

## Singapore's War on Drugs: A Historical Overview

*One of the main reasons that our society is one of the safest in the world is that we take a very tough approach on drugs and related crimes. If a drug trafficker trafficks in a quantity which can supply 300 drug abusers for a week, he could face the death penalty. This is not revenge; this is not vengeance. This is based on the principle of deterrence and clear rule of law.*

- Law and Home Affairs Minister K Shanmugam at the 69<sup>th</sup> Session of the United Nations General Assembly event, "Moving Away from the Death Penalty: National Leadership"<sup>1</sup>

Singapore's 'zero tolerance approach' to drugs has been well-established,<sup>2</sup> but there were periods in our history when drug use was viewed as an acceptable social habit, one no more harmful than consuming port or beer; and when opium trading was also extremely profitable.<sup>3</sup> This case study contextualizes Singapore's stance on drugs by providing a historical overview of key shifts in legislative approaches to drug use and trafficking in Singapore, with these milestones both reflecting as well as shaping transitions in moral discourses around what has become unequivocally framed as a 'resilient social problem' capable of destroying the lives of responsible citizens, their families, and national development imperatives.<sup>4</sup> This overview includes a section on the death penalty, often touted as an important deterrent and tool in keeping Singapore 'drug-free and safe'.<sup>5</sup> Understanding Singapore's law enforcement policies towards drugs will be vital in making sense of the broader criminal justice system as drug offences make up a significant proportion of all criminal offenses in Singapore.

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<sup>1</sup> Ministry of Foreign Affairs, 'Transcript of Statement by Minister for Foreign Affairs and Minister for Law K Shanmugam at the High-Level Side Event at the 69th Session of the United Nations General Assembly "Moving Away from the Death Penalty: National Leadership"', 25 September 2014, [https://www.mfa.gov.sg/content/mfa/media\\_centre/press\\_room/pr/2014/201409/press\\_201409261.html](https://www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2014/201409/press_201409261.html) (accessed 13 June 2017).

<sup>2</sup> Danson Cheong, "'Drug Situation is Under Control. Why Should We Legalise Drugs?': K. Shanmugam", *Straits Times*, 1 May 2016.

<sup>3</sup> Noorman Abdullah, 'Exploring Constructions of the "Drug Problem" in Historical and Contemporary Singapore', *New Zealand Journal of Asian Studies* 7, no.2 (December 2005): 46, 44.

<sup>4</sup> *Ibid.*, 40

<sup>5</sup> At a United Nation General Assembly side-event, 'Moving Away from the Death Penalty: Victims and the Death Penalty', Foreign Minister Vivian Balakrishnan defended Singapore's use of the death penalty: 'In our view, capital punishment for drug-related offences and for murder has been a key element in keeping Singapore drug free and keeping Singapore safe.... The death penalty has deterred major drug syndicates from establishing themselves in Singapore, and we have successfully kept the drug situation under control.' See Ministry of Foreign Affairs, 'Transcript of Minister Vivian Balakrishnan's Intervention at the High-Level Side Event at UNGA—"Moving Away from the Death Penalty: Victims and the Death Penalty"', 21 September 2016, [https://www.mfa.gov.sg/content/mfa/media\\_centre/press\\_room/pr/2016/201609/press\\_20160922.html](https://www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2016/201609/press_20160922.html) (accessed 13 June 2017).

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This case study will examine the evolution of Singapore's war on drugs as a primer to broader policies on the rehabilitation, recidivism, and reintegration of ex-offenders, which will be explored in a subsequent case study.

### **Opium: From profitable gift to addictive 'curse'**

Singapore has been known for its 'uncompromising' stance against drug trafficking, most clearly manifested in the form of harsh punishments for drug users and traffickers.<sup>6</sup> There was a time, however, in the early 1800s when drug use in Singapore was both accepted and normalised.<sup>7</sup> According to research by Abdullah, opium first appeared in written documents in 1819, documented as one of the gifts from Stamford Raffles to the ruler Temenggong Abdul Rahman.<sup>8</sup> Over time, the drug became popular among Chinese immigrants of various social classes. For the wealthy, it was not just 'customary practice' but also a status symbol, with opium smoking taking place during business dealings. Among the coolie labourers, who toiled under abject working and living conditions, opium smoking offered 'solace' and was used as a panacea for common health problems.<sup>9</sup> Singapore was, at a time, a thriving opium distribution centre in Asia, with opium a major source of revenue for the British administration.<sup>10</sup> Chinese merchants not only used opium as a tool for labour control, but also profited heavily from the sale of the drug to addicted Chinese coolies.<sup>11</sup> However, this did not mean there was no opposition to the increase in and prevalence of opium smoking. In 1906, the Singapore Anti-Opium Society was formed due to the campaigning efforts of Chinese associations and social reformers;<sup>12</sup> the Society included Western-educated Straits Chinese who took on the role of moral entrepreneurs in advocating for the elimination of vices such as gambling, prostitution, drinking, and opium smoking.<sup>13</sup> An Opium Commission was set up in 1907 to look into opium smoking, but concluded its ills were exaggerated and did not support a total prohibition on opium smoking. The *Straits Times* even carried articles that implied hypocrisy in campaigning against opium while "evils a thousand times more deadly" than opium—such as beer and whiskey—were allowed. Other commentaries openly opposed any ban on opium, arguing that there was no evidence that opium smoking ruined 'health or intellect'. It was also suggested by a missionary, Reverend Reith, that banning opium could lead to "unpleasant relations between the Chinese and the Europeans".<sup>14</sup>

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<sup>6</sup> Chen Siyuan, 'Case Note: Singapore's New Discretionary Death Penalty for Drug Couriers: *Public Prosecutor v Chum Tat Suan*, *The International Journal of Evidence and Proof* 18, no. 3 (2014): 206.

<sup>7</sup> Abdullah, 'Exploring Constructions of the "Drug Problem"', 59.

<sup>8</sup> *Ibid.*, 43

<sup>9</sup> *Ibid.*

<sup>10</sup> As Abdullah notes, 'Between 1896–1906, the average annual revenue from opium was 49 percent of the total income of the Straits Settlements, of which Singapore was a part.' See Abdullah, 'Exploring Constructions of the "Drug Problem"', 44.

<sup>11</sup> Chinese merchants would sell opium to Chinese coolies on credit; an estimated two-thirds of coolies' wages would be spent on their drug habit once they became dependent. See Abdullah, 'Exploring Constructions of the "Drug Problem"', 44.

<sup>12</sup> National Library Board, 'Opium Treatment Centre', [http://eresources.nlb.gov.sg/infopedia/articles/SIP\\_2016-01-25\\_084428.html](http://eresources.nlb.gov.sg/infopedia/articles/SIP_2016-01-25_084428.html) (accessed 13 June 2017).

<sup>13</sup> Abdullah, 'Exploring Constructions of the "Drug Problem"', 45.

<sup>14</sup> *Ibid.*, 45–46.

