

LIFE IMPRISONMENT IN SINGAPORE: BRIEF LEGAL AND SOCIOLOGICAL PERSPECTIVES

In this paper, I first focus on describing the key crimes in Singapore for which life imprisonment is a sentencing option, as well as the jurisprudence from the Singapore courts on when life imprisonment will be imposed when it is such an option. Special attention will be paid to cases involving a) the choice between imposing the death penalty or life imprisonment, b) the choice between life imprisonment and a shorter term of imprisonment, and c) life imprisonment for young offenders. In the latter portion of the paper, some brief sociological perspectives on life imprisonment in Singapore will also be offered. Specifically, I consider the life of an inmate sentenced to life imprisonment in Singapore, as well as the relevant post-release regime.

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A. LEGAL ASPECTS

Life imprisonment (or ‘imprisonment for life’) in Singapore is presently defined as imprisonment for “the duration of a person’s natural life.”¹ That had not always been the case. Before *Abdul Nasir bin Amer Hamsah v PP* was decided, life imprisonment in Singapore referred to a term of imprisonment of 20 years.² The highest court in Singapore, the Court of Appeal, in that case then departed from the previous practice and interpretation of the term due to: a) the natural and ordinary meaning of the word “life”, as well as b) Singapore Parliament’s implicit differentiation of life imprisonment, from a 20-year term of imprisonment when prescribing the latter punishment to five offences in the Penal Code.³ The Court, however, declined to make this interpretation retrospective in order to protect the legitimate expectations of accused persons who were sentenced to life imprisonment prior to *Abdul Nasir* and in so doing, avoid infringing upon the rationale behind the *nullum* principle.⁴

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¹ Penal Code (Cap 224, Rev Ed 2008) s 54, Criminal Procedure Code (Cap 68, Rev Ed 2012) s 2(1).

² *Abdul Nasir bin Amer Hamsah v PP* [1997] 2 SLR(R) 842 at [24]-[25], [44].

³ *Ibid.* at [26]-[42].

⁴ *Ibid.* at [43]-[57].

Under normal circumstances, only the Singapore High Court can impose a punishment of life imprisonment⁵ as the Singapore Magistrates and District Courts have jurisdictional limits on the maximum term of imprisonment they are able to impose.⁶ There are exceptions to this though. For instance, where an offence under the Misuse of Drugs Act is concerned, a District Court has the power to impose any punishment provided for in the Act including life imprisonment (but excepting the death penalty).⁷

a) Statutory position in Singapore

In the Singapore Penal Code, the statute where most criminal offences can be found, offences that allow for an imposition of life imprisonment include waging war against the Government of Singapore⁸ or Singapore's allies⁹ (or attempting to/abetting it), committing an offence against the President's person,¹⁰ a public servant aiding the escape of a prisoner,¹¹ abetting mutiny in the SAF,¹² giving or fabricating false evidence to procure conviction of a capital offence,¹³ voluntarily causing grievous hurt by dangerous weapons or means,¹⁴ culpable homicide not amounting to murder with intention to cause death or an injury likely to cause death,¹⁵ and murder under s 300(b)-(d) of the Penal Code.¹⁶

Before the start of 2013, all forms of murder under Penal Code s 300 carried the mandatory death penalty. However, in 2012, Parliament amended the Penal Code to remove the mandatory death penalty for cases falling within s 300(b)-(d). The mandatory death penalty remained in place for murder under s 300(a) as it is "one of the most serious offences... where the offender intends the

⁵ Criminal Procedure Code (Cap 68) s 303.

⁶ *Ibid.* s 7-8.

⁷ Misuse of Drugs Act (Cap 185, Rev Ed 2008) s 53.

⁸ Penal Code (Cap 224) s 121.

⁹ *Ibid.* s 125.

¹⁰ *Ibid.* s 121A.

¹¹ *Ibid.* s 128.

¹² *Ibid.* s 131, 132.

¹³ *Ibid.* s 194.

¹⁴ *Ibid.* s 326.

¹⁵ *Ibid.* s 304.

