

Once a Jolly
Hangman

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Once a Jolly Hangman

Singapore Justice in the Dock

Alan Shadrake

SIRD

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Preface

It was never my intention to go to Singapore and write a book about its revered but much feared chief executioner or its justice system. I was invited by the Singapore Tourism Board and a glossy magazine in California to write a travel feature to tempt Americans to visit the city state. Writing about its bird park, night safari, orchid garden, the legend of the Merlion and historic hotels like The Raffles or The Fullerton was not my usual sphere of interest. The trip lasted only a week but, having an inquiring mind well outside my minders box, I soon had a feeling that I would never discover the true nature of this bland, authoritarian nation from a controlled tour like this. Reading its biggest daily, *The Straits Times* - which I discovered was mockingly called 'The Straits Jacket' - confirmed my thinking. It all appeared a little too clean, too efficient and just too damned perfect for my liking. It all reminded me of the Hollywood movie *The Stepford Wives*, about a town in upstate New York where everything was blissfully controlled - especially the beautifully turned out, seemingly perfect, clockwork women. Or a meal dreamed up by a chef who had forgotten to add the salt.

I soon began quietly delving into the background of what became known as the Orchard Towers Murders. There were two suspects: a British millionaire financial adviser and his Chinese girlfriend who fled to Britain and then Australia. Around the same time, a young man named Nguyen Van Tuong, an Australian citizen, was about to go on trial and inevitably end up on death row for heroin trafficking. His execution was to stir anti-death penalty campaigners across Australia and threaten a major rift with Singapore. Some months later I decided to return and keep tabs on both these cases. An interview with Singapore's hangman who had been chief executioner for almost 50 years since colonial days was on my mind. It was a daunting task.

But after months of relentless sleuthing I managed to find the man who had hanged an estimated 1,000 men and women mainly for murder and drug trafficking - and surprisingly get him to talk. It led to a meticulous search of legal files and archived cases going back to 1963 while interviewing abolitionists and lawyers involved in many sensational cases that largely went under-reported or not reported at all. The result is a unique glimpse into the deadly career of arguably the most prolific executioner in the world - a man who believes he has helped keep Singapore one of the safest places in the world. And something else. Something sinister: how the Singapore legal system works in secret and how politics, international trade and business often determine who lives and who dies on the gallows.

This book would never have been completed without the invaluable help of many people. Perhaps the most important are some of Singapore's own human rights activists and abolitionists. There aren't many of them but their numbers are growing. These few brave men and women often met me in secret with a nugget of priceless information to help me unearth yet another hidden legal scandal relating to someone's demise on the gallows. They helped expose this nightmare account of what the authorities were afraid would leak out and damage Singapore's glitzy, squeaky clean image. Unfortunately, as I promised, I cannot name all of them. To reveal their names would mean jeopardising their futures at the hands the Singaporean government which cannot tolerate any kind of dissent or criticism. They could lose their jobs or even end up in prison - as many have done and still do all too frequently. For those who insisted I never reveal their names for fear of retribution can sleep peacefully. One top lawyer, after an important secret meeting, looked into my eyes and said: 'I don't know you. You don't know me. Never contact me again!' Then he walked away. We have never met or spoken to each other since.

There are others I cannot name, including two former officers of the Central Narcotics Bureau, but wish I could. As promised they must remain anonymous as far as this book is concerned. But let's hope that one day in the not too distant future their names will be revealed and honoured. Some are parents of young children and I would not wish to endanger their livelihood, liberty or futures in the way many other dissidents and opponents of the government have been so appallingly

treated over the years. Although she might have suspected what I was doing but did not know for sure, I must also thank an anonymous librarian at the National Library in Singapore, who helped me delve into archived records that laid the foundation for the eventual completion of this book.

And then there are those I can name and do so proudly. Firstly, I would like to thank a rare young man with real guts - the lawyer M. Ravi, a stalwart human rights campaigner and activist, who fought three long battles to try to save the lives of three young men from Singapore, Malaysia and Nigeria and as a result became one of the most vilified citizens. He should be recognised as a hero and I would like to see his name one day on one of the streets running alongside the new Supreme Court: M. Ravi Avenue. Although I met him only once shortly before his death, I would like to thank one of Singapore's most illustrious human rights activists, Joshua Benjamin Jeyaretnam, or JBJ as he was affectionately known to his friends and supporters. Reading accounts of his fight for justice and decency during his entire lifetime inspired me to continue this quest. His brave, gutsy stance should also put his name on the list of Singapore's real heroes and another auspicious street. And then there is Alex Au, whom I first discovered on the internet via his blog, 'Yawning Bread', then in person for several important interviews. He is another fearless fighter for human rights and his lucid commentaries were a stunning revelation to me - and no doubt his sharp jabs at the system cause much pain to the authorities in Singapore. I would also like to thank Dr Chee Juan Soon, who has bravely gone toe-to-toe challenging Lee Kuan Yew for more than a decade and has been imprisoned, fined or made bankrupt for his efforts to bring about peaceful, democratic change in Singapore. He will never be defeated. No matter how many times he is sent to jail or made bankrupt he will always stand on the moral high ground also bravely supported by his sister Siok Chin and his wife, Mae. And then there is the irrepressible lawyer Gopalan Nair, whom I am also proud to know personally, who emigrated to the United States and became an American citizen. He regularly attacks the People's Action Party in his blog 'Singapore Dissident' from California, and was arrested when he returned briefly in 2008, charged and jailed with insulting a public servant.

Two families of loved ones who were hanged on questionable evidence by a corrupt police officer agreed to cooperate with me to add even more devastating information to this book. Vasu Mourthi, his wife and three daughters welcomed me to their home in Ipoh, Malaysia, and talked about Vignes Mourthi, a loving son and brother. All of them decent, hard-working people, their lives were shattered by what happened to Vignes and no doubt they will grieve his loss forever. The citizens of Singapore might possibly have all hung their heads in shame had they known the full circumstances of this young man's brutal end carried out in their name. The same goes for the family of Shanmugam Murugesu - his mother Letchumi Amah and his twin sons she helped raise in Jurong West, Singapore. She and his brave youngsters did not hesitate to attend protest forums for many others who ended up on death row after their personal bereavement.

A Dutch social worker, Guus van Bladel, a permanent resident of Singapore at the time of Maria Krol-Hmelak's arrest and trial, was appointed her counsellor and allowed to visit her on a regular basis throughout her incarceration. He kept a diary of events, invited me to his home in Malacca and allowed me to record many piquant details of events that took place in the courtroom and even in her cell.

It was Margaret John of Amnesty International who fed me with endless, extremely useful information and then, amazingly, connected me with the independent Malaysian publisher SIRD as the perfect vehicle for this book. Its director, Chong Ton Sin, is a dedicated campaigner for human rights and a stalwart abolitionist and met my proposal with great enthusiasm. I thank him from the bottom of my heart for bravely taking me on. I must also thank SIRD's editor, Ismail Gareth Richards, who patiently guided me through many literary and political minefields, kept me on track, constantly looked over my shoulder and corrected me in the nicest way possible when I had got it wrong. Janice Cheong, SIRD's talented designer, undertook the layout with patience and good humour and designed the splendid book cover.

Last but by no means least - and strange as it may seem to many - I will be forever grateful for the kindness and hospitality of the star' of this book, Darshan Singh, executioner extraordinaire. To those who do not know him he is not the grim reaper of fantasy but a very likeable, down-to-earth man - like any other kindly father and grandfather.

Although his calling was to kill people, he did not do so callously but with gentle kindness and concern. I came to like him quite a lot but not for what he did when he was master of the gallows.

Alan Shadrake

Kuala Lumpur, 15 April 2010

Foreword

Alan Shadrake's book, *Once a Jolly Hangman*, is a timely contribution to growing criticism of Singapore's shameful use of the death penalty. Once dubbed by *The Economist* as the world execution capital, Singapore is believed still to have one of the highest *per capita* rates of execution of any country worldwide, thus remaining totally out of step in the move regionally and internationally towards a death penalty-free world. A historic momentum is building from which Singapore chooses to exclude itself.

Executions are no longer a matter exclusively internal to an individual country's criminal justice system. Executions are now squarely an international issue. A small but growing anti-death penalty group of Singaporeans along with international organisations are gaining an effective voice. Standards have now been set by the United Nations. The UN's 2008 resolution calling for a worldwide moratorium on executions as a step towards total abolition has been heeded by an increasing number of countries. Not so by Singapore, however. Over 420 people have been executed there since 1991, mostly for drug trafficking, for which there is a mandatory death sentence. A number of countries have mounted protests against the execution of their nationals in Singapore and cases have been raised at the highest level. The worldwide anti-death penalty campaign will not be deterred. Moreover, the struggle against executions also highlights Singapore's other human rights realities: the difficulties of acting in opposition to policies generally of the ruling People's Action Party, which has been in power over half a century; government control of the media and civil society organisations, thus curbing public debate and limiting independent monitoring of human rights; and restrictions on cause-related demonstrations.

Once a Jolly Hangman unearths new or little-known information. The author argues convincingly that only those cases with possibly negative political or economic outcomes appear to have succeeded in preventing executions of foreign nationals. In contrast, he exposes the pitiful, hopeless situation of poor, uneducated or desperate drug mules with no important connections and the irony of Singapore's economic backing for the brutal government of Myanmar - the origin of so much of the drug supplies. Alan Shadrake's interviews with Singapore's executioner, Darshan Singh, provide eye-opener descriptions of actual executions. And he gives the reader insights into the efforts of Singapore's own small group of anti-death penalty campaigners, such as heroic lawyer and human rights activist M. Ravi, alongside whom we, on the outside, are privileged to work. And, importantly, the reader is brought close to the heart of the matter - to the anguish of the victims themselves.

Amnesty International sees the death penalty as the ultimate torture, cruel, inhumane and degrading, prohibited by international human rights standards. It is a view now shared by an increasing number of governments, as they become convinced that executions are futile, do not solve crimes, have no particular deterrent quality, are more than likely to be imposed disproportionately on the marginalised in society, are irreversible, yet may result in executing the innocent. Moreover, executions add to a culture of violence by making state violence an acceptable way to deal with problems. The Singapore government's view is an exception to this now majority international opinion. Singapore's leaders cling to their outmoded arguments that there is no international consensus on the death penalty, that it is a deterrent, that it is used for only the most serious crimes, that it is not a human rights issue, that Singapore has a transparent and fair justice system, and that Amnesty International has got its facts wrong. They are arguments increasingly difficult to uphold in the face of world standards and trends.

Margaret John

Coordinator for Singapore and Malaysia
Amnesty International Canada

List of Photographs

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all over Singapore to unearth judicial scandals



Singapore On Trial, Verdict: Guilty As Charged

The basic argument in favour of capital punishment in Singapore - and everywhere else it is practised - is that it maintains law and order, deters crime, prevents recidivism and is a just and proper punishment for heinous offences. Opponents say it does no such thing. It does not and never has deterred criminals any more than life imprisonment. More than this, they argue that capital punishment violates human rights, leads to executions of some who are wrongfully convicted and discriminates against minorities and the poor. This book exposes many cases where vulnerable young people, in all kinds of desperate situations, have committed crimes through fear and threats of death from drug syndicates who seduce them into becoming drug carriers. They are rarely, if ever, caught and prosecuted and in many cases have the money to buy their way out of trouble. In several cases I have investigated in Singapore, narcotics police, using well-paid informants, have helped 'load' the evidence in sting operations involving minor marijuana smugglers to ensure they end up on the gallows. In another case, a young man of 21 was hanged on the questionable evidence of a Central Narcotics Bureau officer who was later jailed for 15 months for corruption in another case. This case alone is a sound and compelling argument to abolish the death penalty in Singapore.

Capital punishment, of course, has always been a very contentious issue in many parts of the world. Proponents discount any errors or occasional prosecutorial machinations as par for the course and

argue that examples of something going wrong judicially are in any case rare. The Singapore attitude seems to be that it is better for all convicted criminals to be hanged rather than an innocent one go free. Arguments over the rights and wrongs of capital punishment have raged for centuries ever since the state killing of criminals and political opponents has been in vogue. It has been used by nearly all societies both to punish crime and to suppress political dissent. However, there has been a trend toward abolition in most part of the world over the past three decades. Today all European countries (with the exception of Belarus), most of Central and South America and about half of African states have either made the death penalty illegal or it is effectively not in use. Of all the regions of the world it is Asia that has most resisted the abolitionist wave. From the Middle East to Japan judicial execution remains a fact of life and death. But even here countries have not been entirely immune to abolition: in Southeast Asia, for example, Cambodia, Philippines and Timor-Leste no longer provide for the death penalty for any crime.