During the Japanese Occupation (1942–1945), opium smoking was encouraged and functioned as a ‘politicised... tool’ to ensure the Chinese population remained servile and did not collectively resist the occupation.<sup>15</sup>

The construction of drug use as a serious ‘moral and social problem’ thus requires a temporal lens, as such processes have been deeply embedded in the state’s particular socio-political milieu (see Appendix 1).<sup>16</sup> Just as financial imperatives helped maintain the drug trade—and drug consumption—it was economic considerations that generated greater political will to control drug use. Merchants, both European and Chinese, grew unwilling to employ opium users, who were eventually considered ‘less productive’, ‘unreliable’, and generally more troublesome than non-opium smokers.<sup>17</sup> In 1951, the Dangerous Drugs Ordinance was introduced and labelled the following drugs as dangerous: opium, cannabis, morphine, cocaine, and heroin. Unauthorized possession of these drugs became an offence, and penalties included mandatory treatment and rehabilitation.<sup>18</sup> In 1954, the Ordinance was amended to provide for an opium treatment centre (OTC), which was opened in 1955 on St John’s Island; prior that, opium smokers who were charged in court were only sent to prison.<sup>19</sup>

### **The 1970s: The ‘social scourge’ of heroin**

Fervent anti-drug discourse and campaigns became especially pronounced after Singapore’s independence, as the political elites’ ‘ideology of pragmatism’ included the valourisation of certain ‘idealised values’ that converged with “productivity and capitalist interests, namely sobriety, self-control, rationality, industriousness, and asceticism”—the antithesis, it was strongly perceived, of drug users.<sup>20</sup> In the 1970s, a surge in estimated heroin users from 13,000 to 20,000 precipitated stricter laws in the country’s ‘war on drugs’.<sup>21</sup> The Central Narcotics Bureau (CNB) was set up in 1971 and, a year later, the Singapore Anti-Narcotics Association (SANA) was established to complement the work of the CNB. SANA’s objectives were public education on the harms of drug use and the provision of counselling and aftercare services to drug addicts.<sup>22</sup> In 1973, the Misuse of Drugs Acts (MDA) was enacted to tackle the use, possession and trafficking of drugs; it replaced the previous Dangerous Drugs and the Drugs (Prevention of Misuse) Ordinances.<sup>23</sup> As the population of opium addicts continued to decline, the opium treatment centre started to take in those using other types of drugs, so its name was changed to drug rehabilitation centre (DRC) in 1973.<sup>24</sup>

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<sup>15</sup> Ibid., 48.

<sup>16</sup> Ibid., 58.

<sup>17</sup> Ibid., 46.

<sup>18</sup> Ibid., 49.

<sup>19</sup> National Library Board, ‘Opium Treatment Centre’.

<sup>20</sup> Abdullah, ‘Exploring Constructions of the “Drug Problem”’, 62.

<sup>21</sup> Ibid., 51.

<sup>22</sup> Singapore Anti-Narcotics Association, ‘History’, <http://www.sana.org.sg/index.php/history/> (accessed 13 June 2017).

<sup>23</sup> KV Veloo, ‘The Singapore Drug Scene, 1973–1980’, in *The Uphill Task of Rehabilitating Drug Addicts—1973–1980*, part of series *Rehabilitation of Offenders in Singapore: Vol 4* (Singapore: Dept. of Social Work and Psychology, National University of Singapore, June 2004), 12.

<sup>24</sup> Ibid.

In 1975, the MDA was also amended to impose the *mandatory* death penalty for those who manufactured, imported, and trafficked heroin and morphine above certain quantities.<sup>25</sup> As Chan explained, the burden of refuting presumptions lay on the accused, based on a ‘balance of probabilities’: a person could therefore be sentenced to death for drug trafficking “even if the judge had a reasonable doubt as to whether the drugs found in his or her possession were in fact for the purpose of drug trafficking”.<sup>26</sup> Rather than being presumed innocent till proven guilty, in drug cases there was a reversal in the burden of proof—those accused of trafficking needed to prove their innocence.<sup>27</sup> The mandatory aspect raised some concern among legal experts, who felt that the imposition of mandatory minimum sentencing guidelines on judges promoted ‘parliamentary supremacy over judicial autonomy’.<sup>28</sup> (See Tey and also Hor for discussions on the use of presumptions in capital cases and its relationship to due process, the latter defined as ‘the accurate determination of guilt’.<sup>29</sup>)

In 1976, it was reported that heroin suspects were being arrested at the rate of 475 per month.<sup>30</sup> A massive operation to tackle this burgeoning problem was launched in 1977. Codenamed Operation Ferret, it involved the Central Narcotics Bureau, Police and Customs, the Singapore Anti-Narcotics Association, as well as the Scientific Services Department (responsible for testing the urine samples of suspected drug addicts). The broad aim of this operation was to arrest “as many drug addicts as possible” and isolate them from the drug for a sufficiently long period of time. The operation was also viewed as a means to keep current addicts from ‘contaminating’ others.<sup>31</sup> This was expected to reduce overall demand for heroin. The operation also had one other aim: to gather data on the extent of heroin addiction in Singapore, and to ‘put addicts on record’.<sup>32</sup> To deal with the heroin users arrested, a Tough Treatment and Rehabilitation Strategy law was introduced in August 1976, with the key objective to reduce relapse rates through tougher sanctions. The belief was that:

*[t]he drug addict is generally an unhappy, muddled and pathetic person who would barter his worth and dignity for a taste of drugs. He comes from every strata of society. His root problem is often found in the damaging relationships and social difficulties in the family. Unfortunately, some families do not make a*

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<sup>25</sup> Wing-Cheong Chan, ‘The Death Penalty in Singapore: In Decline but Still Too Soon for Optimism’, *Asian Criminology* 11, no.3 (2016): 184.

<sup>26</sup> *Ibid.*

<sup>27</sup> Koh Yi Wen, ‘Discourses on Death: How National Identity Discourses Influence Singapore’s Capital Punishment Policy for Drug Trafficking’ (Honours thesis, National University of Singapore, 2013/14), 5.

<sup>28</sup> *Ibid.*, 6.

<sup>29</sup> Tsun Hang Tey, ‘Death Penalty Singapore-Style: Clinical and Carefree’, *Common Law World Review* 39, no. 4 (2010): 315–357; Michael Hor, ‘The Death Penalty in Singapore and International Law’, *Singapore Yearbook of International Law and Contributors* 8 (2004): 113.

<sup>30</sup> Veloo, ‘The Singapore Drug Scene’, 13. In Yahya’s thesis on drug abuse among Malay drug addicts in Singapore, he noted that CNB field officers were incentivized with a certain percentage of the market price of the drugs they seized (allegedly around two percent). This could have directed their attention to arresting more heroin addicts, and a focus on arresting addicts who consumed particular drugs (say, heroin, which was more expensive than cannabis). See Salahudin Bin Chee Yahya, ‘Drug Abuse: A Sociological Study of Malay Drug Addicts in Singapore’ (Honours thesis, National University of Singapore, 1990/91), 50.