¹⁶ *Ibid.* s 302. For ease of reference, the four limbs of murder under s 300 of the Penal Code are as follows:

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.

death of the victim”, and there is a need for a strong deterrent effect.¹⁷ The change in the law concerning s 300(b)-(d) is meant to better reflect the various situations and considerations that surround such offences by allowing the Public Prosecutor and the courts to take them into account when deciding the appropriate charge and during sentencing.¹⁸

Apart from the Penal Code, life imprisonment can also be imposed for hijacking of aircrafts¹⁹ and ships,²⁰ kidnapping for ransom,²¹ and using corrosive or explosive substances to cause hurt,²² among other offences found in other statutes.

For drug offences, trafficking controlled drugs in Singapore (or offering to do so)²³ and importing or exporting controlled drugs into or from Singapore²⁴ are offences that might warrant the imposition of life imprisonment or the death penalty, depending on the specific drug type and weight.²⁵ For these offences, where the death penalty would ordinarily be imposed, a court has the discretion to instead impose a sentence of life imprisonment if the offender’s role in the offence was limited and he had substantively assisted the Central Narcotics Bureau.²⁶ A court *must* also impose life imprisonment instead of death where the offender’s role was limited and he was suffering from an abnormality of the mind which impairs his moral responsibility.²⁷

The Singapore law does not explicitly state that offenders below a certain age cannot be sentenced to life imprisonment.²⁸ Instead, the Criminal Procedure Code provides that if a juvenile – defined as a person between the age of 7 and 16 – is convicted of an offence punishable by fine or imprisonment or both, the court *may*, instead of sentencing him to a fine or imprisonment, deal with the juvenile in the manner provided by the Children and Young Persons Act. Under that Act, it is provided that children below the age of 14 year shall not be sentenced to imprisonment for any offence,²⁹ though the following provision provides that in the case of grave crimes such as (attempted) murder, culpable homicide not amounting to murder, or voluntarily causing grievous hurt, a child can be detained for

¹⁷ *Singapore Parliamentary Debates, Official Report* (9 July 2012), “Changes to Application of Mandatory Death penalty to Homicide Offences” vol 89, pg 267-269 (K Shanmugam, Minister for Law).

¹⁸ *Ibid.* pg 267.

¹⁹ Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap 124, Rev Ed 1997) s 9.

²⁰ Maritime Offences Act (Cap 170B, Rev Ed 2004) s 9.

²¹ Kidnapping Act (Cap 151, Rev Ed 1999) s 3.

²² Corrosive and Explosive Substances and Offensive Weapons Act (Cap 65, Rev Ed 2013) s 4.

²³ Misuse of Drugs Act s 5(1).

²⁴ *Ibid.* s 7.

²⁵ *Ibid.* Second Schedule.

²⁶ *Ibid.* s 33B(2).

²⁷ *Ibid.* s 33B(3).

²⁸ Indeed, s 314 of the Criminal Procedure Code stipulates that if an offender below the age of 18 years is supposed to be sentenced to the death penalty, the court must instead sentence him to life imprisonment. Note in this regard that the minimum age of criminal responsibility in Singapore is 10 years old (see Penal Code, s 82).

²⁹ Children and Young Persons Act (Cap 38, Rev Ed 2001) s 37(1).

the period specified in the sentence.³⁰ The same is largely true for a young person below 16 years of age (though older than 14 years' old), though he can be imprisoned if the court deems that he is so unruly that he cannot be detained.³¹

b) Judicial guidance on imposing life imprisonment in Singapore

i) Deciding between imposing life imprisonment or the death penalty

In cases where the court has the power to sentence an accused person to life imprisonment or the death penalty, the Singapore courts have held that they do not start from a default position preferring the death penalty or life imprisonment. Instead, a court will look at all the facts and circumstances of a case before deciding whether to impose the death penalty or life imprisonment.³² The principles in deciding between the two sentences were set out in *PP v Kho Jabing*³³ and *Micheal Anak Garing v PP*³⁴ as follows:³⁵

The death penalty is appropriate where “the actions of the offender *outrage the feelings of the community*”, that is, that the offender “acted in a way which exhibits *viciousness* or a *blatant disregard for human life*.” Factors such as the number of blows, area of injury and duration of attack would be relevant considerations for viciousness.