Today, some 58 countries still use capital punishment. The death penalty is usually reserved as punishment for serious crimes such as premeditated murder, espionage, treason or as part of military justice but in some countries sexual crimes - rape, adultery and sodomy - also carry the death penalty. In China human trafficking and serious cases of corruption are likewise punished. In military regimes around the world courts-martial have imposed death sentences for offences such as cowardice, insubordination and mutiny.

A study carried out by the United Nations in 2001 concluded that Singapore had by far the highest per capita execution rate in the world, three times higher than Saudi Arabia, the next highest. The situation has not improved in the subsequent decade. Singapore takes a morbid pride in that fact that it is known worldwide for the strictness of its laws. Those accused of gun crimes or drug trafficking are sentenced to death. The Misuse of Drugs Act includes the death penalty for at least 20 drug-related crimes. For example, the mere possession of more than 500 grams of hashish or marijuana is punishable by death. The same applies to the possession of more than 15 grams of hard drugs such as heroin or amphetamines.

The scale and breadth of the use of the death penalty has not

gone unopposed. The law has been strongly criticised by human rights groups which say it contains provision that violate the right of presumption of innocence, as in the case of a young Nigerian soccer hopeful who was tricked into going to Singapore to join a club by a sophisticated adult. Even the judge who sentenced him to death said there was no evidence that he knew he was carrying drugs. Under Singapore's mandatory death penalty, many addicts have been executed for possessing relatively small amounts of drugs. At the end of 2005, Nguyen Van Tuong, a young Australian of Vietnamese origin was caught with 4.2 kg of heroin while in transit en route to his home in Melbourne. Despite protest rallies and a request for clemency by the Australian government - albeit at the eleventh hour with John Howard being accused of 'tardiness' at trying to save his life - the 25 year-old was hanged. Shortly before a young German woman, known to have been running a lucrative drugs ring in Singapore, was sentenced to only five years, of which she served three for good behaviour - a slap on the wrist which was arranged behind the scenes by the Singapore government under threat of economic reprisals by the German government. In contrast, a poor 36 year-old drug addict, Yen May Woen, who traded to support her habit, was executed for possession of 30 grams of heroin.

Despite the severity of the law in most cases, drug abuse figures for heroin have showed an upward trend over the past four years - a fact that flies in the face of government claims that the threat of the death penalty is keeping Singapore squeaky clean. According to figures from the Central Narcotics Bureau of the 1,876 addicts who were arrested in 2009 some 60 per cent were heroin addicts; in 2008 46 per cent of 1,925 were heroin addicts. The Director of the Bureau believes that one of the reasons to explain the increase is the proximity of Singapore to one of the largest areas where opium is produced - the so-called Golden Triangle - an area of 210,000 square miles in the mountains shared by Myanmar, Vietnam, Laos and Thailand.

Many of the cases I have investigated in this book show that justice in Singapore is patently biased against the weak and disadvantaged while favouring the wealthy and privileged. This is especially true for foreigners from powerful countries willing and able to use their economic might to have the death penalty 'abolished' for their citizens.

Business for Singapore is far too important a matter to allow such a little local difficulty like killing someone.

The generic case for abolition of the death penalty is fairly compelling. Adam Hugo Bedau of the American Civil Liberties Union, and doyen of the abolitionist movement in the United States, says: "The imposition of the death penalty is arbitrary and irrevocable. It forever deprives an individual of benefit of new evidence or new law that might warrant the reversal of a conviction or the setting aside of a death sentence. A perfect example of this in Singapore involves a corrupt police officer who quite possibly cooked up evidence against a young man of 21, to ensure that he hanged. Two years after the execution, this officer was jailed for 15 months for corruption in another case. The judge said his actions were akin to attempting to pervert the course of justice'. Everyone in the top echelons of law enforcement in Singapore knew of this case but did nothing to question the police officer's honesty in the death penalty case. If he had been tried first - both cases began at virtually the same time - the young man might well have been given the benefit of the doubt that he was telling the truth and not his accuser. The United Nations Special Rapporteur on Extra Judicial Summary and Arbitrary Executions, Philip Alston, faulted another death penalty case in Singapore because the trial did not respect legal safeguards around the presumption of innocence: 'It is a fundamental human right to be presumed innocent until proven guilty'. Alston went on to note that 'Singapore cannot reverse the burden and require a defendant to prove beyond reasonable doubt that he did not know he was carrying drugs'.

Supporters of abolition say that extreme sanctions like the death penalty have never deterred criminal behaviour in human society. Nor has it taken due cognisance of the fact that opportunistic criminality, which represents 70 per cent of criminal behaviour in developing countries, is largely a product of the basic instinct for survival not the sheer indulgence of base instincts. "The death penalty violates the constitutional guarantee of the equal protection of the laws. It is a relic of the earliest days of penology, when slavery, branding, and other corporal punishments were commonplace. Like those other barbaric practices, executions have no place in a civilised society', says Bedau.

Reliance on the death penalty, opponents maintain, also obscures the true causes of crime and distracts attention from the social measure

that effectively contribute to its control. 'Politicians who preach the desirability of executions as a weapon of crime control deceive the public and mask their own failure to support anti-crime measures that will really work', suggests Bedau. Capital punishment also wastes resources. It squanders the time and energy of courts, prosecuting attorneys, defence counsel, juries and courtroom and correctional personnel. It unduly burdens the system of criminal justice, and it is therefore counter-productive as an instrument for society's control of violent crime. It epitomises the tragic inefficacy and brutality of the resort to violence rather than reason for the solution of difficult social problems. 'A decent and humane society does not deliberately kill human beings. An execution is a dramatic, public spectacle of official, violent homicide that teaches the permissibility of killing people to solve social problems - the worst possible example to set for society'.

For most of the past century governments have too often attempted to justify their lethal fury with reference to the so-called benefits such killing would bring to the rest of society. This is also Singapore's main argument for keeping the death penalty. But the bloodshed is real and deeply destructive of the common decency of the community; the benefits are illusory. More than this, the implementation of capital punishment is highly discriminatory. According to Amnesty International, the death sentence is more likely to be imposed in Singapore on those who are poorer and less educated making them more vulnerable than average. Local groups are also concerned about the poor working and living conditions of migrant workers that make them more vulnerable.

The Singaporean authorities have resisted pressure mainly from Western countries and groups to drop its death penalty law, saying it was crucial in the fight against criminality. An internet poll showed a majority of Singaporeans support the death penalty. Of the 2,899 respondents, 55 per cent support capital punishment 'as it helps keep the crime rate down'. Another 27 per cent also gave their support but said its use should be restricted. Only 14 per cent opposed the death penalty, while two per cent were unsure. The abolitionist activist Alex Au discounts the poll findings. He maintains that for Singaporeans the subject of the death penalty is entirely off-limits. "There is never any official discussion about it and no one really knows what happens when

someone is hanged', says Au. He does not expect serious moves to even modify it any time soon:

It will only happen when Singapore's biggest trading partners, the United States and China abolish capital punishment and that will only come about in those countries at a societal level, not a governmental one. This is a copycat society, which is not at all innovative and they might follow these powerful leaders. The subject of the death penalty is not even talked about on internet chatter which speaks to the nature of this society and how it sees - or doesn't see - the subject. When a rare protest was launched in Singapore over an execution the authorities did everything they could to sabotage the campaign. They even put a quick end to a forum being held by protesters who had hired a hotel room for the purpose by intimidating the hotel manager. They then sent in the police to intimidate those citizens who turned up to speak out against the hanging. They don't want the kind of publicity generated in the UK which resulted finally in the death penalty being abolished there. They don't want anyone to hear the hangman's stories or gallows jokes - such stories and jokes - published in newspapers or on the internet about decapitation or the condemned 'dancing on the end of the rope like a fish out of water'.

This is the kind of powerful imagery that feeds into the abolitionist campaign. But Singapore's authorities don't want this kind of thing becoming current knowledge. Au continues:

All governments dislike dissent and they will do anything to stop it taking on a life of its own. When the police were sent to disrupt the forum it was entirely typical, part of the whole pattern of this government in trying to put a lid on arguments that they find inconvenient. This tendency to act pre-emptively to smother dissent is given freer reign simply because the press is muzzled and civil society so quiescent and emasculated. No one questions this kind of repression. Everyone goes along with it and the government's campaign to squash dissent becomes even more effective. They are then emboldened to get even tougher - so much so that they sometimes act unlawfully themselves. But nobody stands up and challenges these attempts to crush freedom of thought and register dissent. The disruption of forum is entirely characteristic. To voice an opinion that the government finds inconvenient or worse in terms of the governments perspective to try to propagate that opinion. They intimidate everyone. That's how they've always been.

The authorities in Singapore have been criticised by both the United Nations and the European Union who expressed particular concerns about Singapore's use of the mandatory death penalty and high executions rate. However, the government has consistently argued that the use of the death penalty is not a question of human rights. It has vigorously defended its stance that executions have been effective in deterring crime, particularly drug trafficking. This flies in the face of evidence that drug use has increased in recent years and that trafficking goes on despite the dire consequences. In a letter addressed to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and circulated in 2001 at the 57th session of the Commission on Human Rights, the Permanent Representative of Singapore to the UN stated:

The death penalty is primarily a criminal justice issue, and therefore is a question for the sovereign jurisdiction of each country. The right to life is not the only right, and it is the duty of societies and governments to decide how to balance competing rights against each other.

In 2002 the Permanent Representative bitterly attacked the then Special Rapporteur, claiming she had 'repeatedly exceeded her mandate and degraded the credibility of her office' after she expressed concern about the case of two men facing execution for drug trafficking. Singapore signed a statement disassociating itself from a UN resolution adopted in April 2003 calling for the establishment of moratoria on executions pending complete abolition and stating that the abolition of the death penalty contributes to the progressive development of human rights. Claiming that the death penalty has been effective in controlling the trade in illicit drugs, the Singapore authorities reported an overall decline in the number of drug users arrested between 1994 and 2001. However, drug addiction has since continued to be a problem - particularly among the poorly educated, impoverished, unemployed and young people from broken homes.

During the months leading up to the execution of convicted the Australian drug trafficker, Nguyen Van Tuong, in December 2005 arguments for and against the death penalty raged across Australia and around the world. Singapore seemed determined not to give in to international pressure and to hang this young man come what may. And it pulled out all the stops to make sure its defensive

publicity campaign got its opinion across - even to the point, it was suggested, that its operatives sent a letter published in *The Straits Times* purportedly written by an Australian citizen in support of hanging Nguyen and hailed as typical of the public sentiment down under! This particular execution came at an awkward time for the city state when, around the same time a German citizen, Julia Suzanne Bohl, who had been under surveillance for months by narcotics police as a high profile drug trafficker in Singapore, managed to escape the death penalty through political and diplomatic pressure from Germany. The charges against her were suddenly - and 'miraculously' - modified. The charges were reduced to a non-mandatory death penalty level and she was given five years of which she served only three.

Two days before Nguyen was hanged on 2 December 2005, Joseph K.H. Koh, the Singapore High Commissioner in Australia, wrote an article in support of the execution of the young Australian citizen which was published in various Australian newspapers and the internet. Capital punishment, he claimed, remains part of the criminal justice systems of 76 countries, including in the United States, where it is practised in 38 states. 'We respect Australia's sovereign choice not to have capital punishment. We hope Australia will likewise respect Singapore's sovereign choice to impose the death penalty for the most serious crimes, including drug trafficking. The overwhelming majority of Singaporeans support this'. The claim by abolitionists that the death penalty has not deterred drug trafficking is incorrect, he added. "This logic is flawed. The death penalty has not completely eliminated drug trafficking, but it has certainly deterred drug trafficking. Since the introduction of tough anti-drug laws in the mid-1970s, drug trafficking and drug abuse in Singapore have come down significantly. Potential traffickers know that, once arrested, they face the full weight of the law'.

As Singapore propaganda machine went into higher gear, Asad Latif, a former senior reporter with *The Straits Times*, and a visiting research fellow at the Institute of Southeast Asian Studies in Singapore, wrote:

It is unfortunate Nguyen has to die, but the law against drug trafficking must be implemented uniformly. What is surprising, though, is how those aspects appear to have been subsumed by condemnations of an upstart city-state for having dared to condemn to death a citizen

of an island-continent. They have the right, if they so wish, to argue that their laws are better than those of Singapore. But - and this is the critical caveat - no one has the right to expect, let alone demand, that Singapore bend its laws to suit the laws of another country. Incidentally, expecting special treatment for foreign criminals reveals a sense that their lives are more precious than those of Singaporean criminals. Where is the justice in that view? But we also understood that a country whose sovereign right of action is held hostage by external forces will soon have little to protect. Sovereignty, then, is the key issue.