<sup>31</sup> Veloo, ‘The Singapore Drug Scene’, 14.

<sup>32</sup> *Ibid.*

*deliberate attempt, even with assistance, to resolve or modify the addict's difficulties that are crucial to success in treatment and rehabilitation.*<sup>33</sup>

### **The 1980s–1990s: Strengthening the ‘war on drugs’**

The Misuse of Drugs Act continued to undergo amendments (see Appendix 1).<sup>34</sup> Under the Misuse of Drugs (Amendment) Act 1989, the mandatory death sentence was extended to include those convicted of possession of than 30g of cocaine, 200g of cannabis resin, 500g of cannabis and 1.2kg of opium (previously, it was 15g of heroin and more than 30g of morphine).<sup>35</sup> The amendments also included a mandatory jail term of ‘not less than three years’ (up from two years) for repeat offenders, i.e. those who had previously been convicted for drug consumption.<sup>36</sup> Abdullah noted a lack of counter-discourses during this period, or any means to report grievances regarding the clampdown on drug users. Overall, the social and political context at the time, buttressed by mainstream media coverage, supported harsher penalties to ensure the drug problem did not deteriorate. Cumulatively, Abdullah asserted, these provided a ‘resilient basis’ for the construction of contemporary drug use as “both a social and moral problem in Singapore”.<sup>37</sup>

The increase in opiate users and high relapse rates—over 70 percent in the 1990s—despite the government supporting welfare-oriented programmes for drug users, led to a sense of frustration from the state towards ‘unresponsive and manipulative’ drug users.<sup>38</sup> More punitive approaches were therefore introduced, particularly for those identified as ‘hardcore’ addicts.<sup>39</sup> At the time, opiate users were detained at drug rehabilitation centres for a maximum of three years, but would not have a criminal record when released.<sup>40</sup> However, in 1998 the Misuse of Drugs (Amendment) Act (Section 33A, Cap 185) meant persons could now only be admitted to DRCs twice. Opiate users caught for the third time would be charged in court and sentenced to long-term (LT) imprisonment, which could last five to seven years and included three to six strokes of the cane (known as LT1). If upon release from LT1 the person was caught again, he/she could expect to be imprisoned for seven to 13 years and receive six to 12 strokes of the cane (known as LT2).<sup>41</sup> This became the system that prevailed till today, with the decision to send inmates to the DRC based on assessments conducted by the Central Narcotics Bureau.<sup>42</sup> Those caught for the consumption *and* trafficking of drugs would not be sent to the DRC.<sup>43</sup> The net, meanwhile, widened over the years to include long-term imprisonment not just for opiate users, but also

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<sup>33</sup> Ibid., 16.

<sup>34</sup> See Legislative History, *Misuse of Drugs Act (Chapter 185)*, <https://tinyurl.com/MDAlegislativehistory> (accessed 13 June 2017).

<sup>35</sup> Chan, ‘The Death Penalty in Singapore’, 185.

<sup>36</sup> Abdullah, ‘Exploring Constructions of the “Drug Problem”’, 54; Misuse Of Drugs (Amendment) Act 1989, <https://tinyurl.com/MDA1989> (accessed 13 June 2017).

<sup>37</sup> Abdullah, ‘Exploring Constructions of the “Drug Problem”’, 54.

<sup>38</sup> Chua Minyi, ‘The Rise of New Penology: Long Term Detention of the Opiate User in Singapore’ (Honours thesis, National University of Singapore, 2005/06), 7–8.

<sup>39</sup> Ibid., 2.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Shaffiq Alkhatib, ‘Life at Drug Rehab Centre’, *Straits Times*, 16 April 2017.

<sup>43</sup> Ibid.

for those who consumed buprenorphine and synthetic drugs, as well as cannabis and cocaine.<sup>44</sup>

This switch from treatment in drug rehabilitation centres to mandatory long-term imprisonment was driven by the state's emphasis on the perceived 'incurability' of a particular category of drug offenders.<sup>45</sup> Then Minister of Home Affairs, Wong Kan Seng, in his Second Reading in Parliament on the Misuse of Drugs (Amendment) Bill in 1998, defined a 'hardcore addict' as someone admitted to DRC or prison for a drug offence more than twice. Among the DRC population, 'hardcore addicts' had increased from 65 percent in 1994 to 71 percent in 1997. Wong reiterated that such addicts "are not to be treated as victims". They are 'bad people', potential contaminants in society, and 'criminals', with Wong citing statistics to support his belief in a strong causal relationship between drugs and crime. For Wong, it was untenable to continue "throwing good money after bad money to people who do not want to change".<sup>46</sup> Instead of "wasting our time... and CNB's professional resources on such people", Wong stated, "we have decided that the only way to treat these addicts is to imprison them for a long time".<sup>47</sup>

This shift to imprisonment for repeat drug users caused the prison population to climb rapidly: in 1998, the prison population was 16,000; by 2002, it hit an 'all time high' of 18,000.<sup>48</sup> Under this new method of dealing with habitual drug users, incapacitation was operationalized as the primary tool to force a person off his/her drug dependency.<sup>49</sup> It was also a significant move in which the state hardened its position that "consumers and pushers are the same class of people",<sup>50</sup> thus justifying harsh punishments even on drug consumption alone, including caning. Opposition Member of Parliament Chiam See Tong argued that this law meant Singapore was "equating repeat drug use with 'the most heinous and violent crimes'".<sup>51</sup> The Workers' Party's JB Jeyaretnam wanted clarification on "who is a 'hardcore addict'" and objected to the greater imposition of mandatory sentences, which were "bad in principle" as they "deprive the courts of their function" and exercise of judicial power in ascribing sentences according to the circumstances at hand.

The Bill also sought to make it difficult for drug users to escape liability by claiming that the drugs were consumed overseas. As long as urine tests showed traces of controlled drugs, a person would be treated as if the offence was committed in Singapore. The Bill also raised

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<sup>44</sup> Singapore Prison Service, 'Treatment and Rehabilitation Regime and Long-Term Imprisonment for Abusers of Cannabis and Cocaine', last updated 9 November 2016, <http://www.sps.gov.sg/news-about-us/in-the-news/treatment-and-rehabilitation-regime-and-long-term-imprisonment-for-abusers-of-cannabis-and-cocaine> (accessed 1 June 2017).

<sup>45</sup> Chua Chin Kiat, *The Making of Captains of Lives—Prison Reform in Singapore: 1999 to 2007* (Singapore: World Scientific, 2012), 4.

<sup>46</sup> Singapore Parliament Report (1 June 1998), Vol 69, *Misuse of Drugs (Amendment) Bill*, <https://tinyurl.com/MDA1989reading> (accessed 13 June 2017).

<sup>47</sup> Chua, 'The Rise of New Penology', 2.

<sup>48</sup> Chua, *Making of Captains of Lives*, 4.

<sup>49</sup> Chua, 'The Rise of New Penology', 3.