1. In deciding whether an offender acted in a way which exhibits a blatant disregard for human life, consider:
 - a. His/her mental state at the time of the attack; and
 - b. His/her actual role or participation in the attack.
2. Consider also other factors such as the motive and intention of the offender as well as the offender’s age and intelligence.

It follows that the death penalty is not limited to only the “worst of the worst” and “rarest of the rare” cases. The apex court in *Kho Jabing* rejected the principle as to adopt it “would be to artificially confine

³⁰ *Ibid.* s 38(1).

³¹ *Ibid.* s 37(2).

³² *PP v Kho Jabing* [2014] 1 SLR 973 at [37].

³³ *PP v Kho Jabing* [2015] 2 SLR 112.

³⁴ *Micheal Anak Garing v PP* [2017] 1 SLR 748.

³⁵ Summarised in *PP v Chia Kee Chen* [2018] 2 SLR 249 at [110].

and sequester the death penalty to the narrowest of regions”,³⁶ preferring to consider the case as a whole and whether the acts of the offender outraged the feelings of the community.³⁷

The cases of *Kho Jabing* and *Micheal Anak Garing* are useful for illustration. In *Kho Jabing*, the majority found that the accused person approached and struck the deceased from the back without warning³⁸ and struck his head with a weapon “with much force at least three times”, without care whether the blows would kill the deceased.³⁹ In light of this “sheer savagery and brutality”, the court was “completely satisfied” that the accused person “exhibited a blatant disregard for human life in the way he attacked the deceased.”⁴⁰ The death penalty was thus imposed on him.⁴¹

In *Micheal Anak Garing*, there were two attackers: Garing and Imba. The court found that Garing acted in blatant disregard for human life due to the “sheer brutality” in “[swinging] the blade [of the *parang* (a type of machete used across the Malay Archipelago)] violently at different areas of the deceased’s body and eventually cut[ting] the deceased’s throat.” The death penalty was thus imposed on him.⁴²

In contrast, while Imba initiated the attack on the deceased, the court found that he did not “[hold] on to the deceased for a significant period of time long enough for [Garing] to inflict the fatal injuries on the deceased.”⁴³ There was also no preconceived plan to inflict heinous injuries or kill the deceased, nor was there any evidence that Imba had egged Garing on. Thus, the apex court sentenced Imba to life imprisonment and 24 strokes of the cane instead of the death penalty.⁴⁴

ii) When life imprisonment instead of a shorter term of imprisonment will be imposed

When comparing life imprisonment with shorter imprisonment terms, the Court of Appeal in *Neo Man Lee v PP* expressed “broad agreement”⁴⁵ that life imprisonment is justified when:

1. The offence(s) is/are “grave enough to require a very long sentence”;

³⁶ *PP v Kho Jabing* [2015] 2 SLR 112 at [41].

³⁷ *Ibid.* at [44].

³⁸ *Ibid.* at [59].

³⁹ *Ibid.* at [70].

⁴⁰ *Ibid.* at [72].

⁴¹ *Ibid.* at [84].

⁴² *Micheal Anak Garing v PP* [2017] 1 SLR 748

⁴³ *Ibid.* at [61].

⁴⁴ *Ibid.* at [62].

⁴⁵ *Neo Man Lee v PP* [1991] 1 SLR(R) 918 at [7], citing *R v Rowland Jack Forster Hodgson* (1968) 52 Cr App R 113 with approval.

2. From the nature of the offences or the offender's history, he "is a person of unstable character likely to commit such offences in the future"; and
3. The consequences of the offences are "specially injurious".

However, the above criteria (known as *Hodgson* criteria) "are not an exclusive judicial guide to justify the sentence of life imprisonment."⁴⁶ For example, Tay JC (as he then was) sitting in the High Court in *PP v Ng Kwok Soon* sentenced the accused to life imprisonment even though the attack was specifically targeted and premeditated, and thus there was no finding that he was likely to commit the offence again in the future. In that case, the accused pleaded guilty to a charge of attempted murder by pouring a bottle of inflammable liquid on the victim's head, face and body and setting her on fire, and pouring a second bottle onto her body as she screamed in pain.⁴⁷ The learned judge focused on how the accused was "cunning and calculative" by having his tools ready and approaching her in stealth only after her husband left, fuelled by hatred, and how he fully intended to inflict maximum damage and pain to the victim by literally adding fuel to the fire.⁴⁸ This shows that courts can mete out a sentence of life imprisonment based on sentencing principles of retribution and deterrence, even if the facts of the case do not precisely map onto the criteria set out in *Hodgson*.⁴⁹ Indeed, as Yong CJ (as he then was) points out, the criteria "are but mere guidelines" which "were only *broadly* endorsed in *Neo Man Lee*."⁵⁰

