



# OUR SOCIAL MISSION

BY CARITAS SINGAPORE COMMUNITY COUNCIL

## Is the death penalty justifiable?

A school dropout and drug addict, Glenn Lim was 24 years old when he was busted for drug dealing.

He had 350g of pure cannabis on him when he was caught and faced a life sentence. If he had just 150g more, he would have faced the mandatory death penalty.

Fortunately for Mr Lim, the charge against him was reduced from trafficking to possession of a controlled drug. He ended up jailed for six months. On his release, he seized his second chance and turned his life around. Today he is an award-winning mentor, counsellor and trainer for at-risk youths.

The difference between Mr Lim's fate and that hanging over Malaysian Yong Vui Kong, 22, is stark. In 2008, Yong was convicted of trafficking 47g of heroin and handed the mandatory death sentence. He is now on death row, awaiting the outcome of his legal bid to force a judicial review of the clemency process.

Reflecting on his second chance, Mr Lim, now 39, said he found his life purpose when he realised he should use his experience to help others transform their lives.

"I am here today because someone believed in me, and invested time and trust in me before I got my act together," he said in an interview with The Straits Times.

Every human life is to be cherished, that is clear from the teachings of Jesus Christ and the Church.

The Church's understanding of the justifiable use of the death penalty has evolved over time and with changing circumstances. There has been a significant shift away from the position stated by the Church in the past, when capital punishment was regarded as a way to ensure the safety of innocent people and maintain the order of justice.

While it is true that the Church permitted and indeed used the death penalty in the past, that was because it viewed execution as the only way to protect society from a grave threat to human life.

However, in the modern era, that is no longer so, as Pope John Paul II made clear in his 1995 encyclical *Evangelium Vitae* (The Gospel of Life): "(The) nature and extent of the punishment ... ought not go to the extreme of executing the offender except in cases of absolute necessity: in other words, when it would not be possible otherwise to defend society. Today however, as a result of steady improvements in the organisation of the penal system, such cases are very rare, if not practically non-existent."

He also noted in that encyclical that "the principle set forth in the Catechism of the Catholic Church remains valid: 'If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority must limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person.'"

Pope Benedict XVI has also spoken out against the death penalty.

In a 2009 statement welcoming Mexico's new ambassador to the Vatican, he congratulated the Mexican

government for having formally repealed the death penalty laws in 2005. "It cannot be over-emphasised that the right to life must be recognised in all its fullness," he said.

Capital punishment also fails because human justice can be fallible. In the United States, at least 90 former death row inmates have been exonerated of their crimes since 1973, raising a serious possibility that innocent persons have been executed.

In 2001, then-US Supreme Court Justice Sandra Day O'Connor declared that "serious questions are being raised about whether the death penalty is being fairly administered in this country".

In Singapore, what has raised the most concern among human rights activists is the meting of the mandatory death sentence for a small number of crimes, including drug trafficking, murder and the illegal discharge of a firearm. What that means is that anyone found guilty of these crimes automatically receive the death sentence.

According to the latest available government statistics, which date back to 2005, 138 people were executed between 1998 and 2003, 110 of them

for drug crimes. In 2005 itself, eight people were hanged.

In January 2007, Mr Philip Alston, the United Nations Special Rapporteur on extra-judicial, summary or arbitrary executions, raised objections to the hanging of a 21-year-old Nigerian, Iwuchukwu Amara Tochi, who had been found guilty of trafficking heroin.

Mr Alston noted that the trial judge had ruled that, although there was no direct evidence that Tochi knew the capsules he was carrying contained heroin, ignorance did not exculpate him.

"The standard accepted by the international community is that capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts," Mr Alston said. "Singapore cannot reverse the burden and require a defendant to prove beyond a reasonable doubt that he didn't know that he was carrying drugs."

He also criticised the mandatory death penalty as inconsistent with international human rights standards, because it kept judges from considering all the factors relevant to determining whether a death sentence would be permissible in a capital case.

But in a society like Singapore, the reality is that many continue to support capital punishment. The support was strong among both young and old, and among people of every race and education level.

The Church, on its part, upholds the sanctity of human life and is generally against the death penalty. It will allow the death penalty only if that is the sole way to protect society against aggressors. However, the Church has generally not found that circumstances in modern society justify the use of capital punishment.

Indeed, in a declaration to the first World Congress on the Death Penalty, held in June 2001 in Strasbourg, France, the Vatican said it pursued the abolition of capital punishment as "an integral part of the defence of human life at every stage of its development".

In July 2000, Pope John Paul II challenged societies around the world to improve their justice systems by steering them to centre on the protection and redemption of human life.

"We are still a long way from the time when our conscience can be certain of having done everything possible to prevent crime and to control it effectively so that it no longer does harm and, at the same time, to offer to those who commit crimes a way of redeeming themselves and making a positive return to society," he said.

**"I am here today because someone believed in me, and invested time and trust in me before I got my act together."**

— Glenn Lim, who narrowly escaped the gallows for drug trafficking, and turned his life around after coming out of jail.

**"We are still a long way from the time when our conscience can be certain of having done everything possible to prevent crime and to control it effectively so that it no longer does harm and, at the same time, to offer to those who commit crimes a way of redeeming themselves and making a positive return to society."**

— Pope John Paul II, in 2000.

**"It cannot be over-emphasised that the right to life must be recognised in all its fullness."**

— Pope Benedict XVI, congratulating Mexico for doing away with the death penalty.

*The death penalty remains a reality in Singapore, and many people support its use to deter serious crime. The Catholic church, which previously backed capital punishment, has changed its position significantly more recently.*