<sup>50</sup> This is based on an exchange in Parliament between former Nominated Member of Parliament Shrinivas Rai and Chiam See Tong during the Second Reading of the amendment. Rai used the term 'drug pushers' but was corrected by Chiam, who said: 'Consumers, not pushers'. Rai insisted, however, that '[c]onsumers and pushers are the same class of people'. See Singapore Parliament Report (1 June 1998).

<sup>51</sup> Chua, 'The Rise of New Penology', 10.

penalties for refusing to undergo urine tests to 10 years jail, a fine of S\$20,000, or both.<sup>52</sup> Additionally, the 1998 Bill extended the presumption clause for those trafficking certain amounts of Ice (methamphetamine) and Ecstasy.<sup>53</sup> This meant that a person caught in possession of more than 25g of Ice or 10g of Ecstasy would be “presumed to be trafficking in these drugs and would be charged with the offence of trafficking”, and “the burden of proof against trafficking would rightly be placed on the offender”.<sup>54</sup> These amounts were based on what was believed to be equivalent to 100 doses of the estimated daily consumption of the drugs. Those caught with more than 250g of Ice would be sentenced to the mandatory death penalty; the amount was viewed as equivalent to 1,000 doses of the daily estimated consumption of the drug.<sup>55</sup>

### **Singapore’s contemporary drug problem: Race, class, age, and the rise of online threats**

During the Second Reading of the MDA amendments in 1989, former NMP Claire Chiang called for more preventive rehabilitative programmes. The problem of ‘revolving’ addicts who moved in and out of DRCs and halfway houses was attributed to their “lack [of] skills in taking responsibilities for their actions”. Multiple anecdotes of family dysfunction were detailed, and Chiang emphasized that such “crippling family factors do not just vanish while they are in jail”. She added:

*By contextualising the drug addicts in the larger picture of a delinquent culture characterised by low education, low self-esteem, poor problem solving skills, inadequate parenting and limited resources, we have to accept that the solutions to drug offence which this Bill sets out to address are more than what one legal tool can achieve.<sup>56</sup>*

The shifts in moral discourses surrounding drug use and abuse have not just been class-based, they have also been conducted along racial lines: drug abuse shifted from being a ‘Chinese problem’ involving opium-smoking immigrant Chinese labourers engaged in manual work in the early 18<sup>th</sup> century, to a ‘Malay problem’ during the 1970s and ‘80s involving lower-income ‘heroin addicts’ influenced by hedonistic ‘Western’ culture.<sup>57</sup> In the early to mid-nineties, there was increased use of amphetamine-type stimulants (ATS), or what was also termed ‘designer drugs’. Typical ATS users were profiled as Chinese youth from lower-income groups.<sup>58</sup> Additionally, concerns over variants in recidivism rates—that is, those who reoffend within two years from their release<sup>59</sup>—have been expressed along ethnic lines, with

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<sup>52</sup> ‘Ice: Exceed 250g and It’s Death’, *Straits Times*, 21 April 1998.

<sup>53</sup> Singapore Parliament Report (1 June 1998).

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> Abdullah, ‘Exploring Constructions of the “Drug Problem”’, 50–53. This was also noted by Minyi, who pointed out how heroin use ‘clearly developed distinct ethnic and class lines’. See Minyi, ‘The Rise of New Penology’, 5.

<sup>58</sup> Abdullah, ‘Exploring Constructions of the “Drug Problem”’, 58.

<sup>59</sup> The SPS defines the recidivism rate as ‘the percentage of local inmates detained, convicted and imprisoned again for a new offence within two years from their release’. See Singapore Prison Service, ‘How Recidivism Rate is Tracked Here’, <http://www.sps.gov.sg/news-about-us/in-the-news/how-recidivism-rate-is-tracked-here> (accessed 13 June 2017).

ethnic minorities highlighted as forming a disproportionately higher percentage of recidivists.<sup>60</sup>

Drug use continued to be viewed as a problem disproportionately affecting the Malay community. In 2017, it was reported that Malays accounted for “more than half” of drug abusers arrested in 2016, up from 32 per cent in 2006. It was also reported that in the preceding year, 1,700 Malays were arrested for drug-related offences, compared to 1,380 in 2010.<sup>61</sup> At the launch of a new anti-drug campaign at Sultan Mosque in 2017, Parliamentary Secretary for Home Affairs, Amrin Amin, said: “Drugs are *haram* (forbidden in Islam). But the problem has haunted our community for a long time. Let’s stop the problem in this generation. Don’t allow it to grow.”

A member of the management committee at the Muhammadiyah Welfare Home described the drug problem as reaching ‘acute levels’, and noted how the home was receiving more boys who came from families where one or both parents were incarcerated because of drugs.<sup>62</sup> Researchers have noted that embedded within such discourse was a strong individualizing narrative, with a tendency to turn to ‘ethnic solutions’,<sup>63</sup> rather than consider structural conditions and the marginalization of ethnic minorities.<sup>64</sup> Narayanan and Fee pointed to the importance of considering ‘ethnic capital’, a subset of ‘social capital’, in recognizing broader stratification processes and how this formed a critical context for understanding variations in recidivism rates among ethnic minorities.<sup>65</sup>

Age and occupation were other markers that framed concerns over drug use. The Central Narcotics Bureau, in its ‘stepped-up efforts’ to deal with drug abuse in 2017, expressed concern that more young drug users were being arrested, with close to two-thirds of new abusers caught aged below 30.<sup>66</sup> This changing profile was highlighted by Law Minister Shanmugam, who noted that they were “students, professionals, people who are well-educated, with good jobs”.<sup>67</sup> It was also reported in April 2017 that affluent young Singaporeans were checking into exclusive rehabilitation centres in the region. This was a discreet—albeit expensive—way to deal with their drug addiction without being detected by the authorities. One such centre in Thailand, which promised anonymity for its clients,

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<sup>60</sup> Yeo Zhi Qi, ‘The Coloured Ribbon: Race, Recidivism and Reintegration’ (Honours thesis, National University of Singapore, 2009/10), 1.

<sup>61</sup> The article also stated: ‘The number of new drug offenders also rose from about 590 in 2010, to nearly 730 last year. And 20 per cent of new Malay drug offenders were below the age of 20’. See Zaihan Mohamed Yusof, ‘Muslim Community Groups Join Forces in Battle Against Drugs’, *Straits Times*, 1 May 2017.

<sup>62</sup> *Ibid.*

<sup>63</sup> See Narayanan and Fee for a discussion on ‘ethnicized welfare’ in Singapore, and ‘structuralist’ versus ‘culturalist’ perspectives. Ganapathy Narayanan and Lian Kwen Fee, ‘Race, Reintegration, and Social Capital in Singapore’, *International Journal of Comparative and Applied Criminal Justice* 40, no.1 (2016): 3.

<sup>64</sup> Marlia Mohamed, ‘The Invisible Visible: Plight of Homeless Ex-Prisoners in Singapore’ (Honours thesis, National University of Singapore, 2010); Yeo, ‘The Coloured Ribbon’; Narayan and Fee, ‘Race, Reintegration, and Social Capital’.