2

A Tale of Two Hangmen

For fifty years Darshan Singh was called upon by Singapore city state to kill people its justice system considered unfit to live or deserved to die. Since 1959, as chief executioner, Singh estimates that he has executed around 1,000 men and women until he finally retired at the age of 75 in 2006. He was nothing like I imagined an executioner when I first met him on the doorstep of his flat in a working class suburb wearing only a pair of baggy shorts and sandals. He seemed more like a kindly, if dishevelled, grandfather as he stood looking at me through the iron bars of the security gate, with a quizzical expression on his weathered face. Before he appeared I was not expecting someone with such a record of killing so many of his fellow human beings to look so ordinary, a person who would not necessarily stand out in a crowd, or someone you might see sitting quietly at a bar drinking a glass of beer. I introduced myself as a freelance journalist and explained why I had come to see him. He smiled, unlocked the barred iron gate separating us and invited me in to talk about his career and the execution of the Australian drug trafficker, Nguyen Van Tuong, then on death row in Changi Prison. Sitting comfortably in armchairs opposite each other and sipping drinks in his living room, Darshan Singh began reminiscing about his grim calling. It all began, purely by chance, when he was in his mid-twenties. He then talked enthusiastically about his strong belief that the role he played as master of the gallows for nearly half a century was key to why Singapore had become one of the safest nations on earth to live in. And he emphasised that he had no regrets or conscience at having killed so many men and women in a career few

would even dream of following. 'I was just doing my job, lah', he said many times. 'It was an important job'.

Another executioner whose methods on the gallows Darshan Singh assiduously followed was Albert Pierrepoint, Britain's most prolific hangman. Until he retired, he too was proud of what he had done on behalf of the state while carefully keeping detailed records of those he killed. When he retired Pierrepoint's 'kills' totalled 435 carried out in prisons all over Britain and occupied Germany from 1931 to 1956. Some of those he hanged were Second World War Nazi criminals and spies and their executions were mostly carried out in the British-occupied zone of Germany after the Third Reich collapsed. Pierrepoint, too, was proud to have served his country in such a distasteful way.

Accepting his approximate one thousand executions as accurate, Darshan Singh, an Indian Sikh and Muslim convert who grew up in Kuala Lumpur, Malaysia, is arguably the *world's* most prolific official hangman of all time or since records were kept. He was born in 1933. For his part, Pierrepoint began his career just two years later, following in the footsteps his uncle, Thomas Pierrepoint, and his father, Henry Pierrepoint. For more than half a century the Pierrepoint dynasty dominated the list of all official executioners in Britain. But the total number of convicts they hanged comes nowhere near Darshan Singh's astonishing record taking into account the difference in the populations of both countries.

Darshan Singh was appointed Singapore's chief executioner when he was 27. Those he hanged were convicted of a variety of crimes from murder to drug trafficking. When I asked him exactly how many he had executed, he thought for a moment. 'Not really sure, lah', he said. 'Can be over 1,000 can be under'. When I contacted the Ministry for Home Affairs they could not verify that figure. To the government, anything to do with the death penalty must always be shrouded in mystery. No official statistics have ever been made available. Perhaps this may be because, having the highest *per capita* execution rate in the world, Singapore does not wish to be challenged by the fact - as has been shown in every country that has abolished the death penalty - that fear of the gallows does not deter capital crimes anywhere. If Darshan Singh's figure is accurate, the statistics are stunning and challenge belief. Singapore's population was a mere two million in 1959

when Darshan Singh took on the job. It's now nudging five million. The UK population was around 48 million in the 1930s. It is now more than 60 million. Capital punishment was abolished there in 1965. According to Amnesty International Singapore has long had the highest *per capita* execution rate in the world.

As dedicated executioners, both Darshan Singh and Pierrepont appear to have had many things in common with similar personalities. Pierrepont, long dead, believed he was put on earth especially to do what he did and was 'protected by a higher power' throughout his long career. 'It is no source of pride, it is simply history, that I have carried out the execution of more judicial sentences of death than any executioner in any British record or archive'. But then he added: 'That fact is the measure of my experience. The fruit of my experience has this bitter after-taste: that I do not now believe that any one of the hundreds of executions I carried out has in any way acted as a deterrent against future murder. Capital punishment, in my view, achieved nothing except revenge'.

Darshan Singh talked to me in similar if less grandiose terms. But far from considering what he did was a waste of time he sincerely believes he has helped make Singapore an ideal place for all its citizens to live in peace and harmony and the economic success that it is today. Whether or not he will one day come to the same conclusion as Pierrepont and condemn his life of killing is something only he can decide. Looking at those smiling, shiny dark eyes as we talked it was impossible to detect what he was really thinking. But I sometimes suspect that he had his own demons to deal with in the middle of the night, perhaps, with hundreds of other eyes staring back at him - the terrified eyes of those he last saw a split second before he sent them plunging to their doom and uttered those chilling, unforgettable words, 'I am sending you to a better place than this'.

In 1948, one of Britain's most ardent and vociferous anti-death penalty campaigners, the Labour MP Sydney Silverman, said this in the House of Commons:

It is not only the melodrama and sensationalism with which these proceedings are surrounded, it is not only the sordid squalor, every detail of which spreads into newspapers in every one of these crimes, it is not only the relentless finality of this penalty. No one who knows the

records can doubt that there have been cases of error, that there have been miscarriages of justice, and that innocent men have in fact been executed. Until human judgment is infallible, we have no right to inflict irrevocable doom. Above all these things, there is the sense which we all have that this penalty, of itself, denies the very principle on which we claim the right to inflict it - namely, the sanctity of human life. The sole justification, if there be one, for the retention of this penalty is that it is necessary to protect society. No one can prove that this is true, no one can prove that it is untrue, but we may compare it and draw inferences from the comparison with the state of affairs in other countries in which this penalty has been abolished.

The possible travesties of justice Silverman said could not be countenanced in a society such as Britain were later to become a reality. There were proven tragedies. We will never know how many others have been killed by the state on the basis of flawed evidence? Silverman's impassioned speech when he introduced his bill to abolish the death penalty eventually had its desired effect. But not before the Conservative MP, Sir David Maxwell Fyfe KC, who became Home Secretary in 1951, would accept the idea of judicial error. 'Of course, a jury might go wrong, the Court of Appeal might go wrong, as might the House of Lord and the Home Secretary. They might all be stricken mad and go wrong. But that is not a possibility that anyone can consider likely. The honourable and learned Member is moving in a realm of fantasy when he makes that suggestion'. Nevertheless Silverman got his way by a large majority and the bill passed on to the House of Lords where it was rejected, as expected, by a majority of 153. No executions were carried out while abolition was on the parliamentary agenda, and they were not resumed until November 1948, after a gap of nine months. The abolitionist movement grew stronger and resulted in a Royal Commission to examine capital punishment in all its ugly detail. In 1956 the death penalty was finally abolished in Britain for all time. Much of this historic event can be attributed to Albert Pierrepoint's boldness when he and some British newspapers first broke the Official Secrets Act. Fortunately for the establishment he was not prosecuted no doubt wisely deciding that much worse would inevitably have come out at his trial. His daring - albeit for money and publicity to boost the takings at his pub - had a huge effect on the public conscience and the eventual decision to do away with the gallows forever.

When Darshan Singh innocently broke Singapore's very own Official Secrets Act by allowing me to interview him - a surprise interview that made waves around the world - the establishment no doubt became fearful that their own citizens might one day catch the abolitionist bug. Not a word of the interview was published in any of the government-controlled newspapers, including *The Straits Times*. Only *The New Paper* published a report on its front and inside pages - not about the gory details I elicited but an attack on me for allegedly 'tricking' Darshan Singh to spill the beans and embarrass Singapore. Those were not his words but the words of The New Paper diverting public attention from reality once again! I am told that the shock waves that went through the hallowed halls of the Presidential Palace when my interview was first published in *The Australian*, one of the country's biggest newspapers, were palpable. It was the kind of publicity Singapore dreads. To them it was a major loss of face and no doubt inspired anti-death penalty activists everywhere to stand up and protest. They attacked and condemned Singapore - 'a nation with ice in its veins' - without mercy. It was the very stuff that so alarmed the British establishment back in the 1940s and 1950s when abolitionists, empowered by evidence that innocent men had been hanged, finally claimed the moral high ground. Singapore was now getting the same kind of treatment and they didn't like it one bit.

3

Looking For Mr Singh

Woodlands. It seemed an unlikely part of Singapore to find the home of the hangman. But there I was driving along Upper Bukit Timah Road hoping that the address I had found was the right one. Or more to the point the man who lived there really was Singapore's chief executioner, Darshan Singh. I wanted to meet this unknown but much-feared gentleman who was about to hang the Australian drug trafficker Nguyen Van Tuong on death row in Changi Prison. Named after the vast acres of rubber trees planted by the British during early colonial days when Singapore was a mosquito-infested mango swamp, Woodlands lies just across the border at the southernmost tip of the Malaysian peninsula. The name was on every signpost starting from my home near Bukit Timah Nature Reserve where monkeys leap from trees and sit on rails waiting for unwitting humans to give them food who risk being fined if they do or attacked if they don't.

When Sir Stamford Raffles 'discovered' the tiny island in the early 1800s for the East India Company it was, according to the records, populated by no more than 158 Malay fishermen and their families in tiny hamlets dotted along the coastline. Within a year or two of Raffles's arrival, immigrants had swelled the numbers by more than 5,000. Business was beginning to boom with the British presence and the East India Company moving cargo to China and back. But no one at that time would ever have predicted the population of the Little Red Dot - Singapore's nickname - would soar to almost five million in less than 200 years. The People's Action Party government hopes to push that total to 6.5 million before 2020 by encouraging couples to have more

babies and relaxing immigration rules, especially for highly qualified men and women in the fields of finance, medicine, science, technology and just good old entrepreneurship.

The government is following the tradition established during the days of empire when Singapore became one of the world's major trading crossroads. The population grew by leaps and bounds as Chinese, Malays and Indians were encouraged to migrate to provide skilled workers, enterprising businessmen and, of course, cheap labour. Since independence in 1965, Singapore has undergone a dramatic change from green to concrete. It is now packed to the gills with high-rise apartment blocks, factories and shopping malls, intricate road and rail systems all neatly interspersed with or camouflaged by remnants of the rain forest the island once was. All this is the direct consequence of the massive industrial modernisation programme initiated and driven by the pre-eminent political personality of the past six decades, Lee Kuan Yew. He also foresaw the need for good public housing, education and hospitals, to support and foster all this modernisation. Huge blocks of low-rent government flats and factory estates sprang up as fast as the rain forest disappeared or was depleted. Of course, all this progress was, arguably, helped by the British legacy: a basic infrastructure of legal, governmental, educational and economic systems designed primarily, of course, to maintain its colonial and military power base and just as importantly the status of the colonial elites.

Although the legal system was based on English law it was soon fine-tuned to ensure that Lee Kuan Yew and his People's Action Party remained in power in perpetuity by silencing all political opposition through fear of being jailed as 'communists' or financially ruined. Lee also adapted some other methods acquired from the former rulers. Ominously, one of these included the British way of hanging. If Singapore can boast one of the highest standards of living and growth rates in Southeast Asia there is another statistic that it prefers not to talk about except in the abstract. It has the highest execution rate proportionate to its population in the world - higher than Iran, China and Saudi Arabia. The fear of the gallows and the malevolent spectre of its mysterious, enigmatic hangman - so death penalty advocates maintain - has kept Singapore a relatively crime free and safe place to live, raise families and, just as importantly, do business.

An incomparable aficionado of the British way of hanging is Darshan Singh who joined the colonial service as a prison officer in 1957. Using the so-called Table of Drops devised by the nineteenth century cobbler-turned-hangman, William Marwood, Darshan Singh was taught by B. Seymour, the last British colonial hangman. The Table of Drops, advocates of the death penalty assured everyone, was the most 'humane' method in preventing slow strangulation or decapitation if the calculations - body weight and height determined the length of the drop - were correct.

The purpose of my hoped-for meeting with this gentleman was not only to talk about his long, secret career but in particular the imminent execution of Nguyen. It was an execution that was promising to create a storm of protests across Australia and many parts of the world. I was new to Singapore in 2003 and all this made me more and more curious about the man who was to hang Nguyen even though at that time the trial process had not been completed. It seemed a foregone conclusion, however. Nguyen had been caught with 4.2 kilograms of heroin - way above the 15 grams minimum that mandates the death penalty in Singapore. His days were obviously numbered.