While it has been argued that the *Hodgson* criteria is unsuitable in Singapore as in the United Kingdom life imprisonment is the highest punishment a court could mete out following the *de facto* abolishment of the death penalty in 1965, the Court of Appeal in *Aniza* rejected this argument as the criteria had nothing to do with the death penalty (and thus whether a court has the option to impose the death penalty should have no bearing on the suitability of the criteria) and similar principles were already applied prior to the abolition of the death penalty in the United Kingdom.⁵¹

iii) When life imprisonment will be imposed on young offenders

Notably, the Singapore courts have stated that when sentencing young offenders (or relatively young offenders), they must "exercise caution" before imposing a sentence of life imprisonment as they

⁴⁶ *PP v Aniza bte Essa* [2009] 3 SLR(R) 327 at [24].

⁴⁷ *PP v Ng Kwok Soon* [2001] 3 SLR(R) 626 at [7]-[12].

⁴⁸ *Ibid.* at [34]-[39].

⁴⁹ *PP v Aniza bte Essa* [2009] 3 SLR(R) 327

⁵⁰ *Purwanti Parji v PP* [2005] 2 SLR(R) 220 at [24].

⁵¹ *Ibid.* at [44]-[45].

would serve a longer term of imprisonment as compared to an older offender, given that life imprisonment can entail incarceration until the end of one's natural life.⁵² This consideration might lead to courts imposing lenient sentences where the statute does not provide them with sufficient flexibility.⁵³ For example, up until 2007, under s 304(a) of the Penal Code, a court can only sentence an offender to either life imprisonment or an imprisonment term of up to 10 years.⁵⁴ Thus the court in *Allan Tan* (back in 1998) opined that in a situation where a court is "desirous of a sentence greater than ten years", it must come down on the side of leniency "however reluctantly",⁵⁵ i.e. imposing a sentence of only 10 years' imprisonment.

Chan J sitting in the High Court held that in the case of a relatively young offender (in that case, a 24 year old) that life imprisonment "should not be imposed unless it is clearly necessary and appropriate to do so", and that the burden is on the Prosecution to prove that it is so.⁵⁶

However, the material discussed above do not stand for a general rule that the courts will not sentence a young offender to life imprisonment, only that caution must be exercised.⁵⁷ For an illustration of when a court might sentence a young offender to life imprisonment, in the 2005 case of *Purwanti Parji v PP*, the accused was a domestic worker who was two months away from turning 18. Being angry at the 57-year-old deceased for scolding her, she strangled the deceased while she was sleeping until she did not offer any more resistance. The accused then used a knife to slit the deceased's wrist and placed it in her hand to make it look like a suicide. She then cut her nails upon noticing that she left her nail marks on the deceased's neck. Due to her premeditation,⁵⁸ the vulnerability of the deceased,⁵⁹ and the prevalence of domestic workers inflicting violence on their employers and/or their family members,⁶⁰ the apex court affirmed the sentence of life imprisonment despite the fact that the accused was a young offender and was untraced.⁶¹

⁵² *PP v Tan Kei Loon Allan* [1998] 3 SLR(R) 679 at [37]. See also *Purwanti Parji v PP* [2005] 2 SLR(R) 220 at [25].

⁵³ *PP v Tan Kei Loon Allan* [1998] 3 SLR(R) 679 at [38]-[40].

⁵⁴ Penal Code (Amendment) Act 2007 (No 51 of 2007), First Schedule, Row (21). The current position under s 304(a) of the Penal Code is a sentence of life imprisonment or up to 20 years' imprisonment.

⁵⁵ *PP v Tan Kei Loon Allan* [1998] 3 SLR(R) 679 at [40].

⁵⁶ *PP v Aniza bte Essa* [2008] 3 SLR(R) 832 at [41].

