted thereof, the court —

(a) may, if the person satisfies the requirements of subsection (2), instead of imposing the death penalty, sentence the person to imprisonment for life and, if the person is sentenced to life imprisonment, he shall also be sentenced to caning of not less than 15 strokes; or

(b) shall, if the person satisfies the requirements of subsection (3), instead of imposing the death penalty, sentence the person to imprisonment for life.

(2) The requirements referred to in subsection (1)(a) are as follows:

(a) the person convicted proves, on a balance of probabilities, that his involvement in the offence under section 5(1) or 7 was restricted —

- (i) to transporting, sending or delivering a controlled drug;
- (ii) to offering to transport, send or deliver a controlled drug;
- (iii) to doing or offering to do any act preparatory to or for the purpose of his transporting, sending or delivering a controlled drug; or
- (iv) to any combination of activities in sub-paragraphs (i), (ii) and (iii); and

(b) the Public Prosecutor certifies to any court that, in his determination, the person has substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore.

(3) The requirements referred to in subsection (1)(b) are that the person convicted

proves, on a balance of probabilities, that —

(a) his involvement in the offence under section 5(1) or 7 was restricted —

(i) to transporting, sending or delivering a controlled drug;

(ii) to offering to transport, send or deliver a controlled drug;

(iii) to doing or offering to do any act preparatory to or for the purpose of his transporting, sending or delivering a controlled drug; or

(iv) to any combination of activities in sub-paragraphs (i), (ii) and (iii); and

(b) he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in relation to the offence under section 5(1) or 7.

(4) 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