My interest in the death penalty and all that it means was probably inspired by the fact that I grew up just a few miles from a notorious British execution spot - Gallows Corner in Essex - where, in the eighteenth and nineteenth centuries, public hangings were a regular form of weekend entertainment just before the pubs opened. Of course, this was long before radio, movies, television and premier league football. There was a need to relax from back-breaking and boring jobs in the soul-destroying factories of industrial England. There was little else to do. This was fun to many Britons - a regular boozy weekend carnival of the most appalling kind. These condemned prisoners were not always vicious criminals or notorious masked and armed highwaymen such as Dick Turpin who also ended up on the gallows. Some were mere horse thieves, burglars or pick pockets, like 'Jenny Diver' of Mack the Knife notoriety who took advantage of spectators at these gory spectacles and robbed them as the condemned swung from the gallows.

Of course, the death penalty in Britain and more than two-thirds of the countries in the world has now been abolished in law or in practice.

Some countries retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past ten years and are believed to have a policy or established practice of not carrying out executions. The list also includes countries which have made an international commitment not to use the death penalty. Amnesty International figures show that during the past decade, an average of over three countries a year have abolished the death penalty in law or, having done so for ordinary offences, have gone on to abolish it for all offences.

The original idea of having public executions in Britain was to frighten people to death to ensure they obeyed the law, to always be good, hardworking, upright God-fearing citizens. It didn't seem to work, however. People still murdered, robbed, raped, burgled, stole sheep and horses, chopped down trees and picked pockets - all crimes which attracted the death penalty equally in those days. Much to the chagrin of many fans of the sport' public executions were banned in 1889 not only because they were suddenly deemed unseemly' or uncivilised' but also because the British establishment decided that putting people to death ought to be shrouded in mystery and something to fear rather than a gory spectacle to enjoy with the family. Hangmen were made to sign the Official Secrets Act forbidding them to talk or write about what they did and the horrors that inevitably took place during the execution ceremony. Until they became brave enough to defy it, newspaper editors came under the same Act and faced fines and even jail. But the postwar era saw a more vociferous and powerful revival of the anti-hanging lobby and emergence of human rights activists, who finally achieved their aim in 1965 just as Singapore gained its independence and Darshan Singh was well into his career executing people at the rate of about twelve a month.

And now I was in Singapore. It was the first time since capital punishment was abolished in Britain that I had lived in a country where the death penalty seemed to be universally accepted as a matter of fact save for a handful of brave human rights activists. I happened to switch on the television one afternoon in late September 2003.¹ I was suddenly jolted from the nineteenth into the twenty-first century. The then Singapore prime minister, Goh Chok Tong (now senior minister) was being asked by BBC interviewer Tim Sebastian how many people

had been executed so far that year. He looked surprised and said he 'believed' it was in the region of 'about 70 to 80'. Asked why he did not know the precise number he replied curtly: 'I've got more important things to worry about'. Two days later his office issued a statement revising the figure down to ten. Singapore does not normally release statistics on the people it hangs. Amnesty International estimates that more than 400 were hanged from 1991 to 2001, mostly for drug trafficking and murder. At the time of publication of this book - 2010 - the figure is estimated to verge on 550. But since Darshan Singh got the job back in 1959 the grand total is actually closer to 1,000 or even more, although six years of that time was during British rule. Only the government's well-guarded archives could reveal the actual figure and frequent requests by me and other interested parties remain ignored.

Most executions are carried out in complete secrecy and only occasionally acknowledged in the government-controlled media - or when pressured to do so when a foreigner is involved. Only those in the know are aware that on any given Friday, someone could be on their way to the gallows. But no one, except the hangman, the prison governor, a doctor, a priest, and a team of hopeful organ transplant surgeons standing by, knows for sure. So I knew I was treading on dangerous ground when I embarked on an attempt to extract some of Singapore's most carefully guarded secrets. If my information were correct, I was about to meet the most secretive hangman in history in one of the most secretive nations on earth where the topic of hanging people is as obsessively guarded as all those gold bars at Fort Knox. Was I on the verge of obtaining yet another major scoop in my long career as an investigative journalist? Or would I be arrested for attempting to suborn a public servant to break the Official Secrets Act? It would be a major, if dangerous, coup that would make worldwide headlines. I also knew I could end up in jail, a news item myself!

4

At Home with the Hangman

I had no idea what to expect when I rang the doorbell. I was just *hoping* that this was the home of Singapore's unknown but much-feared hangman, Darshan Singh. Not just hoping I was at the right address but musing humorously that he would kindly invite me in for a cup of tea and a chat - and tell me some secrets of the gallows he'd been in charge of for close on half a century. More important, I wanted to talk to him about his next 'job' as he was to call it later: the execution of the Australian citizen Nguyen Van Tuong was only weeks or days away. Australia was slowly waking up to the fact that yet another of its citizens was about to be hanged in another Asian country for trafficking drugs. It was promising to be yet another controversial execution in Singapore that brought down the wrath of many foreign countries and abolitionists - including those of Dutchman Johannes van Damme, Filipina maid Flor Contemplacion, Nigerian Amara Tochi, and Singaporean Shanmugam Murugesu and Malaysian Vignes Mourthi. It would also put the spotlight again on the German citizen Julia Suzanne Bohl, a high profile drug trafficker, and Briton Michael McCrea, a double killer, who miraculously escaped a grisly, ignominious end on the gallows by circumstance or political machinations and economic power. I was taking pot luck that I was at the right place and also that he would be at home.

I was on the tenth floor - or tenth *drawer* as a wag once described Singapore's maze of uniform apartment blocks as being more like giant filing cabinets. I pressed the doorbell. It was 11.30 a.m. There was no sound from within. Ten, twenty seconds or so passed. I pressed

again, this time a little more firmly. Then rustling sounds and muffled footsteps and the jangle of a bunch of keys came from within. I waited anxiously holding my breath, wondering what kind of reception I would get if, indeed, this was the man who bore the ominous title: chief executioner. I was accompanied by a young Singaporean photographer, Kian Yan Law, and I had prepared a little speech of introduction. Of course, I've never taken for granted what to expect in such situations. The worst experience during my long career as an investigative journalist was having a bucket of water thrown over my head from an upstairs window by a person of interest who did not want to talk to me.

From then on I would always instinctively look up whenever I approached the front door of any potentially reticent quarry. In this case there was no window above the front door to worry about. But there were at least a dozen Darshan Singhs in the records I found with addresses from one end of the island to the other. I muttered to myself, coining a new phrase, it would be like finding a Singh in Singapore or a Smith in England. It also occurred to me that none of the addresses I found could possibly be the home of the hangman simply for security reasons alone. Such a man in such a job might be advised not to have such an easily accessible address. If I could find it, so could many others less well-intentioned. Being such a potentially vulnerable public servant he might well have been provided with a government security flat close to the prison and well protected by his armed colleagues on and off duty.

Hangmen are not the most beloved creatures in any society and there is always the risk of a grieving, maddened relative exacting some form of retribution on them. I also recalled stories about Britain's most famous hangman Albert Pierrepoint having a police escort whenever he turned up at a prison to carry out an execution. Sometimes he was armed with a hidden revolver just in case things got out of hand especially when he went to Germany to hang a Nazi war criminal. There were always angry scenes at the prison gates as infuriated campaigners gathered to protest at the latest killing. So I took pot luck, using my lucky number and stuck a proverbial pin in the seventh 'Darshan Singh' in the list and made the Woodlands address my first port of call.

I knew also that trying to interview Singapore's hangman would bring me into conflict with Singapore's Official Secrets Act. Many years

earlier I tried to interview Britain's last executioner, Harry Allen, who ran a pub near Manchester at a time when abolitionists were finally getting the upper hand. Change was coming. Allen knew his days were numbered, too. Genial pub host though he was, he always refused to talk about his 'other job' adhering to the Official Secrets Act which, by that time, had been torn to shreds by his predecessor Albert Pierrepoint who had resigned in the early 1950s. Pierrepoint had become the *enfant terrible* of the British establishment. He not only revealed the horrors of the gallows but gave evidence at the Royal Commission which helped put an end to the death penalty in Britain for good. Hoping he would eventually change his mind, I would often call in for a pint and a chat whenever I was passing on my way to or from the Daily Express in Manchester where I was a staff reporter. But, unlike Pierrepoint, Allen's lips were always sealed on that subject.

That was also a long time ago, in another century. And I was a long way from Manchester. Now I was in Singapore, standing outside my quarry's home, praying that not only did I have the right man but also this one would be prepared to talk! Memories of Harry Allen's discreet silence did not help my confidence. And I knew that executions and the executioner had always been shrouded in mystery in Singapore, protected by an Official Secrets Act, just as they once were in Britain. I prayed a little harder. There was another jangle of keys as two locks clicked and the heavy, polished wooden door opened. A large stocky man appeared behind the ominous bars of the wrought iron security gate, the kind you would find in any decent jail. The first thing I noticed were his large shining, dark eyes and large round face. Kian Yan was holding a camera just below her waist. I'd instructed her that if he at least opened the door, confirmed who he was but refused to let us in or talk, to snatch a few shots. Then run! As we say in the newspaper business, a picture is worth a thousand words! 'Yes?', he inquired. 'Excuse me', I said. 'I'm looking for a Mr. Darshan Singh ... but I'm not sure if I've come to the right address. Is your name Darshan Singh?' 'Yes'. 'There are at least a dozen Darshan Singhs in the records'. I said, 'So I might still have come to the wrong address. The gentleman I'm looking for used to be an officer at Changi Prison'. 'That's me', he replied, 'I'm retired now'. 'But you still work there occasionally in another ... er ... capacity, don't you?' I added, affecting nervous hesitation. 'Er ...

some ... er ... Friday mornings?' A slight smile creased his weathered face. 'Yes'. It made me feel more confident. 'It's a very special job, isn't it?' 'Yes'. And you have another very special job soon involving an Australian citizen, Nguyen Van Tuong?'

The imminent execution of Nguyen was beginning to give fresh voice to anti-death penalty campaigners in Australia, which had long abolished capital punishment, and around the world. Given the history of the executions of Kevin Barlow and Brian Chambers in Malaysia when the Australian Labor Party was in power, I knew it could also threaten a major diplomatic rift with Singapore. A frank interview with his executioner would be sensational. As I stood on the hangman's doorstep, time was running out for Nguyen. Would he soon become another dead man walking? Getting an interview with this man at any time seemed like mission impossible. And I knew it would not please the powers that be in Singapore. 'He won't talk', advised a local friend. 'Don't waste your time. And be careful. This is Singapore!' But I was determined to get to know the man who was to hang Nguyen. It would not only make a good and timely story but also history - as the first journalist to help break a most sacred Official Secrets Act concerning the death penalty. I wanted to expose some of the ghastly secrets of the gallows - the kind of secrets Singapore's leaders are so proud of, revere, put so much faith in but don't want anyone else to know about. Capital punishment in the tiny island state had for far too long been shrouded in this kind of secrecy and discussion on the subject completely discouraged. It was time something was done about it in as dramatic a way as possible, I thought to myself. Could I be the one to expose the un-exposable? It would not be the first time I had rattled a few cages in high places with an equally embarrassing expose. Knowing sensitive government jobs anywhere in the world usually come with punishable laws, I was only too aware that this was going to be a formidable if not impossible task. 'You could get two years behind bars', warned my journalist friend. 'He might shop you to the authorities and have you arrested'.

I knew all that. But being trained in journalism in the 'publish and be damned' way, I was determined to go ahead come what may. I did once venture to enquire from an official at the Home Affairs Ministry about the pending execution of Nguyen. The standard email response

was always: 'We have a general policy not to give any information on the death penalty or the condemned'. So no one ever knows for sure who or when someone is about to be strung up and killed in this barbaric way. There are never the kind of angry, noisy protests outside Changi Prison like there used to be outside British prisons by banner-waving human rights campaigners whenever an execution was about to take place. These were the kind of people who stirred the consciences of all Britons until the death penalty was finally abolished in 1965. Such activism is severely discouraged in Singapore and the penalties for overstepping the mark can be dire. A gathering of more than four people to protest anything without permission always lands the perpetrators in court and a fine, or worse, jail, as many brave human rights activists have learned and are still learning to their discomfort and peril.

Now I was standing on the doorstep of the world's most secret and arguably most prolific hangman in history in one of the most ominously secretive countries on earth. Was I on the verge of obtaining yet another major scoop? There have been many over the years and I knew an interview with Singapore's mystery hangman could be the story of the year for the Australian and world media. The timing was perfect. It was bound to become a major topic of television and radio talk shows and help trigger a much wider anti-death penalty campaign that would echo around the world. Nguyen suddenly ceased being just 'another Viet boy dealing smack' in the eyes of many Australians. It's what freedom of the press is all about, I always say, no matter how unpalatable such revelations might be to those with politically sensitive palates or who are more comfortable with the status quo and the peons left in sublime ignorance. It was this kind of revelation that finally led to the abolition of the death penalty in many countries, especially my own, Britain. Australia had also long abolished it as being potentially unjust and belonging to a long-forgotten, barbaric age. It also put the spotlight on Singapore's legal system which many observers inside and outside the country believe has been perverted to suit political and economic expediency. 'Yes', replied Singh, 'I will be hanging Nguyen Van Tuong very soon'.