⁵⁷ *Purwanti Parji v PP* [2005] 2 SLR(R) 220 at [26].

⁵⁸ *Ibid.* at [28]-[29].

⁵⁹ *Ibid.* at [31].

⁶⁰ *Ibid.* at [33].

⁶¹ *Ibid.* at [34]-[38].

c) Presidential clemency

The President of the Republic of Singapore, on the advice of the Cabinet, may grant a pardon, reprieve or respite of the execution of any sentence subject to any lawful conditions, or remit the whole or any part of the sentence.⁶² She also has the power to commute a sentence of death for imprisonment or fine or both,⁶³ though in doing so she is required by the Constitution to act in accordance with the advice of the Cabinet.⁶⁴ This prerogative power has been exercised sparingly in relation to the death penalty, and the sentence of death has thus far only been commuted to a term of life imprisonment.⁶⁵ However, the rationale behind the commutations have never been publicly stated, and no reasons behind the commutation were given in the commutation order from the last commutation of a death row inmate back in 1998.⁶⁶ It is also noteworthy that there have been no commutations of death sentences since Mathavakannan Kalimuthu's commutation in 1998.

B. SOCIOLOGICAL ASPECTS

a) Imprisonment conditions

There is no public material to suggest that inmates serving life imprisonment are treated any differently from other inmates. The Singapore Prison Service seems to house them together with inmates serving shorter terms and accused persons undergoing remand.⁶⁷

Inmates serving a term of life seem to get the same scheduled hour of television time in the TV room with the other inmates. They are also allowed out of their cells to roam the day room and are given one hour of yard time daily,⁶⁸ and in that time, cell room doors will be locked to encourage inmates "to enjoy some degree of recreational time."⁶⁹ Inmates are also allowed two visits from their families

⁶² Constitution of the Republic of Singapore Art 22P(1)(b)-(c); Criminal Procedure Code s 333(1).

⁶³ Criminal Procedure Code s 334(a).

⁶⁴ Constitution of the Republic of Singapore Art 21(1)-(2).

⁶⁵ See eg Gloria Chan, 'President grants plea for clemency' *The Straits Times* (16 January 1980) 1; Siti Aminah, 'Drugs woman told she will not hang' *The Straits Times* (19 February 1983) 9; Elena Chong, 'Presidential pardon saves death row man from gallows' *The Straits Times* (14 May 1992); Zul Othman, 'From death sentence to life in prison to freedom' *The New Paper* (23 January 2012).

⁶⁶ *Mathavakannan s/o Kalimuthu v Attorney-General* [2012] SGHC 39 at [6].

⁶⁷ See eg Singapore Prison Service Annual Report 2015, pg 93. Accessible at https://www.sps.gov.sg/docs/default-source/publication/spsannual_lowres_revised.pdf.

⁶⁸ Lydia Lam, 'Man sentenced to life imprisonment in 2004 commits suicide, prison reviewing infrastructure design: Coroner'. *CNA*. Accessible at <https://www.channelnewsasia.com/news/singapore/man-sentenced-life-imprisonment-in-2004-commits-suicide-coroner-13822912>.

⁶⁹ Shaffiq Alkhatib, 'Man serving life sentence over 2003 kidnapping killed himself at Changi Prison: Coroner'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/courts-crime/man-serving-life-sentence-over-2003-kidnapping-killed-himself-at-changi>.

per month, where they can choose either two tele-visits (via video conferencing technology) or one face-to-face and one tele-visit. Tele-visits last for a duration of 30 minutes, while face-to-face visits last for 20 minutes.⁷⁰ While inmates are separated from their visitors with a glass panel during face-to-face visits, there are occasionally special days and/or programmes organised to allow inmates open visits so that they can hug and hold their loved ones.⁷¹

In order to create a suitable environment for rehabilitation, Rehabilitation Officers meet inmates who may have trouble coping in prison at regular intervals to counsel and encourage them.⁷² There are also programmes in place to improve rapport between prison officers and inmates. One such programme involves prison officers being trained by Singapore Adventurer's club in skills such as rope tying, first aid, and compass navigation, and then imparting those outdoor survival skills to inmates.⁷³