<sup>65</sup> Narayan and Fee, ‘Race, Reintegration, and Social Capital’.

<sup>66</sup> Seow Bei Yi and Tan Tam Mei, ‘Screening for Servicemen, New Coalition Among Anti-Drug Efforts’, *Straits Times*, 16 April 2015.

<sup>67</sup> Desmond Ng and Ellen Lokajaya, ‘Yuppie Drug Abusers are on the Rise, and Checking Into S\$19,000-a-month Rehab Centres Abroad’, *TODAY*, 21 April 2017.

charged about S\$19,700 for a 28-day stay (\$700 a night) with clients staying for at least two months on average.<sup>68</sup>

The types of drugs that were criminalized continued to be reviewed regularly, and the list has expanded considerably in recent years. On 1 May 2017, five New Psychoactive Substances were classified as Class A controlled drugs. This meant that “trafficking, manufacturing, importing, exporting, possessing or consuming” these drugs will also be an offence under the Misuse of Drugs Act.<sup>69</sup> Drug liberalization in other countries, including the much-publicized legalization of cannabis in certain parts of the United States,<sup>70</sup> has been perceived to have led the youth in Singapore to develop a ‘more laid-back attitude’ towards drugs. The National Council Against Drug Abuse, which released the survey findings related to youth and their attitudes to drugs in April 2017, expressed alarm at this perceived ‘softening’, with the news report citing experts who expressed the fear that, “if left unchecked, this could spawn the next generation of drug abusers”.<sup>71</sup>

The growth of online platforms for purchasing drugs is another area of mounting concern for the authorities. In May 2017, a news article reported that the CNB had flagged this as a worrying trend in 2016, when 201 people were arrested for buying drugs and drug-related paraphernalia online, a “nearly seven-fold jump” from the 30 nabbed in 2015.<sup>72</sup> Most of these buyers were between 20 and 39 years old. Social networking and messaging platforms were seen as offering ‘less onerous’ means for drug users to get their fix; private hire drivers were also providing a new ‘conduit’ for dealers to deliver to addicts. Additionally, dating apps were highlighted for the ease with which drug parties could be organized, through users embedding code words in their profiles and descriptions. The article quoted a former drug user who attended such parties, and who revealed the hosts would typically be “older working adults holding successful jobs”. These hosts would sponsor the drugs.<sup>73</sup>

Another ‘threat’ that has been identified is international pressure to adopt harm reduction approaches to drug use.<sup>74</sup> In May 2016, at a UN General Assembly on dealing with the world drug problem, some countries argued for a shift from criminalizing drug use to a focus on the health of drug users.<sup>75</sup> Law and Home Affairs Minister, K Shanmugam, rejected this as an unsuitable model for Singapore:

*For us, the choice is clear. We want a drug-free Singapore, not a drug-tolerant Singapore.... We believe that drugs will destroy our society.... With 200 million people travelling through our borders every year, and given Singaporeans’*

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<sup>68</sup> In one centre in Sabah, 20 per cent of its 700 clients are Singaporeans. Another, in Thailand, ‘sees an average of 500 clients from all over every year, seeking rehabilitation for drug and alcohol addiction. Singaporeans make up about 11 per cent of its clients’. See Ng and Lokajaya, ‘Yuppie Drug Abusers’.

<sup>69</sup> Seow Bei Yi, ‘5 Substances Listed as Controlled Drugs: CNB’, *Straits Times*, 29 April 2017.

<sup>70</sup> Uri Berliner, ‘As More States Legalize Marijuana, Investors and Marketers Line Up’, *NPR*, 20 November 2016, <http://www.npr.org/2016/11/20/502577270/investors-marketers-line-up-to-tap-legal-marijuana-around-u-s> (accessed 13 June 2017).

<sup>71</sup> Tan Tam Mei, ‘Experts Worry as Some Young People Soften Stance on Drugs’, *Straits Times*, 28 April 2017.

<sup>72</sup> Wong Pei Ting, ‘Drug Users Turning to Apps to Get Their Fix’, *TODAY*, 7 May 2017.

<sup>73</sup> *Ibid.*

<sup>74</sup> Wong Pei Ting, ‘The Big Read: Softer Attitudes Towards Drugs a Headache for Authorities’, *TODAY*, 12 May 2017.

<sup>75</sup> Cheong, “‘Drug Situation is Under Control’”.

*purchasing power, a soft approach will mean our country will be washed over with drugs. This is why we have adopted a comprehensive, balanced, sustained and tough approach to tackling both drug supply and demand.... The results speak for themselves. We are relatively drug-free, and the drug situation is under control. There are no drug havens, no no-go zones, no drug production centres, no needle exchange programmes. Our stance on drugs has allowed us to build a safe and secure Singapore for our people.*<sup>76</sup>

Shanmugam also cited another reason for rejecting harm reduction approaches, which in other countries may include providing clean needles for drug users and supervised injection sites). This was the perceived “social and financial costs on the state and its taxpayers”, which would be “unacceptable to the majority of Singaporeans”, especially since about “80 per cent of our local inmate population are either drug addicts or have drug antecedents”.<sup>77</sup>

### **The death penalty for drug trafficking: The 2012 amendment**

There were 25 criminal offences in Singapore that may result in a person being sentenced to death, including the use of arms, hostage-taking, abduction, murder, acts of mutiny, and trafficking in controlled drugs.<sup>78</sup> The method of execution was death by hanging, which has been described as a “particularly brutal form of execution”.<sup>79</sup> While there has been a trend of shifting towards abolition of death penalties internationally,<sup>80</sup> within Asia, Singapore’s practice of the death penalty has been less controversial. Eight ASEAN member states continued to retain the death penalty: Brunei, Burma, Malaysia,<sup>81</sup> Indonesia,<sup>82</sup> Laos, Thailand, and Vietnam;<sup>83</sup> though a few seemed close to attaining de facto abolitionist status.<sup>84</sup> Meanwhile, the Philippines, which abolished the death penalty in 2006, was

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Chan, ‘The Death Penalty in Singapore’, 181.

<sup>79</sup> The process is called long drop hanging. Koh describes the process as one in which a person is dropped from an elevated platform to break his/her neck, and adds: “Even the most skilled hangman is unable to prevent the occasional decapitation (when the rope length is too short) or strangulation (when the rope length is too long).” See Koh, ‘Discourses on Death’, 10. Anti-death penalty activist Kirsten Han also gives a brief description of the long drop hanging process in a TEDxNUS talk. See TEDxNUS, ‘Stories Behind the Death Penalty in Singapore: Kirsten Han’, 30 May 2017, <https://www.youtube.com/watch?v=FAoLFv7c1V4> (accessed 13 June 2017).

<sup>80</sup> It is estimated that just 20 percent of the world’s countries are ‘actively retentionist’ with regards to the death penalty. Chan, ‘The Death Penalty in Singapore’, 11.

<sup>81</sup> Koh notes that Malaysia’s drug laws are even harsher than Singapore’s, in which there is an even lower threshold for the possession of drugs when it comes to the presumption for trafficking and imposition of the death penalty. See Koh, ‘Discourses on Death’, 6.