This statement seemed to me to be a little premature. The President of Singapore had not even received a promised appeal from prime

minister John Howard in Canberra. Darshan Singh, it seemed, was certain Nguyen would not get one. He knew the ropes, as he was later to say with a grin. At least he was responding to my questions. But I still hadn't properly introduced myself. It might not be this easy, and I continued with my well-rehearsed little speech. 'I'm a freelance journalist based here in Singapore', I said. 'I would like to talk to you about Nguyen's execution'. He smiled again and without hesitation unlocked the iron security gate and ushered us inside. 'Come in', he said with a smile. I shot a glance at Kian Yan as if to say, 'I can't believe this is happening...'. Not only had I found this proverbial needle in a haystack, he was prepared to talk - and with gracious hospitality! 'What would you like to drink?', he asked. He had a good selection of beers and I could see his drinks cabinet across the living room was well-stocked with wines and spirits including Chivas Regal, his favourite whiskey he told me later. I settled for a glass of Guinness and he disappeared to the kitchen. Several minutes later, as I sipped the nicely chilled beer through the full head of white foam and we began talking, a nagging feeling came over me: all this friendliness and hospitality might be too good to be true! Had he called the Internal Security Department or the prison governor on the pretext of providing the drinks and get me arrested? No sign of anything untoward at that moment! But a knock at the door or the blare of a police siren could still come at any time.

I cast these thoughts to the back of my mind. The Guinness was going down nicely. They couldn't hang me, or even cane me for that, I joked to myself. But they could jail me for a few weeks or months or a year or so with a heavy fine. I knew it was an offence under the Official Secrets Act that I should not be doing what I was doing. This was Singapore.

He sat in the armchair opposite me, now with a quizzical look on his face. He wanted to know how I managed to find out who he was and where he lived. 'Finding your name was the hardest part', I said. 'I found some public records but there were at least a dozen Darshan Singhs in the list'.

'I took pot luck, chose the seventh on the list and decided to come here first. It also happens to be the nearest to where I live'. "Then this is your lucky day", he said with a laugh. It did not take much prompting for him to start going down memory lane, how he first came to

Singapore from Kuala Lumpur in 1957. Malaya was in the last days of British rule and Singapore was not then separate and independent. The entire region was threatening more turmoil and still another eight years before complete independence finally came for the city state. He had just graduated from college. Jobs were scarce amid the tension of Malaya's struggle for independence and the young Darshan Singh decided to travel south where opportunities were greater and the situation a little more promising. Looking through the jobs columns in *The Straits Times*, he saw an advertisement for young men and women to join the British Colonial Service and become officers in Changi Prison. He was accepted immediately and, after a short training course, he was soon watching over and supervising dozens of prisoners on his block.

Darshan Singh had just turned 24 with a stout build and powerful arms. He was an impressive-looking young man who commanded authority. His physique also gave him a natural ability to wield a cricket bat - much to the chagrin of many a good bowler. Cricket was and still is one of his loves and back then his prowess made him a top scorer playing for Singapore Cricket Club against British Army and Royal Air Force teams. Such prowess singled him out for a very lucrative sideline career within the prison walls. He became a member of the 20-man team of fierce, rattan-wielding caners whose skill at inflicting maximum pain on the unfortunate bare buttocks of those convicted of serious offences was legendary. Their tortured screams as flesh flew could be heard all over the prison. Some say all over Singapore. I'd already heard personal accounts of what goes on between the floggers and their victims. They are always well-built, muscular Indian or Malay men trained in martial arts. Not only are they taught to inflict great pain but ensure that each stroke of the rattan cane lands roughly on the same spot. This ensures a deep, lasting scar they will never forget.

Capital punishment was also a part of the colonial regime. The chief hangman at this time was a B. Seymour whom Singh described as an 'English gentleman' and who was anxious to retire to become a partner in a chicken farm in Johor. So Seymour began looking around for an understudy to 'learn the ropes'. This is one of his jokes and he constantly peppers his conversation with his own personal brand of gallows humour, always breaking into guffaws of laughter as though

he was hearing each one for the first time! An enthusiastic, strict disciplinarian like his father who believed in the 'sparing the rod and spoiling the child' way of thinking inspired during Queen Victoria's reign, Darshan Singh seemed an obvious choice for the caning team and, when approached by Seymour to see if he would like to take over his job and hang people, he agreed without hesitation. It also meant extra money Bonuses were paid on a per head basis. Each hanging brought in around \$30 per head in those days. A member of the caning team, Darshan Singh was able to boost his earnings at the rate of 50 cents per stroke and this official moonlighting provided some useful extra money. When he became Chief Hangman in 1959 he was one of the highest paid prison officers. Business on the gallows was brisk. He was only 26. Singh had also just married a young Muslim woman slightly younger than himself. She had no idea what his other duties were inside Changi, other than that he was a prison officer. His other title, chief executioner, was the only secret he kept from her. He had, after all, signed the Official Secrets Act and did not feel guilty about not telling her. He could tell no one. Although he refused to talk to anyone about what he did, she finally discovered that every time he left home almost every Friday at around 2.30 a.m. it was to kill someone. Horrified, she left him. Darshan Singh refused to discuss that episode in his life, but one of his friend's told me in confidence that not only was she appalled at the idea that her young husband killed people on behalf of the state she did not believe in Singapore's death penalty laws.

It was a very busy time inside Changi Prison. When he wasn't preparing a condemned felon or two to be hanged or wielding the rattan cane delivering up to 24 strokes on the bare buttocks on yet another unfortunate, he was keeping other convicts on his block in line. After several prisoners had died from cardiac arrest following a thrashing from the caning team, the British prison governor ordered that a doctor must always be on standby and to stop any excess. If the prisoner could not tolerate the repeated lashes - the rattan canes are constantly soaked in water to keep them more pliable and more painful - the punishment would be stopped and resumed the next day when the recipient had sufficiently recovered. This is still the rule today. But punishment delayed or not, the extra money on top of his monthly salary in those days always came in handy. And there was never a

shortage of bare buttocks to shred.

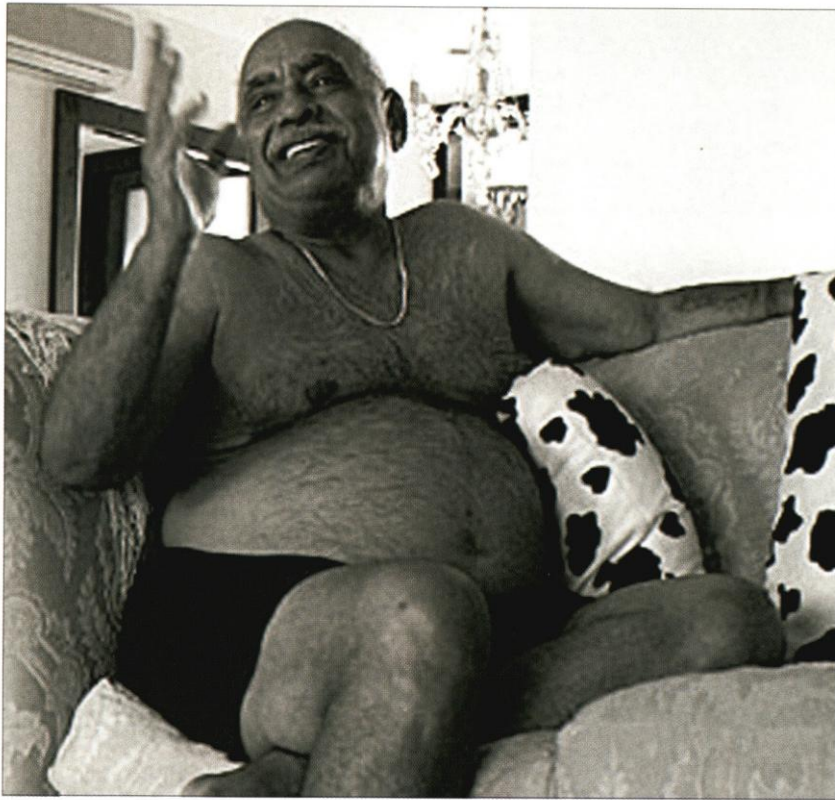
Darshan Singh was not allowed to show any sympathy for the men he punished so brutally even if he had wanted to. A supervisor is always present to make sure the caners do not become lenient or go soft on them. But Darshan Singh believes what he was doing was good not only for the man he was thrashing but for society as a whole. This attitude also extends to the many condemned killers and drugs traffickers that come his way - especially child killers, rapists, brutal murderers and armed robbers. He firmly believes he has done a good job in the service of Singapore. Dangerous criminals have to be removed from society never to be given a chance to commit abominable crimes again. Everyone knows the harsh laws of Singapore which began under British colonial rule, he says, and if they commit the crime they must do the time - either behind bars or the end of the rope. Darshan Singh also learned never to ask questions. He was the right man, in the right place at the right time back then in 1959. He has been hanging condemned men and women non-stop in Changi Prison ever since.

Darshan Singh also proudly declares that with his experience, he can ensure a condemned man or woman is always hanged quickly, efficiently and painlessly. 'An inexperienced hangman could make mistakes and prolong suffering. They don't struggle when I hang them. I know the correct way it should be done. With an inexperienced executioner, who doesn't know what he is doing, they will struggle like chickens, like fish out of the water'. It was the horror reports that emerged when things went wrong that so shocked and dismayed the public and shamed the then ultra-conservative establishment of the 1950s that finally put an end to the death penalty in Britain. Today, the Singapore authorities are just as fearful of this kind of pornography being exposed to the public galvanising them also to demand the end of capital punishment in their pristine clean country.

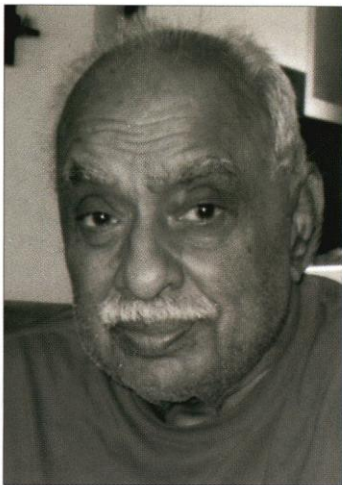
Darshan Singh, the father of three adopted children, grown up now and some with youngsters of their own, told me he would always support the death penalty in his country. 'It has helped keep Singapore one of the safest places on earth', he often told me. 'These drug traffickers know what will happen to them if they get caught. People who sympathise with them have nothing to say about the thousands who suffer because of drugs. They destroy their lives as well as their

families - and society as a whole suffers'. Under Singapore's tough laws, anyone aged 18 or over who is convicted of carrying more than 15 grams of heroin receives a mandatory death sentence. He believes it was a big mistake for Britain and Australia to abolish the death penalty. 'I have read that some people in England - and also in Australia - would like capital punishment to be brought back. If they do and they ever need a hangman again, I would offer my services'. In fact he revealed that he once travelled secretly to Calcutta, India, to carry out the hanging of a rapist. 'I don't often get these requests', he told me. 'I am always at the service of any government anywhere to carry out an execution by hanging. If the person has been properly tried in court I would do it without hesitation'.

Darshan Singh also revealed to me that the authorities once considered switching to other means of execution such as lethal injection a method used in some American states. This idea was quickly shelved when it was pointed out that many of the condemned often wish to donate their organs for desperately sick people who might have only weeks or months to live. 'If they are executed by lethal injection, their organs will be destroyed and could not be used for transplantation'. A Sikh who converted to Islam after marrying a Muslim woman, Darshan Singh said the most difficult part of his job was when he had to hang prisoners whom he had befriended. Getting to know some prisoners languishing on death row, Darshan Singh said he developed close relationships with them while still eventually having to carry out the execution. 'In a way, they became my friends and wanted me to hang them when they finally accepted their fate. One of the fellows even asked me to give him his final haircut the day before'. Murderers and drug traffickers deserve to die, he said, and their punishment is a means of 'complete rehabilitation'. He told me he also believes in reincarnation, that the men and women he hanged - if they repented - would return better men or women when 'they are reborn'.