As part of rehabilitation efforts, inmates are made to attend classes with rehabilitation specialists and plan for their self-improvement. The Singapore Prison Service also offers motivational programmes where prison officers sit with groups of inmates to talk about their attitude towards positive change.⁷⁴

Prison inmates are also given the opportunity to pursue their studies while in prison. These range from the 'O' Levels to the 'A' Levels or a diploma with Ngee Ann Polytechnic,⁷⁵ and even a degree programme from the Singapore University of Social Sciences. Applicants' conduct and motivation to learn are considered in their enrolment into the courses, and financial assistance is also available under a Yellow Ribbon Fund bursary. Inmates spend half a day during weekdays in the prison school to self-study and work on projects and assignments, and are allowed to bring materials back to their cells for revision in their free time.⁷⁶ The student-inmates have generally performed well in the courses according to feedback from their instructors, as well as the fact that about 80% of student-inmates

⁷⁰ Mode of Visits and Frequency of Visits. *Singapore Prison Service*. Accessible at <https://www.sps.gov.sg/connect-us/mode-of-visits-and-frequency-of-visits>.

⁷¹ Theresa Tan, 'A rare hug from daddy during special visit to prison'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/a-rare-hug-from-daddy-during-special-visit-to-prison>.

⁷² Aqil Haziq Madmud, 'Inmate stressed by long sentence, family's disappointment finds comfort in supportive prison officer'. *CNA*. Accessible at <https://www.channelnewsasia.com/singapore/changi-prison-inmate-long-sentence-rehabilitation-officer-974886>.

⁷³ Wee Rae, 'New initiative strengthens rapport between prison officers, inmates'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/new-initiative-strengthens-rapport-between-prison-officers-and-inmates>.

⁷⁴ Cara Wong, 'Turning jail into a place where inmates work for a new life'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/turning-jail-into-a-place-where-inmates-work-for-a-new-life>.

⁷⁵ Cara Wong, 'Prison School's first diploma lets inmates study for job in logistics sector'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/prison-schools-first-diploma-lets-inmates-study-for-job-in-logistics-sector>.

⁷⁶ Aqil Haziq Mahmud, 'Outside, we don't get a chance': What it is like studying for a degree in prison'. *CNA*. Accessible at <https://www.channelnewsasia.com/singapore/singapore-prison-degree-inmate-suss-logistics-252246>.

who took the 'O' Level exams in 2020 attained three or more passes, despite the COVID-19 pandemic and the difficulties that came with it.⁷⁷ The Singapore Prison Service is also open to facilitating other courses of tertiary studies on top of the current programmes in Business.⁷⁸

Additionally, the Singapore Prison Service offers work programmes to inmates, such as tailoring workshops or working in call centres or The Changi Tearoom, a kitchen which serves both the public and prison staff. Around 30 inmates are chosen to work in the Tearoom based on interest or prior experience in the food and beverage industry, and they are mentored by a chef from the Singapore Chefs' Association.⁷⁹ The aim of such work programmes is to aid inmates in their re-integration into society, as well as for them to learn individual responsibility and cultivate the motivation for positive change.⁸⁰

Help groups and religious social service agencies are even able to enter prisons and conduct weekly sermons and social counselling in an effort to engage inmates in rehabilitation programmes.⁸¹

The Singapore Prison Service has also started to leverage technology to give inmates a greater role in their rehabilitation. For example, inmates can use DIRECT (Digitalisation of Inmate Rehabilitation and Corrections Tool) tablets in their free time to access pre-loaded materials which include Psychological-based Correctional Programmes, literacy modules, and motivational talks.⁸²

These programmes, among others, have contributed to the overall rehabilitative effort by the Singapore Prison Service, and their effectiveness is arguably demonstrated by the all-time low recidivism rate at the start of 2021.⁸³

⁷⁷ Jolene Ang, 'O-level results: 80% of student-inmates get at least 3 passes'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/parenting-education/o-level-results-80-of-student-inmates-get-at-least-3-passes>.

⁷⁸ Aqil Haziq Mahmud, 'Outside, we don't get a chance': What it is like studying for a degree in prison'. *CNA*. Accessible at <https://www.channelnewsasia.com/singapore/singapore-prison-degree-inmate-suss-logistics-252246>.

