

Response to NMP Eugene Tan:

I think the first point Member makes is that the role of courier is unlikely to be significant, could this operate as an unfair leverage. The precise scope of the cooperation, how it is to be identified, would be worked out, and as DPM Teo has indicated, the stakeholders will be consulted on the matter. But I will ask House to bear this in mind – that we are dealing with a very serious problem. Any criminal justice system has to take into account a number of different factors – one, the external environment, how it is changing, and DPM Teo has painted the picture of how the drug situation is changing, in fact, negatively; and second, the criminal justice system, the legal system, is a framework which will operate within the external environment; third, any justice system must have the support of the people – they must believe it to be just. So these three factors, but underlying it, as people who are in charge of the matter, while we take these factors into account and give substantial weight, we must generally move towards a system where the philosophy must be that judges have more discretion, not less. That's the underlying philosophy, but the underlying philosophy must be seen in the context of these three factors.

And if you believe that the external situation is deteriorating badly, and that might impact on society substantively, then you need to react to make sure that safety and security are not compromised. That's the operating philosophy. So couriers – you focus on the courier, but let's look at the courier as part of a larger framework. Today, the message is out there extremely clearly that Singapore is tough on drugs. And the entire criminal organisation operates on that assumption and people outside know that there are a lot of risks in coming to Singapore. Any change you make to that perception, you'll add to the risks. Which is what DPM alluded to, and we need to see how these things, how it operates in practice. And if the situation goes negative substantially, then we need to reconsider. Let's be clear about that. Within that framework, should we take into account cooperation, it helps enhance the enforcement, and in that sense the courier faces a lesser penalty if he is able to cooperate, otherwise he does face a severe penalty. That's the framework we have announced in the statement. How that is to be operationalised is something that we will work out in the next few months.

Second, as regards the 35 accused persons, they all either have lawyers whom they chose or they have assigned counsel. The Ministry of Home Affairs will immediately contact their lawyers, and where their lawyers have discharged themselves, the Law Society will be contacted very quickly within the next few days. And these lawyers will be briefed on the framework so that we hope that they will not mislead the defendants on death row. And we will try to make sure that they understand – both the accused, their next of kin, as well as their lawyers. So we intend to operationalise this quickly, but of course it's got to wait, what actually happens has got to wait for the Bill to be passed. We will do that as quickly as we can.

The third point is I think a more general statement that Mr Tan expresses that the guidelines for judicial discretion should not be so closely circumscribed. I take note, I think it's best to wait to see what the actual guidelines are. I indicated that we will consult the stakeholders. You can see from today's statement, for example, for sections 300(b), (c) and (d), it is a discretion that is going to be given to the courts to either impose the death penalty or life imprisonment. For drug couriers, the setting out of the framework has been done by DPM. Thank you.