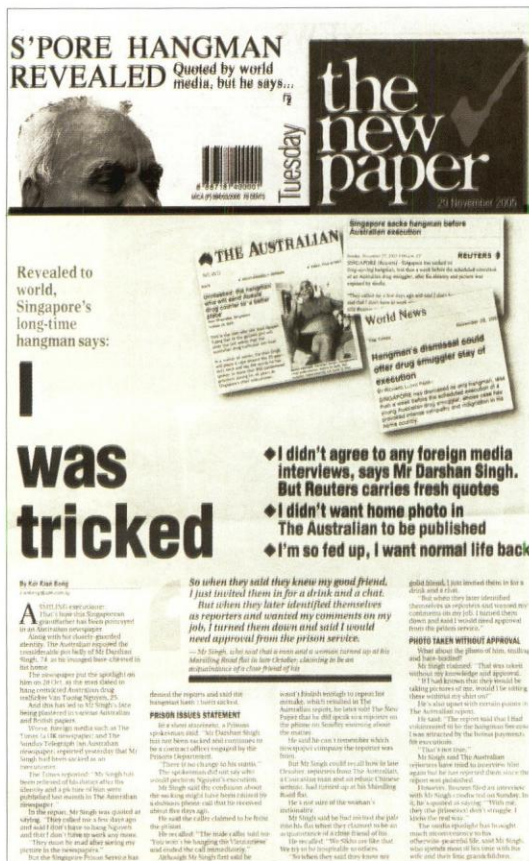
1 Darshan Singh reveals some of the horrors of the gallows



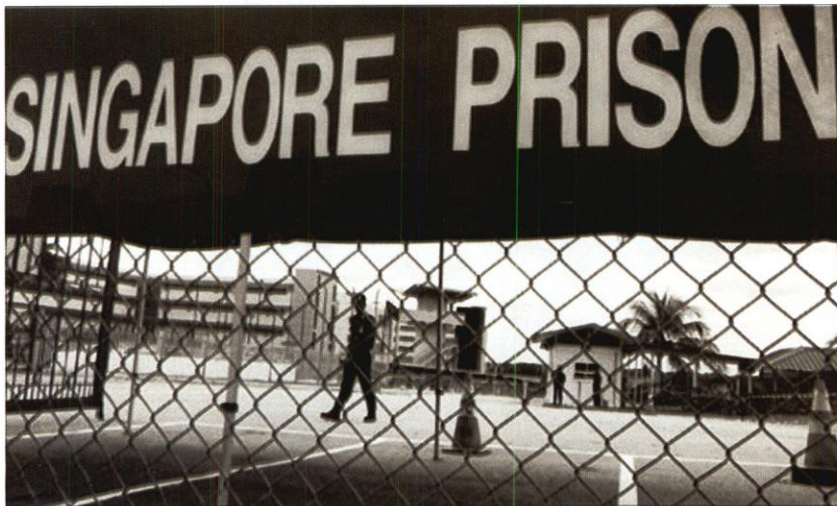
2 Darshan Singh ponders his past



3 At home with convivial hangman Darshan Singh



- 4 The New Paper reported Darshan Singh was 'tricked'



- 5 Changi Prison from the outside looking in ...

SINGAPORE, Monday

THE TRIAL of 59 Polaris Semang detainees on these charges will begin on Wednesday. On a prosecution application, the trial of the other 46 who are accused has been put off till the next Tuesday.

Mr Justice Byrne made this order after a special jury of seven men chosen from among 30 called to assist. He rejected an application by Mr J. de la Roca to adjourn the hearing for the 46 till 2008, the date when the 59 Polaris Semang detainees are to be tried.

Application to adjourn hearing to the next Tuesday

Mr J. de la Roca, who is the lawyer for the 46 detainees, said that the 59 Polaris Semang detainees were not charged with any offence until 1988. He said that the 46 detainees were charged with an offence in 1987. He said that the 46 detainees were charged with an offence in 1987. He said that the 46 detainees were charged with an offence in 1987.

Thomson assures people of Sarawak

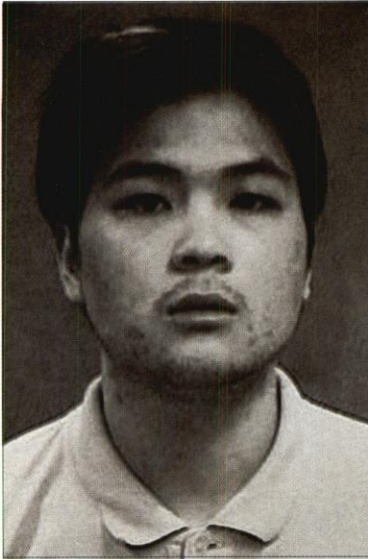
WILKINS, Sarawak — The Federal Government has assured the people of Sarawak that it will continue to support the Sarawak Government in its efforts to develop the state.

Waikato

Waikato is a region in the North Island of New Zealand. It is known for its beautiful scenery, including the Waikato River and the Waikato Forest. The region is also home to the Waikato University and the Waikato Hospital.

7 Hangman Darshan Singh's 'longest day' when he hanged 18 men by lunchtime

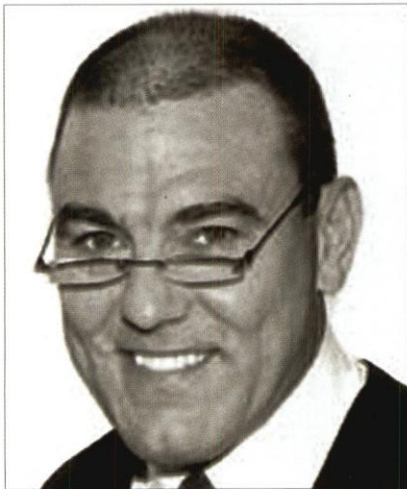
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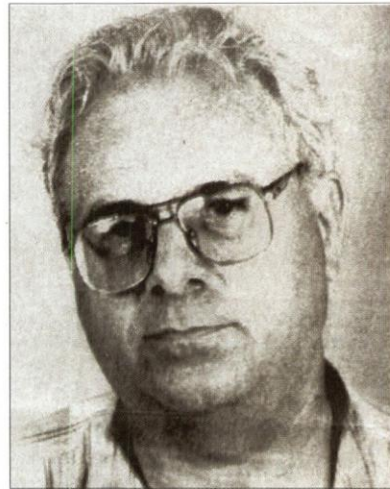
8 Nguyen Van Tuong's execution caused a political backlash in Australia



9 Julia Bohl escaped the noose



10 Mike McCrea also had the death penalty abolished for him



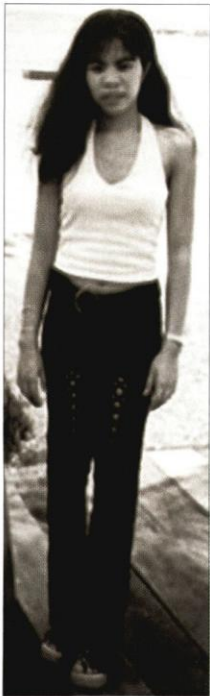
11 Many Dutch citizens wanted warships sent to Singapore to rescue Johannes van Damme



12 Flor Contemplacion's execution damaged the Philippines's relations with Singapore for three years



13 Guen Aguilar chopped up her best friend, Jane La Puebla, and scattered her body parts around Orchard Road and beauty spot McRitchie Reservoir



14 Jane Le Puebla: why her friendship with Guen Aguilar ended so horrifically was never determined



15 Angel Mou Pui-Peng, a Christian, was allowed to live two weeks' longer because of Christmas



**2005/13399 GUIGA LYES
BEN LAROUSSI**

16 Drug baron Guiga Lyes Ben Laroussi blackmailed his way to freedom



17 Former Singapore police Chief Khoo Boon Hui now Interpol president: did he try to bring back Laroussi?



18 Dedicated abolitionist and civil rights activist lawyer, M. Ravi



19 Vignes Mourthi's and bride Puspa's happiest day

THE STRAITS TIMES THURSDAY MARCH 31, 2005



15-MONTH SENTENCE: Rajkumar bribed a woman so she would retract a rape report.



JAILED SIX MONTHS: Singh had negotiated a bribe with the woman.

20 Rogue cops S. Rajkumar and Balbir Singh jailed for corruption

H2 | HOME

Ex-law officers jailed for corruption

TWO former law enforcers were yesterday convicted of corruption after a 15-day hearing.

S. Rajkumar, 29, who was a staff sergeant in the Central Narcotics Bureau (CNB), was found guilty of three charges of corruption and sentenced to 15 months' jail.

He had faced 10 counts of corruption and was accused of bribing a woman to let him retract a rape report she had made against him.

The second man, Balbir

Singh, 38, a former staff sergeant with the Singapore Police Force, was convicted of one count of corruption and given six months' jail for his role in negotiating a bribe with the woman on Rajkumar's behalf.

He had faced three charges of corruption.

Both men, who had served in their respective forces for nine years, are appealing against their convictions.

According to the prosecution's submissions, Rajkumar

was alleged to have raped the woman on Sept 21, 2001 after the two met to discuss the woman's pending theft case.

The woman lodged a rape report that day, and the case is still pending.

During the trial, Deputy Public Prosecutor Tan Kiat Phang had told the court that Rajkumar gave \$500 to the woman on Oct 29, 2001, to retract her rape allegations.

A few days later, Singh met the woman at Maxwell Food Centre and offered her

\$10,000 on behalf of Rajkumar, as she had not decided if she would withdraw her report. In exchange, the woman was to retract her rape allegations and say it was consensual sex, the prosecution said.

In November 2001, Singh met the woman, who was given \$2,000, of which Singh took \$200 as his reward.

The Corrupt Practices Investigation Bureau said it was tipped off in February 2003 about Rajkumar's bid to bribe the woman.

In defence, Rajkumar's lawyer, Mr M. Mahendran, said his client had gone out with the woman on two previous occasions and had engaged in consensual sex.

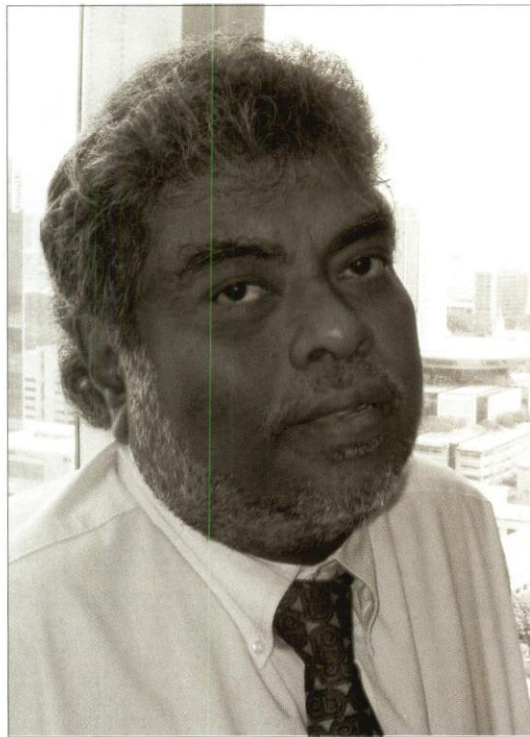
Rajkumar had testified that when he called the woman on the day of the alleged rape, a man answered and told him to "watch out". He suspected it was this man who had told the woman to make the rape report.

Rajkumar and Singh are currently out on bail.