⁷⁹ Jean Lau, 'Inmates cook up a storm in Changi catering kitchen as part of training, rehab programme'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/courts-crime/cooking-up-a-storm-behind-bars>.

⁸⁰ Ng Huiwen, 'More inmates serving in 'prison without walls'. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/more-inmates-serving-in-prison-without-walls>.

⁸¹ Charmaine Ng, 'Keeping programmes for inmates going during Covid-19'. Accessible at <https://www.straitstimes.com/singapore/courts-crime/keeping-programmes-for-inmates-going-during-covid-19>.

⁸² Singapore Prison Service Annual Report 2020, Page 28. Accessible at <https://www.sps.gov.sg/docs/default-source/publication/sp-s-ar2020-standard.pdf>.

⁸³ Aqil Haziq Mahmud, 'Recidivism rate at all-time low; more inmates serving part of jail term in community: Prison Service'. *CNA*. Accessible at <https://www.channelnewsasia.com/singapore/prison-recidivism-inmate-community-based-programme-sps-303746>.

As part of COVID-19 control measures, inmates wear masks outside their cells, have their temperatures taken twice daily, and socially distance during recreation time, including yard time and Muslim prayers. New inmates are segregated for 14 days before they join the general prison population, and swab tests are conducted for them at the start and end of the segregation period. Isolation and contact tracing measures are also in place in the event that an inmate tests positive for COVID-19.⁸⁴ Despite the suspension of physical engagement programmes due to COVID-19, rehabilitation programmes have still continued via virtual platforms and engagements, with prison officers aiding as facilitators.⁸⁵ Inmate volunteers even volunteered to sew reusable masks to be distributed to migrant workers living in dormitories during the Circuit Breaker period from April to June 2020, the closest Singapore came to a lockdown.⁸⁶

b) Review and remission

After serving 20 years of life imprisonment, a Life Imprisonment Review Board can consider whether the Minister should direct the Commissioner to make a remission in respect of the prisoner, and make recommendations to the Minister accordingly.⁸⁷ If the Minister ultimately refuses to do so, he has to review his decision at intervals not exceeding 12 months each.⁸⁸

c) Rehabilitation post-release

After release, ex-offenders who were sentenced to life imprisonment terms (among others) are also subjected to mandatory aftercare conditions as part of the Conditional Remission Order, on top of the basic order that they are not to re-offend.⁸⁹ The Mandatory Aftercare Scheme (“MAS”) provides “enhanced community supports, counselling, and case management” with tight supervision through means such as urine tests, curfew hours, and electronic monitoring.⁹⁰ The rationale behind the

⁸⁴ Tan Si Hui, ‘How Singapore’s prisons are taking precautions against COVID-19’. *CNA*. Accessible at <https://www.channelnewsasia.com/singapore/covid-19-how-singapore-prisons-precautions-coronavirus-677721>; See also Singapore Prison Service Annual Report 2020, pg 13. Accessible at <https://www.sps.gov.sg/docs/default-source/publication/sps-ar2020-standard.pdf>.

⁸⁵ Singapore Prison Service Annual Report 2020, pgs 15-16. Accessible at <https://www.sps.gov.sg/docs/default-source/publication/sps-ar2020-standard.pdf>.

⁸⁶ *Ibid*, pg 58.

⁸⁷ Prisons Act (Cap 247) s 50P(1), Prisons Regulations (Cap 247, Reg 2) r 151B.

⁸⁸ Prisons Act (Cap 247) s 50P(2).

⁸⁹ *Ibid*, s 50U(2)(b). See also Singapore Prison Service Annual Report 2014, Page 21. Accessible at https://www.sps.gov.sg/docs/default-source/publication/spsannualreport2014_18_lowres.pdf.

⁹⁰ Singapore Prison Service Annual Report 2014, pg 21. Accessible at https://www.sps.gov.sg/docs/default-source/publication/spsannualreport2014_18_lowres.pdf.