<sup>82</sup> According to Amnesty International, Indonesia carried out 14 executions in 2015 for drug-related offences. See Amnesty International, ‘Death Penalty 2015: Facts and Figures’, 6 April 2016, <https://www.amnesty.org/en/latest/news/2016/04/death-penalty-2015-facts-and-figures/> (accessed 13 June 2017).

<sup>83</sup> Trotta notes that Vietnam classifies statistics on the death penalty as ‘state secrets’. See Tiziana Trotta, ‘ASEAN Countries Step Back on the Path Towards Abolition’, *World Coalition Against the Death Penalty*, 27 October 2016, <http://www.worldcoalition.org/ASEAN-countries-step-back-on-the-path-towards-abolition.html> (accessed 13 June 2017).

<sup>84</sup> According to Trotta, Brunei, Burma, and Laos have either attained, or are close to attaining, the status of *de facto* abolitionists. In Brunei, there have been no state executions since 1957, though the mandatory death penalty is still retained, and an estimated five persons are still believed to be on death row. Thailand has apparently not executed anyone for seven years, though there are still prisoners on death row. Burma has

considering reinstating capital punishment as part of President Rodrigo Duterte's 'war on drugs'.<sup>85</sup> Other countries in the region where the death penalty was legal include China—where there are estimated to have been thousands of executions<sup>86</sup>—India, North Korea, South Korea,<sup>87</sup> and Taiwan.<sup>88</sup> Within South Asia and the Middle East; Pakistan, Iran, and Saudi Arabia have been identified by Amnesty International as among the world's top five executors (the first was China, the fifth was the US).<sup>89</sup> Chan noted, however:

*Singapore remains today one of the few countries in the world which has the death penalty for drug offences and amongst even fewer countries where the death sentence is mandatory for such offences, meaning that the judge is not able to consider any mitigating circumstances when deciding on the sentence to be imposed.*<sup>90</sup>

Executions in Singapore are overwhelmingly for drug trafficking offences; it was estimated that from 1991 to 2014, 328 persons were executed for charges of drug trafficking (compared to 121 persons for murder and nine for firearms offences);<sup>91</sup> at its peak, 76 persons were executed in 1994 (54 for drug trafficking).<sup>92</sup> While statistics for state executions have been noted to be incomplete,<sup>93</sup> a controversial 2004 Amnesty International report suggested that Singapore had, at one time, the "highest per capita rate of executions in the world". From 1994 to 1997, Singapore's rate of 13.57 executions per one million population was higher than that of Saudi Arabia's (4.65) and even China's (2.01).<sup>94</sup> However, there has been a notable decline in executions since 2003.<sup>95</sup>

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apparently not executed anyone since 1988. See Trotta, 'ASEAN Countries'; International Federation for Human Rights, *Going Backwards: The Death Penalty in Southeast Asia* (Paris: FIDH, October 2016), <https://www.fidh.org/IMG/pdf/asia682apdmweb.pdf> (accessed 13 June 2017).

<sup>85</sup> FIDH, *Going Backwards*.

<sup>86</sup> China is believed to be 'the world's top executor', though the true extent of the country's use of the death penalty is unknown because the 'data is treated as a state secret'. See Amnesty International, 'Death Penalty 2015'.

<sup>87</sup> South Korea last executed prisoners in 1997, but a 2010 report on BBC stated there were then 59 prisoners on death row. While there has been an unofficial moratorium on the death penalty, the death penalty remains legal. 'South Korea Rules Death Penalty Legal', *BBC*, 25 February 2010, <http://news.bbc.co.uk/2/hi/asia-pacific/8536355.stm> (accessed 13 June 2017).

<sup>88</sup> Owen Bowcott, 'A Fight to the Death: Stopping the Death Penalty in Taiwan', *The Guardian*, 3 October 2016.

<sup>89</sup> *Ibid.*

<sup>90</sup> Chan, 'The Death Penalty in Singapore', 180.

<sup>91</sup> *Ibid.*, 183.

<sup>92</sup> Koh, 'Discourses on Death', 8; Amnesty International, *Singapore: The Death Penalty—A Hidden Toll of Executions* (Hong Kong: Amnesty International, January 2004), 6, <https://www.amnesty.org/en/documents/ASA36/001/2004/en/> (accessed 13 June 2017).

<sup>93</sup> In Amnesty's report, it notes: 'Official information about the use of the death penalty in Singapore is shrouded in secrecy. Some executions, but by no means all, are reported in the press. The government does not normally publish statistics about death sentences or executions, however on rare occasions it has made information about executions available to journalists or in response to a parliamentary question. From this information Amnesty International has been able to compile statistics of executions. The organization has written to the Singapore authorities requesting official statistics but has received no response.' See Amnesty International, *Singapore: The Death Penalty*, 1.

<sup>94</sup> *Ibid.*, 5.

<sup>95</sup> Chan, 'The Death Penalty in Singapore', 187.

Despite strong international criticism,<sup>96</sup> the state continued to view the death penalty as a necessity in the Singaporean context. Deputy Prime Minister and then Home Affairs Minister, Teo Chee Hean, reiterated in Parliament in 2012:

*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.*<sup>97</sup>

Nonetheless, in 2012 the government made amendments to its mandatory death penalty policy for murder and drug offences.<sup>98</sup> The Misuse of Drugs Act was amended such that life sentences could be imposed instead of the death penalty *if* certain conditions were met.<sup>99</sup> Under this new Section 33B of the MDA, which came into force in January 2013, a drug offender who would otherwise have been subject to the mandatory death penalty may instead be sentenced to life imprisonment in two situations:

- The accused had to show, on ‘a balance of probabilities’, that he/she was only a drug courier *and* the Public Prosecutor (PP) had to certify that he/she had “substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities within or outside Singapore”.<sup>100</sup> This determination of substantive assistance was to be at the ‘sole discretion’ of the PP;<sup>101</sup>
- The accused had to show, on ‘a balance of probabilities’, that he/she was only a drug courier *and* that he/she was “suffering from such abnormality of mind”, such that his/her as ‘mental responsibility’ for the act/s was ‘substantially impaired’.<sup>102</sup>

Chan has surmised that Section 33B of the MDA was an attempt to distinguish between ‘mere drug mules’ and those higher up the rungs of a drug syndicate, who ‘do not deserve sympathy’.<sup>103</sup> This desire for a ‘calibrated distinction’ between mules and those deemed more culpable was also noted by Chen.<sup>104</sup> This discretionary aspect of the death penalty, however, introduced a new ‘evidential guillotine’ for the accused,<sup>105</sup> in which an accused

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<sup>96</sup> Amnesty International, ‘Singapore: Shameful Executions Violate International Law’, 18 November 2016, <https://www.amnesty.org/en/press-releases/2016/11/singapore-shameful-executions-violate-international-law/> (accessed 13 June 2017); Patrick Gallahue and Rick Lines, ‘Singapore is Still Out of Step on Death Penalty Policy’, *The Guardian*, 18 May 2010.