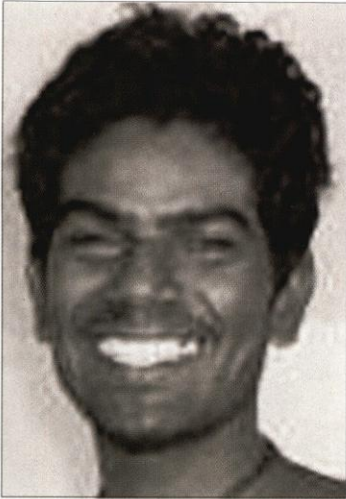
21 The Straits Times reported the Rajkumar/Balbir corruption case



22 The Mourthi family will always grieve the loss of their son and brother



23 Top criminal lawyer
Subhas Anandan talks
frankly



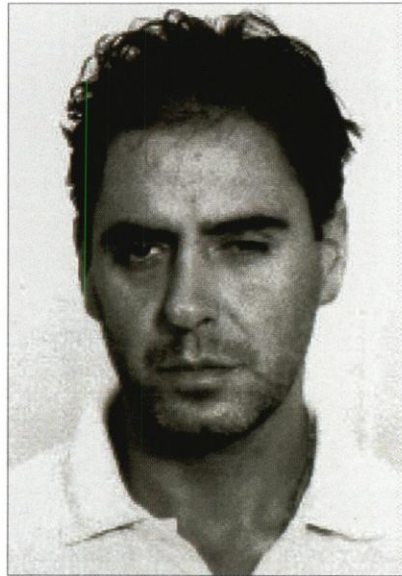
24 Shanmugam Murugesu: many believe he was victim of a police sting



25 Ravi translates as Shanmugam's mother tells her tragic story at a protest forum for Nguyen Van Tuong



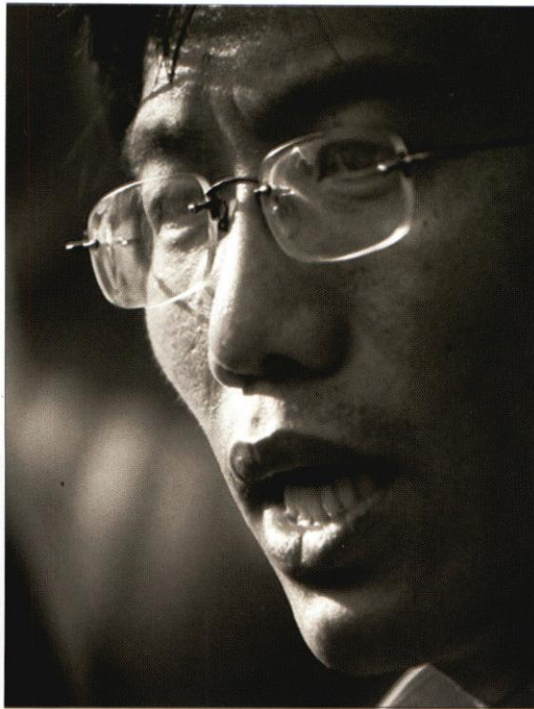
26 Amara Tochi could have become a top footballer



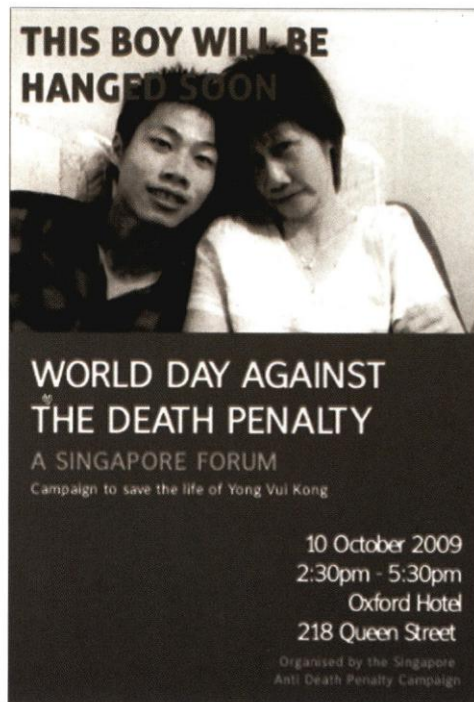
27 Englishman, John Martin Scripps:
only his mother and sister wept



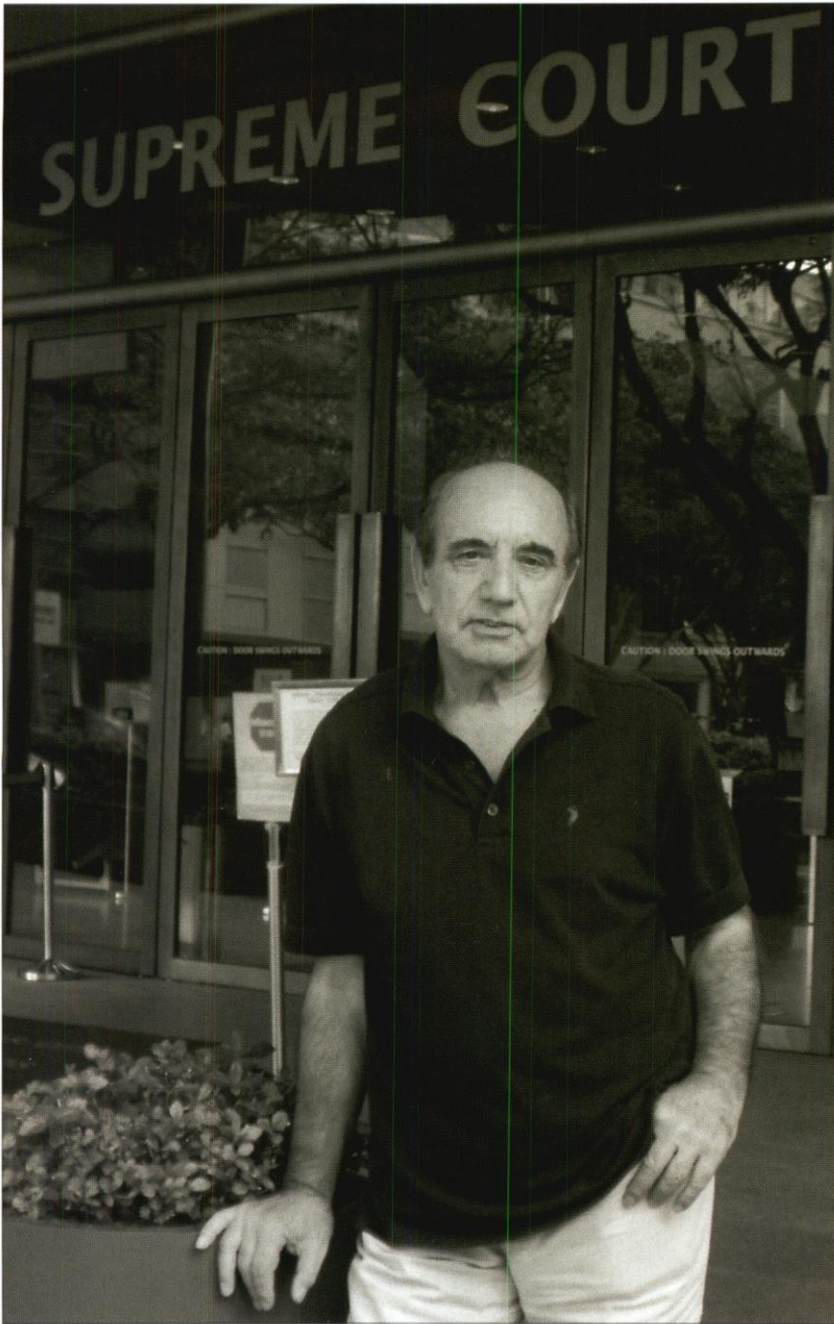
28 Enraged Australians protest Nguyen's execution in Canberra



29 One of a few brave men
– freedom fighter Chee
Soon Juan



30 Another campaign to save a
simple mule from the gallows



31 Author Alan Shadrake spent months scrutinising court and other records all over Singapore to unearth judicial scandals

5

The Isle of Ease Uprising

If Darshan Singh still felt a bit of a novice when it came to getting the calculations just right for a perfect hanging, all that changed at dawn one Friday morning in 1964 when he began executing 18 men three at a time. He knew he was going to have a major job on his hands when he began reading the trial of 58 convicts who had been charged with the murder of the British superintendent and two deputies of an experimental penal colony on Pulau Senang - or Isle of Ease - just ten miles south of Singapore. But he had no idea just how many would actually be sentenced to death. The bets were on that that only six would hang and the rest receive varying prison sentences or be acquitted. He had been chief executioner for four years and six would have been a record and a major task for him then, the gallows being equipped to hang only three at one time. Eighteen executions that would have to be completed in one day was more than a challenge and it did not take him long to calculate that he would have hang them in six batches in one day to complete his orders.

The tiny island was chosen by the not then fully independent Singapore to keep violent, dangerous criminals from the general population in isolation and it was believed such men could be reformed and turned into good citizens. The government saw it as an ideal solution and chose an idealistic British prison officer, Daniel Stanley Dutton, as the perfect man to run the place. He would supervise the building of the settlement and teach the inmates pride and self-reliance. Although a strict disciplinarian who believed in hard work to keep their minds off other things, he treated them all with respect. Dutton,

who had seen active service in the British army when he parachuted into German-occupied Greece during the Second World War and then in Palestine, spurned armed guards to protect him and his small staff from potential violence and refused any kind of personal weapons.

The tropical island was deceptive in name as well as appearance. The new arrivals found they had to carve a settlement out of formidable virgin jungle to make it habitable for themselves and their overseers. The sparkling blue waters surrounding the 202-acre island were home to vicious man-eating sharks, powerful currents and treacherous hidden coral reefs which were thought sufficient deterrent to make any detainee think twice before attempting to escape. Apart from 277 officially-counted coconut trees, everything else that swayed was formidable jungle. If all this was not depressing enough for the new inhabitants the island had a long gloomy history, a past they soon learned about and tagged on to. When the first survey was made in January 1960 the island's population totalled two: Adolf Monteiro, a one-time keeper of Raffles Lighthouse and his son, Steven. The Monteiros had moved to the deserted island in 1937 to run a tiny copra industry out of those coconut trees. According to legend the original inhabitants of the island became victims of the curse of a thirsty old man. One day long, long ago, so the legend goes, the old man went looking for a drink of water. But the islanders, always in fear of their two meagre streams running dry, refused to give him any. So the old man put a curse on them and while the tiny streams continue to flow, the original inhabitants mysteriously disappeared one by one.

The modern history of the island is equally gloomy. Monteiro Senior and Steven remained during the Japanese occupation and although they were left alone, they witnessed the brutal treatment of labour gangs forced to grow tapioca and other crops. Through disease and hunger and ill-treatment the labourers too died one by one. All over the island shallow graves of those men can still be found. If the Isle of Ease had a gloomy history it was about to get gloomier still in 1963. And chief executioner Darshan Singh would become an important part of that particular story. The first escape bid was staged in January 1961 when three detainees vanished into the jungles. They were back only days later exhausted and hungry with thoughts of freedom far from their minds. As time passed, the escape attempts became a little

more sophisticated, more daring and just as futile. The most dramatic occurred in December 1962 when five prisoners seized a powerful military speedboat and raced to find cover among one of Indonesia's thousands of islands. A customs boat intercepted and rammed the fleeing speedboat, throwing the occupants into the shark-infested waters. Luckily for them they were not eaten alive.

The first indication of any large-scale revolt came in early 1963 when 14 inmates armed with *changkol* (hoes) attacked a settlement assistant and then fled into the jungle only to be recaptured a few days later. While an inquiry was still pending, an even bigger revolt was being hatched. It came suddenly and brutally on the morning of 12 July 1963 at a time when the penal camp experiment had appeared in some ways to be a success story. The most heart-warming piece of news was that a detainee had passed his higher school certificate examination. Dutton, who regarded the settlement as his baby, was extremely proud of this achievement. He ran things in the belief that if you treat men like these with respect and in a civilised but disciplined way, they will reform and become good productive citizens after their release.

Major Peter James, a retired regular British army officer, then Director of Singapore Prisons, got to his office in Upper Pickering Street just before lunchtime after an inspection tour of Changi Prison. A radio message had just come in from Dutton with the news of a rumour that trouble was brewing - with the ominous threat that 'they are out to get me'. The two then argued about what to do next. Dutton said he had arrested the ringleaders and had everything under control. Despite Dutton's protests, James contacted the Deputy Commissioner of Police, Cheah Teng Check, who immediately ordered a troop unit to the island. With them went officers from Changi Prison - including Darshan Singh - armed only with heavy batons to quell the rioters. By the time he and other troops and police and prison officers were despatched, the situation was completely out of control. Frantic calls were then heard over the radio transmitter. It was Dutton calling for help. 'Situation very bad', he kept repeating until the radio room was in flames and he lay dying.

Dutton was hailed by James as a leader of men and was convinced that a majority of the prisoners were loyal to his leadership and would defend him in the event of any major trouble. James said Dutton had

insisted on being given a free hand - even in the selection of the kind of men chosen for the experiment. He would run things his way or not at all. When James told him not to overwork the men and to stick to a 44- hour week, Dutton said he would never ask more of them than what he himself was prepared to do. But within days the settlement lay in ruins and Dutton lay dead, hacked and burned in an orgy of violence that shocked all citizens of Singapore, especially the soon-to-depart British establishment. When the riot broke out there was not a single gun on the entire island. Dutton was adamant that the whole experiment would fail if firearms were kept to maintain discipline. Another argument against having guns, however, was that the same weapons could fall into the hands of the prisoners in the event of an uprising. But to a *Straits Times* reporter, sent to the island to report on the experiment, Dutton pointed to a group of happy, hardworking detainees and said: 'I know they can turn into a vicious mob if they choose to but I feel it will never happen. There is good in them and I intend to bring it out'. It was something, it was later said, Dutton believed in until the very last seconds of his life - such was his faith in the men who slaughtered him.