Scheme is that some ex-offenders are at risk of re-offending and/or need more support in their reintegration into society,⁹¹ and this need was noticed as more Long Term inmates were being released.⁹² The inmates under the Scheme are managed by the Community Rehabilitation and Reintegration Branch, a branch of the Community Corrections Command.⁹³

The model developed by the Psychological & Correctional Rehabilitation Division and Community Corrections Command to manage ex-offenders on the MAS is known as the Aftercare Management Model. The model has “three pillars of success”: Structures, Personnel, and Information Management.⁹⁴

During the initial phase of the MAS, ex-offenders are required to stay in the Selarang Halfway House (“SHWH”), a government-run facility operationalised in 2017 and managed by the Yellow Ribbon Industries.⁹⁵ It is part of the Halfway House Service model, along with eight other halfway houses partnering with the Singapore Prison Service.⁹⁶ The design of the SHWH mirrors that of a HDB, with common living areas to promote interaction with fellow residences as well as allowing access to daily home appliances. Ex-offenders will also attend counselling sessions and are given the option to work or attend vocational training.⁹⁷ Minister for Home Affairs and Law K Shanmugam describes the SHWH as a “conducive [environment] for rehabilitation and reintegration, but still secured.”⁹⁸ Another all-women halfway house is expected to open in 2023.⁹⁹

Throughout the MAS, ex-offenders will undergo a supervision structure through the means above monitored by their Reintegration Officers. Correctional Rehabilitation Specialists also provide case management services, including assessment of performance and formulation of intervention plans,¹⁰⁰

⁹¹ Singapore Prison Service Annual Report 2015, pg 81. Accessible at https://www.sps.gov.sg/docs/default-source/publication/spsannual_lowres_revised.pdf.

⁹² Singapore Prison Service Annual Report 2017, pg 13. Accessible at [https://www.sps.gov.sg/docs/default-source/publication/singapore-prison-service-ar-2017-\(interactive---apr-30\).pdf](https://www.sps.gov.sg/docs/default-source/publication/singapore-prison-service-ar-2017-(interactive---apr-30).pdf).

⁹³ *Supra* note 91, Page 97.

⁹⁴ Singapore Prison Service Annual Report 2016, pg 70. Accessible at https://www.sps.gov.sg/docs/default-source/publication/sps_annuals_2016_lowres.pdf.

⁹⁵ Singapore Prison Service Annual Report 2018, pg 20. Accessible at <https://www.sps.gov.sg/docs/default-source/publication/prison-fa-27-jun.pdf>.

⁹⁶ Singapore Prison Service Annual Report 2020, pg 23. Accessible at <https://www.sps.gov.sg/docs/default-source/publication/sps-ar2020-standard.pdf>.

⁹⁷ ‘First Government-Run Halfway House to Strengthen Aftercare Support for Ex-Offenders’. *Singapore Prison Service*. Accessible at <https://www.sps.gov.sg/news-about-us/in-the-news/first-government-run-halfway-house-to-strengthen-aftercare-support-for-ex-offenders-1>.

⁹⁸ Singapore Prison Service Annual Report 2018, pg 21. Accessible at <https://www.sps.gov.sg/docs/default-source/publication/prison-fa-27-jun.pdf>.

⁹⁹ Melavika Menon, ‘Second all-women halfway house to open in 2023’. *The Straits Times*. Accessible at <https://www.straitstimes.com/singapore/second-all-women-halfway-house-to-open-in-2023>.

¹⁰⁰ Correctional Rehabilitation Specialist: Singapore Prison Service. *MyCareersFuture*. Accessible at <https://www.mycareersfuture.gov.sg/job/public/correctional-rehabilitation-specialist-singapore-prison-service-82c1e7280a34441874d9321470ebd343>

as part of a case management structure. Lastly, psychologists provide training and consultation to the Reintegration Officers and Correction Rehabilitation Specialists to help manage the risks and needs of ex-offenders. Exchange of information between the three groups of personnel is also emphasised in order to ensure successful case management.¹⁰¹ To facilitate information exchange among Community Corrections Command officers, the Case Management System Partner System was rolled out in June 2020, allowing officers and their partners to share a common database via a secured internet platform.¹⁰²

¹⁰¹ Singapore Prison Service Annual Report 2016, pg 70. Accessible at https://www.sps.gov.sg/docs/default-source/publication/sps_annuals_2016_lowres.pdf.

¹⁰² Singapore Prison Service Annual Report 2020, pg 32. Accessible at <https://www.sps.gov.sg/docs/default-source/publication/sps-ar2020-standard.pdf>.