<sup>97</sup> Imelda Saad and S Ramesh, ‘Singapore Completes Review of Mandatory Death Penalty’, *Channel NewsAsia*, 9 July 2012.

<sup>98</sup> Chan, ‘The Death Penalty in Singapore’, 189.

<sup>99</sup> A new section, 33B, was added to the Misuse of Drugs Act, and it came into effect on 1 January 2013. See Chan, ‘The Death Penalty in Singapore’, 192.

<sup>100</sup> See *Misuse of Drugs Act (Chapter 185)*, Section 33B (2), <https://tinyurl.com/MDASection33> (accessed 13 June 2017).

<sup>101</sup> *Misuse of Drugs Act*, Section 33B (4).

<sup>102</sup> *Misuse of Drugs Act*, Section 33B (3).

<sup>103</sup> Chan, ‘The Death Penalty in Singapore’, 193.

<sup>104</sup> Chen, ‘Singapore’s New Discretionary Death Penalty’, 261.

<sup>105</sup> *Ibid.*, 264.

drug courier might be incentivized to ‘self-incriminate’ in order to maximize his/her chances of escaping the gallows, even as “the prosecution holds all the cards”.<sup>106</sup> Additionally, Members of Parliament have raised the question of whether the courts—rather than public prosecutors—should decide on issues of cooperation. However, Minister of Law Shanmugam replied in Parliament that the PP was “better placed to decide” as it is “independent... (and) works closely with law enforcement agencies and has a good understanding of operational concerns”.<sup>107</sup>

The sole discretion of the Public Prosecutor in deciding whether someone was to be imprisoned for life or executed was problematized recently through the case of Muhammad Ridzuan Md Ali, 31, who was hanged for heroin trafficking, while his accomplice, Abdul Haleem Abdul Karim, was not. While both men were found guilty of trafficking heroin, Abdul Haleem was given a certificate of cooperation (COC) by the Public Prosecutor. Although the Court did find that Ridzuan was ‘a mere courier’, the PP did not issue him a certificate of cooperation.<sup>108</sup> In an exchange between Abdul Haleem and the judge, an emotional Abdul Haleem said to Justice Tay Yong Kwong: “If you are sparing my life and not sparing his life, I’d rather go down with him.” To which the judge replied: “The court does not have complete discretion to do whatever you want me do.” When Abdul Haleem pointed out that he faced the same charges as Ridzuan, the judge said: “You have certification from the Attorney-General’s Chambers, he does not.”<sup>109</sup> Ridzuan was hanged on 19 May 2017,<sup>110</sup> just days after his family was notified, on 15 May 2017, that the President had rejected his clemency appeal.<sup>111</sup>

Ultimately, these amendments remain consistent with the Singapore government’s criminal justice approach, which emphasized crime control and “prioritise successful convictions over procedural rights”.<sup>112</sup> Chan, in particular, warned against misplaced optimism among those who supported greater restrictions on the use of the death penalty: Section 33B offered but a very narrow set of conditions, applicable only in ‘exceptional’ cases,<sup>113</sup> and gave judges a

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<sup>106</sup> *Ibid.*, 264.

<sup>107</sup> Ministry of Law, ‘Response by Minister for Law, Mr K Shanmugam, During the Second Reading of the Misuse of Drugs (Amendment) Bill’, 14 November 2012, <https://www.mlaw.gov.sg/news/parliamentary-speeches-and-responses/response-by-minister-for-law--mr-k-shanmugam--during-the-second-.html> (accessed 13 June 2017).

<sup>108</sup> ‘2 Charged for Same Crime But Only One Will Hang—Prosecutor’s Role Raises Questions’, *The Independent*, 18 May 2017, <http://www.theindependent.sg/2-charged-for-same-crime-but-only-one-will-hang-prosecutors-role-raises-questions/> (accessed 13 June 2017); Yasmeen, ‘Human Rights Lawyer Petitions the Stay of Execution of Muhammad Ridzuan’, *The Online Citizen*, 18 May 2017, <https://www.theonlinecitizen.com/2017/05/18/human-rights-lawyer-petitions-the-stay-of-execution-of-muhammad-ridzuan/> (accessed 13 June 2017).

<sup>109</sup> Selina Lum, ‘Drug Courier Spared the Death Penalty’, *Straits Times*, 11 April 2013.

<sup>110</sup> KC Vijayan, ‘Drug Trafficker Hanged After Exhausting Avenues of Appeal’, *Straits Times*, 20 May 2017.

<sup>111</sup> International Federation for Human Rights, ‘Halt the Execution of Muhammad Ridzuan’, 18 May 2017, <https://www.fidh.org/en/region/asia/singapore/halt-the-execution-of-muhammad-ridzuan> (accessed 13 June 2017).

<sup>112</sup> Chen, ‘Singapore’s New Discretionary Death Penalty’, 264.

<sup>113</sup> Chan, ‘The Death Penalty in Singapore’, 198.

'limited' choice in sentencing those accused of drug trafficking.<sup>114</sup> Attempts to challenge the constitutionality of the death penalty, meanwhile, have so far not been successful.<sup>115</sup>

## Conclusion

Once a thriving opium distribution centre, contemporary Singapore has become known for its zero-tolerance approach to drug use and trafficking. For Tey, Singapore's drug policy has been anchored by several dominant concerns. The first was to cripple the drug trade, as it damaged both the "health and career of the drug abuser", and prevented such persons from "contributing to society as a 'productive digit'".<sup>116</sup> Drug addicts undermined state building imperatives.<sup>117</sup> They caused shame and sorrow to their families, and posed threats to "national security and viability" if allowed to penetrate vital institutions in charge of defence and law enforcement.<sup>118</sup> The narrative of vulnerability, pervasive in official discourse about Singapore, has also underpinned drug policy. As a major travel hub with large numbers of transients, it has been argued that Singapore needed to remain on high alert because it was surrounded by major regional drug production and trafficking centres.<sup>119</sup>

A strong 'responsibilization' discourse prevailed in constructions of drug use and abuse.<sup>120</sup> This approach to crime prevention cohered with the state's ideological prioritization of 'Asian values', which emphasized citizens' multiple "obligations to moral values, family ties and discipline".<sup>121</sup> As Abdullah pointed out, oscillating messages have been constructed about our drug problem in Singapore: it is at once a grave and serious threat, yet, paradoxically also 'under control'.<sup>122</sup> It is a paradox that stabilized and legitimized the current system, for it demanded vigilance yet attested to the success, however tenuous, of Singapore in its battle to win the war on (or over) drugs.

The detrimental effects of long-term incarceration on drug users, however, have been raised as a cause for concern; imprisonment (re)produces systemic disadvantages<sup>123</sup> and creates a 'criminalized class'.<sup>124</sup> Peck and Theodore have argued that large-scale incarceration precipitated a vicious cycle of 'extended incarceration' among ex-offenders due to a diabolical combination of "social stigma, institutional marginalization and economic disenfranchisement".<sup>125</sup> Sociological studies have also highlighted an inadequate consideration of structural disadvantages and causes, and a need to examine intersectionality, i.e. the interplay of factors such as ethnicity, class, and gender in relation to

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<sup>114</sup> Chan, 'The Death Penalty in Singapore', 190.

