

# Death penalty for drug trafficking



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I have chosen to focus on the death penalty for drug trafficking for the following reasons: Some governments will sentence those who are convicted for just the possession of drugs to the death penalty, while other countries are more lenient and do not do so. From this study, I want to know if the enforcement of the death penalty may affect drug trafficking through its deterrence effect.

I also want to find out more on the present situation of drug trafficking and thus predict what may happen in the future, with regard to the application and the law on drug offences.

## **Death Penalty for Drug Trafficking: Is it really necessary?**

### **Introduction**

Drug abuse produces long term consequences and problems in societies. Drug trafficking is a serious offence and drug traffickers should be punished. However, should the death penalty be imposed on drug traffickers? Do they deserve the death penalty? Some countries believe implementing the death penalty for drug trafficking has a deterrent effect and would control the drug problem. However, is this really the case?

### **Which countries enforce the death penalty for drug trafficking?**

There are currently twenty-one countries which state in their laws that those whom are caught trafficking drugs and committing other drug offenses will face the death penalty. From Annex I, it shows that mainly countries in Asia, 18 out of 21, enforce the death penalty for drug trafficking.

## **How does Singapore's and Mexico's laws view drug trafficking?**

Singapore and Mexico were chosen because I want to see the contrast between the laws of a very strict country and one that has a drug war going on and producing a large amount of drugs.

Singapore has strict, even draconian laws regarding the misuse of drugs and drug trafficking. This is shown in Singapore's laws, under the Misuse of Drugs Act, which state that the trafficking of a certain amount of drugs will result in the person receiving a mandatory death penalty such as 250 grams of amphetamines and 1, 200 grams of opium containing 30 grams of morphine. In addition, any person possessing over a certain amount of drugs, such as 15 grams of heroin, 500 grams of cannabis and 30 grams of cocaine[1] will be presumed drug trafficking unless proven otherwise and convicted of the death sentence.[2]

On the other hand, Mexico, a major drug-producing and transit country, has laws which are much more lax than Singapore. Recently, a new law was passed in Mexico that decriminalized the simple possession[3] of drugs. Under this law it is stated that if person is found to possess an amount of drugs under the allowable quantity, they will just be told what are the possible “ drug rehabilitation options in their area”.[4] The allowable amounts are 5 grams of marijuana and 50 milligrams of heroin, which both contain multiple doses, and 0. 5 grams of cocaine. Even if a person is found to be in possession of up to 1, 000 times the allowable amounts, he would only be sentenced to 10 months – 3 years in prison.[5]

## **What are the main arguments for and against the usage of the death penalty?**

This leads us to the issue of whether using the death penalty is justified for drug trafficking. There are quite a number of factors for people to support the death penalty. First, by killing the criminal, there is one less criminal in society to do harm, thus offering safety and protection. Secondly, it is a deterrent, as people may not want to take the risk to commit a serious crime if the punishment is death. Supporters say that death penalty has been made as humane as possible and can be carried out professionally.[6]The death penalty also helps justify the victim's death.[7]

However, there are also many factors to oppose using the death penalty for drug trafficking. Some religious groups say that life is sacred and killing should not be allowed in any circumstances and death penalty is not “ pro-life”. Also, the imposition of the death penalty is a “ cruel and unusual punishment”[8]. Opponents also believe that studies of death penalty for deterrence are highly exaggerated and arguments in those studies are flawed. In addition, death penalty is always cruel and can never be humane. [9]In the context of Singapore, opponents of death penalty feel that the usage of the death penalty may result in a higher chance of an innocent person being executed[10]as Singapore employs a “ guilty until proven innocent” law.[11]

After considering the arguments from both sides, I am against imposing the death penalty. This is mainly due to the fact that there is no confirmed deterrent effect resulting from imposing the death penalty. Though some studies advocate that enforcement of death penalty can deter people from

committing crimes[12], other studies indicated that there is insufficient evidence to prove that death penalty actually has a deterrent effect[13]. There is really no proof that a person would not commit a crime due to fear of execution. In addition, death penalty is irreversible, so any miscarriages of justice may result in grave consequences as the dead cannot be brought back to life.

### **Does the death penalty for drug trafficking have a deterrent effect on criminals?**

There is little information regarding whether the death penalty for drug trafficking has an actual deterrent effect on criminals in Singapore. However, I have created a line graph showing a comparison of the number of drug related executions and the total number of drug abusers arrested in Singapore.

#### **Fig. 1 – Number of drug-related executions[14]in relation to the total number of drug abusers arrested in Singapore in hundreds[15]**

From Fig. 1 above, it is shown that there is no correlation between the number of drug-related executions and the total number of drug abusers arrested in Singapore. There have been some instances where there has been some correlation though, from the year 1994 to 1997 both the numbers of drug-related executions and drug abusers dropped, albeit at different rates. Also, from 2000 to 2001, both numbers rose. However, this does not prove that there is a deterrent effect for the death penalty as the number of drug abusers should increase when the number of drug related executions drop.

There are probably other factors affecting the number of drug abusers and drug-related executions such as the “effectiveness of the criminal justice system, demographic changes and economic conditions”. With a more effective criminal justice system, there could be more executions regardless of whether there is an increase or decrease in the number of drug abusers. Changing demographics could lead to more drug abusers if the change involved an increase in younger population between the ages of 13 to below 30. This however, may not necessarily lead to more executions though one would think that more drug abusers could lead to an increase in drug trafficking. There is just no simple correlation among these factors.

When economic conditions are bad, the number of drug abusers may increase as people abuse drugs to relieve their unhappiness.[16] However, there may be less executions, since costs required for executing a person is quite high, over USD\$1 million as a doctor is needed to be employed to certify the criminals' death[17].

### **Is the death penalty really necessary?**

What would happen if all countries currently practising the death penalty abolish it in the next 20 years? With increasing pressure from Amnesty International and an ever increasing opposition to the death penalty, governments of countries would be under increasing pressure to abolish death penalty due to drug trafficking. In my opinion, the abolishment of death penalty may not lead to a surge of drug trafficking as drug trafficking is affected more by the demand for drugs than the fear of the death penalty. Also, there are other alternatives such as life imprisonment without parole.

Also, what would happen to the society if the death penalty was abolished?

As mentioned above, the abolition of the death penalty can occur due to pressure from Amnesty International and other organisations. I believe that society in general would not be much affected as there has not been any proof that death penalty acts as a deterrent. Hence, drug trafficking would not be greatly increased. Pro-life members of the society would welcome the abolishment while the supporters of death penalty would put pressure on the government to step up law enforcement to prevent increased drug trade and use.

From the previous two scenarios, I conclude that imposing the death penalty for drug trafficking is not necessary because drug trafficking will not increase when the death penalty is abolished as there is no deterrent effect and it may help with tightening law enforcement on drug trafficking and abuse.

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