<sup>115</sup> Yvonne McDermott, 'Yong Vui Kong v. Public Prosecutor and the Mandatory Death Penalty for Drug Offences in Singapore: A Dead End for Constitutional Challenge?', *International Journal on Human Rights and Drug Policy* 1 (2010): 35–52; Tey, 'Death Penalty Singapore-Style', 315–357.

<sup>116</sup> Tey, 'Death Penalty Singapore-Style', 341.

<sup>117</sup> Abdullah, 'Exploring Constructions of the "Drug Problem"', 61.

<sup>118</sup> Tey, 'Death Penalty Singapore-Style', 341.

<sup>119</sup> Ministry of Law, 'Response by Minister for Law'; MFA, 'Transcript of Minister Vivian Balakrishnan's Intervention'; MFA, 'Transcript of Minister for Law K Shanmugam'.

<sup>120</sup> Chua, 'The Rise of New Penology', 41.

<sup>121</sup> Ibid.

<sup>122</sup> Abdullah, 'Exploring Constructions of the "Drug Problem"', 61.

<sup>123</sup> Chua, 'The Rise of New Penology'.

<sup>124</sup> Jamie Peck and Nik Theodore, 'Carceral Chicago: Making the Ex-Offender Employability Crisis', *International Journal of Urban and Regional Research* 32, no.2 (June 2008): 276.

<sup>125</sup> Ibid., 251.

crime and drug use, and how this influenced rehabilitation efforts and punishment regimes.<sup>126</sup> Singapore's legal framework and enforcement regime for drug control thus requires wider examination, in which the cumulative consequences of criminalizing drug use and imposing harsh punishments, including the death penalty, are assessed against other social and economic considerations, including the differential impacts on marginalized communities.

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<sup>126</sup> Chua, 'The Rise of New Penology'; Goh Chin Mien, 'Treatment of Female Offenders in Singapore', *Annual Report for 2012 and Resource Material Series No.90* (Tokyo, Japan: UNAFEI, August 2013): 163–171, [http://www.unafei.or.jp/english/pdf/RS\\_No90/No90\\_23PA\\_Mien.pdf](http://www.unafei.or.jp/english/pdf/RS_No90/No90_23PA_Mien.pdf) (accessed 13 June 2017); Lim Yun Xin, "'People Like Us...: A Sociological Account of Women Drug Users in Singapore' (Honours thesis, National University, 2000); Mohamed, 'The Invisible Visible'; Ganapathy Narayanan, "'Us" and "Them": Ethnic Minority Gangs in Singapore Prisons', *Journal of Contemporary Criminal Justice* 32, no.3 (2016): 264–284; Narayan and Fee, 'Race, Reintegration, and Social Capital'; Yeo, 'The Coloured Ribbon';

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## APPENDIX 1: Key Legislation and Milestones Related to Drug Control and Offences

YEAR	LEGISLATION & MILESTONES: DRUG CONTROL & OFFENCES
1819	Stamford Raffles signs treaty to create Singapore. Opium is presented as a gift to the ruler, Temenggong Abdul Rahman. Opium is imported into the country and becomes popular among Chinese immigrants, mostly Chinese coolies.
1907	The Opium Commission is formed to look into the impacts of opium smoking; finds there is no good reason to impose a ban on opium smoking.
1910	Monopolies Department established to restrict the manufacture and sale of opium to <i>chandu</i> (prepared or cooked opium) shops.
1914	Singapore opens an opium packing plant and becomes a key opium distribution centre in Asia. It proves a highly profitable business for both the British Administration and Chinese merchants.
1925	Colonial government starts to issue licenses to opium smokers.
1929	Registration of opium smokers made compulsory. Unregistered opium smokers now considered 'illicit drug users'.
1933	<b>Chandu Revenue Ordinance</b> (enacted in 1909) amended. Possession of opium by unregistered persons and those under 21 years of age prohibited.
1934	Additional clause added to <b>Chandu Revenue Ordinance</b> : only persons with a medical practitioner's certificate stating opium was required for health reasons could register as an opium smoker.
1942–1945	Control of opium not exercised during the Japanese Occupation; there was a sharp increase in opium smokers. Opium smoking supported by the Japanese as a means of 'enhancing servility and control' among the Chinese.
1946	<b>Opium and Chandu Proclamation</b> introduced. The possession of prepared and raw opium, as well as opium smoking, was now a criminal offence. There was no treatment available for those dependent on the drug; this 'sudden and unexpected' law resulted in a flourishing black market.
1951	<b>Dangerous Drugs Ordinance</b> legislated and replaced all previous drug laws. Drugs now labelled as dangerous: opium, cannabis, morphine, cocaine, and heroin. Unauthorized possession of these drugs was an offence, and penalties included mandatory treatment and rehabilitation.
1955	Opium Treatment Centre established to treat opium addicts.
1973	<b>Misuse of Drugs Act (MDA)</b> passed; replaced Dangerous Drugs and Drugs Ordinances. The Opium Treatment Centre was renamed Drug Rehabilitation Centre in November 1973, as it was now treating other categories of drug abusers, not just opium addicts.
1975	<b>Misuse of Drugs (Amendment) Act</b> enacted. Included a clause for the <i>mandatory death penalty</i> for those who trafficked more than 15 grams of heroin or 30 grams of morphine.
1976	<b>Misuse of Drugs (Approved Institutions and Treatment and Rehabilitation) Regulations</b> came into operation on 20 August 1976. Addicts had to undergo detoxification ('cold turkey' treatment), with no medication given; exceptions were granted for those 55 and above, and those with medical exemptions.

1989	<b>Misuse of Drugs (Amendment) Act.</b> The meaning of drug trafficker now included anyone possessing 10 grams of cannabis resin or three grams of cocaine. More severe punishments added: those subject to the death penalty included those with unauthorized possession of more than 1.2kg of opium, more than 30g of cocaine, more than 500g of cannabis, or more than 200g of cannabis resin. Corporal punishment was also imposed for 'severe indiscipline' in drug rehabilitation centres.
1998	<b>Misuse of Drugs (Amendment) Act.</b> Amendments included imposition of long prison terms for repeat drug users (those caught more than twice). Prison terms ranged from five to 13 years, and included three to 12 strokes of the cane.
2012	<b>Misuse of Drugs (Amendment) Act.</b> Changes made to mandatory death penalty. New Section 33B allows for a judge to sentence someone accused of drug trafficking to life imprisonment and caning instead of the death penalty if certain conditions are met.

Sources: Abdullah, 'Exploring Constructions of the "Drug Problem"'; Chan 'The Death Penalty in Singapore'; Singapore Parliament Report, *Misuse of Drugs (Amendment Bill)*; Veloo, 'The Singapore Drug Scene'.