The dream of the experimental penal settlement on Pulau Senang was actually the brainchild of Devan Nair, a founder-member of the People's Action Party. Nair was in jail in 1959 when the PAP was voted into office and one of the conditions Lee Kuan Yew laid down before accepting the invitation of the head of state to form a government was that Nair, and other suspected communist sympathisers, should be freed. But first he had to renounce his communist sympathies and accept Lee's brand of democratic socialism. Although he said he was well-treated himself when he was behind bars for advocating the overthrow of colonialism, Nair was horrified at the appalling conditions and treatment by the British of ordinary, non-political prisoners. They were mainly secret society criminals, suspected murderers, robbers, rapists and psychopaths detained without trial. Nair immediately proposed setting up a Prison Inquiry Commission to find ways and means to attempt to rehabilitate them or at least treat them humanely. He reported that when prisoners were approached by a British prison officer they had to kneel on the floor with head down, which made him extremely angry. The Commission was set up in November 1959 with Nair as chairman. The commissioners were Professor T.H. Elliott

and Dr Jean Robertson of the University of Malaya in Singapore, Jek Yuen Thong, Osman bin Abdul Gani, Chean Kim Seang, Tay Kay Hai, Sandrasegaram Woodhull and Francis Thomas. The following year they issued a report on the best way to solve the problem of crime and criminals including the 'gangster' problem. Overcrowded prisons were a major sore especially with regards to hygiene and discipline. Nair suggested to the commissioners he had the ideal solution - he called it the Pulau Senang rehabilitation experiment.

The experiment began on 18 May 1960 when Dutton arrived on the island with 50 detainees. Within the next three years, as the numbers increased to 320, they transformed the island into an attractive, busy settlement with roads and a water supply, huts, workshops, canteen and dormitories. The uprising began on July 12 1963. A group of about 70 to 90 detainees armed themselves with weapons and attacked the wardens and burned down most of the buildings. Then they targeted Dutton, cornered him in the radio room as he was calling for help, and hacked and burned him to death. Two other officers were killed and many prisoners who did not take part in the riot were also seriously injured. When the police arrived on the island all was quiet. None of them offered any resistance. Some were even seen playing guitars and singing songs, according to court records. After an investigation 58 were charged with rioting and the murders of Dutton and his assistants, Arumugam Veerasingham and Tan Kok Hian. The prisoners were mostly hardened criminals or secret society members detained without trial. Despite Dutton's promises, many had little or no hope of ever leaving the island. They also complained of being over-worked like slaves, often late at night. Allegations of corruption were rife, that some prisoners were given preferential treatment by being allowed to return to the mainland at weekends for family visits in Changi Prison in return for bribes. While this was found to be untrue the rumours persisted. Prisoners also felt the system of release was biased and unpredictable. Dutton's faith in this brave new world came to its inevitable, violent end.

It was to be an unprecedented trial in Singapore's history and became a significant case reported in the *Malayan Law Journal*. In fact, the Pulau Senang trial is recorded in the *Journal* as being unparalleled in the legal history of Singapore and Malaya. A special dock had to be

built in the Assize Court to accommodate all the accused. It was an enormous task ensuring everyone had a fair hearing. The trial was to last an unprecedented 64 days. A seven-member jury of Singaporean civilians - Chinese, Malay and Indian - would decide their fate. The evidence they were to hear was lurid in the extreme. Darshan Singh also helped escort the prisoners back and forth every day for the trial and formed part of the guard inside the court, he told me during an interview. One archived newspaper report quoted detainee and chief prosecution witness, Liew Woon, who said he saw Dutton 'being burned alive and assaulted with an axe' by two armed rioters in the settlement's radio room. Liew said two other detainees - Sim Hoe Seng who was carrying a tin of petrol and Chan Wah who had the axe - climbed onto the roof of the radio room. He said Chan smashed the wooden roof and Sim set the building ablaze. Liew said Dutton - 'with part of his body on fire' - tried to escape but was confronted by four other accused one of whom slashed at him with a *parang* and another with an axe before he collapsed. He said during the riots the detainees had earlier confronted Dutton and protested about the alleged discrimination shown in the release of certain detainees without regard to the period of their detention. Liew said, 'Mr Dutton replied to them: "If you were to help me, I would recommend your early release". By this time, I understand that Mr Dutton was asking them not to attack him. The detainees reacted by saying: "It's too late for us to help you"'. He said Chan smashed the wooden roof and Sim set the building ablaze. Dutton collapsed when slashed with a *parang* by Chia and hacked with an axe by Lim. Liew also implicated several other accused men. When cross-examined by a defence counsel he denied that he had falsely identified all the accused named in his evidence because they belonged to a rival secret society. Earlier Liew said he had heard various views from the rioters on how to deal with Dutton. One suggestion was that he should be buried under the jetty. Another rioter opposing this said: 'Just kill him and set fire to him. There is no need to trouble ourselves further', Liew claimed.

With its sensational revelations, the trial made compulsive reading in newspapers all over Malaya, in Singapore's *Straits Times* and back in Britain. Readers followed the grim reports which were published under such garish headlines as 'Dutton Was In Flames When He Was Cut

Down'. At the trial the Public Prosecutor, Francis Seow said Dutton had died a terrible death having 'blundered' by underestimating the size of the uprising which he said was a 'quite sizeable section' of the 316 detainees on the island that day were involved in the rioting.

While the horrors of the trial were related in court and published in newspapers across Malaya and Singapore, there was one man who had a special interest in the outcome of the case. Darshan Singh, then aged 30, had been in the job as chief executioner for the British only four years. Although he was by then quite experienced having been taught the textbook way of hanging, he did not know exactly how many he would be obliged to execute. Most observers guessed that only the ringleaders would get the death sentence, about six in all. So it came as a surprise to everyone - especially to the young prison officer Darshan Singh who was present in court throughout the trial - when he heard Mr Justice Buttrose deliver the sentences. The news to the general public came on the morning of Friday 13 March 1964 just after he had carried out two more executions in Changi Prison where the Isle of Ease prisoners were also being held. The front page headline in *The Straits Times* screamed: 'Senang Revolt: 18 To Hang'.

Although he would be provided with a team of assistants to control the men, shackle arms behind backs and legs together, then help lead them to the gallows, it was still an awesome responsibility for Darshan Singh. He must, according to the English Table of Drops, carry out the executions as quickly and humanely as possible. To ensure this the prisoner was dropped an exact measured length according to his or her weight and height and modified if required to take account of their physique and muscularity, especially the neck. The force of the drop combined with the position of the knot below their left ear was designed to cause instant unconsciousness, then rapid death. The prisoner is weighed prior to execution and the weight in pounds - less an allowance of 14 pounds for the head - divided into 1,020 to arrive at a drop in feet. It takes between half and three quarters of a second for the prisoner to reach the bottom of the drop, once the trap is sprung. A heavy person would require a short drop and a light person a longer drop according each individual weight. This method was also Britain's legacy and Darshan Singh was quick to ... er ... 'learn the ropes' - as he often quips - from the rule book. He says Seymour was not always

careful enough when he carried out an execution and things often went wrong. He was the last British colonial hangman in Singapore and Singh hopes one day his name will appear in the Guinness Book of Records as the most prolific executioner of all time - with special mention of what he regards is his greatest accomplishment: the day he hanged those 18 men from the Isle of Ease whose trial and conviction for murder he had witnessed from start to finish. He told me that he had actually applied to the publishers for this recognition and when I enquired at their offices in London I was told his request had been denied. No reason was given. Perhaps such a record was considered too unsavoury for this revered and popular publication - or maybe he had to do the impossible - provide proof of this 'achievement' before it could be considered and accepted. Singapore would never allow such proof - given that these are their near-sacred secrets - to be published officially anywhere.

When all the appeals processes had been exhausted and an execution date fixed, the 18 were separated in individual cells early one Friday morning in 1964. A guard stood at each cell door. Each prisoner had already been weighed and measured. They were of varying weight, height and muscularity and Darshan Singh had to ensure he got his sums exactly right for each prisoner. He did not want anything to go wrong. 'If you get it wrong the head would go one way and the body the other', he told me. This was one of the biggest tests of his career. As a new day began Darshan Singh, helped by two assistants per prisoner, led them in single file three at a time into the execution chamber, their arms already secured tightly behind their backs. They were then made to stand on the twin traps doors where their legs were strapped together. Any last minute panic struggling and kicking out as they plunged downwards when the trapdoors opened may mean starting all over again. It was a spectacle none of the witnesses - the prison governor, doctor and other officials - wanted to see twice. It was nightmarish enough, even with their experience.

The prisoners died together three at a time instantaneously. But not before Singh 'kindly' uttered what he thought were comforting words: 'I am sending you to a better place than this'. According to execution policy the bodies had to remain hanging for at least ten minutes to ensure death had taken place or as soon as the prison doctor certified

death had taken place. Those waiting for their turn could hear the clunk of the trapdoors as they opened simultaneously and three dull thuds. They were already helpless with their arms pinioned behind their backs. Panic set in for many as they began wailing in sheer terror. It was important to get it over with as quickly as possible. Each batch took almost 40 minutes from the time they were prepared, put on the gallows, then left to hang for the prescribed time. The bodies were removed as soon as they were pronounced dead by the prison doctor. The gallows had to be checked to ensure the mechanism would work the next time. Even so, they were being executed at a fast rate. The entire gruesome process was all over well before lunchtime. Nothing had gone wrong. The 18 corpses were lined up in the prison morgue awaiting disposal. The unclaimed bodies were sent to a crematorium chosen by the prison; the others taken by grieving relatives for funeral services according to their religion.

Eighteen of the accused had been jailed for the maximum of three years for rioting while being armed with deadly weapons, 11 more for two years for rioting only. The remaining 11 were acquitted. They in particular were thanking their lucky stars they were not among their fellow inmates who were being hanged that morning. Two of the nine defence lawyers, Jiwat G. Advani and Chug Kiat Leng, described the trial as 'the biggest in Malaysian legal annals'. As the jury retired to consider the verdicts after Mr Justice Buttrose completed his five-day summing-up, he said: 'The unflagging interest you have given this case from start to finish is beyond all praise'. To the 18 sentence to three years for rioting with deadly weapons, after saying he concurred with the jury, he said: 'I am bound to tell them that they have to consider themselves among the most fortunate people alive in that the evidence apparently failed in the eyes of the jury to come up to the standards which the law requires before they can be convicted of the charges of murder. Here again there can be no possibility whatsoever that they were not members of this unlawful assembly, who with a large number of armed prison detainees, took part in this armed uprising. Here again the sentence which I am about to impose is quite inadequate to the occasion, but as it represents the maximum that the law allows me to impose, my hands are tied'. Just imagine if the evidence had not failed by a whisker to bring about the death penalty in these cases, Darshan

Singh would have had 47 hangings on his hands. Earlier when the judge sentenced 11 accused to two years jail for rioting, he also told them it was utterly inadequate punishment but that was the maximum prescribed by the law for this offence.

The trial which was over by 8.00 p.m. ended a day of suspense reported *The Straits Times*. 'As the court waited anxiously hour by hour, strong parties of policemen patrolled the precincts', wrote one of its reporters.

Crowds gathered and left when there was no indication when the jury would give their verdict. At 2.30 p.m. came the first indication that the jury was in the last stages of their deliberations. Hastily, the nine defence counsel put on their robes and so did the prosecution, Senior Crown Counsel Francis T. Seow and his assistant Mr K.S. Rajah, Director of Public Prosecutions. The jury trooped in at 4.05 p.m. about five minutes after the court had assembled. All was still and deadly quiet. The foreman of the jury then stood up and read out in loud firm tones the verdicts again each accused individually in the numerical order in which they were arraigned before the court. The foreman then proceeded with the verdicts - verdicts of 'guilty of murder', 'guilty of rioting' not guilty', guilty of rioting', or 'guilty of rioting while armed with dangerous weapons'. The accused were referred only by their numbers - none by their names as charged.

After announcing the sentences Mr Justice Buttrose turned to the special jury and said: 'The Singapore government indeed owes you a debt of gratitude which will be difficult to pay'. The Court of Appeal and the Privy Council considered appeals against the death penalty to no avail. They appealed to the President of Singapore which by then had become a fully independent sovereign state - again in vain.

Darshan Singh had undertaken most arduous and most macabre task of his life. Perhaps it was the biggest, most arduous and most macabre task in the life of any executioner in history. These are the men he hanged: Tan Kheng Ann, alias Robert Black, alias Ang Chua; Chia Yeow Fatt, alias Botak; Cheong Wai Sang, alias Genii; Subramaniam Somasundram; Bobby Lim Tee Kang; Vengadasalam Somasundarjoo; Lim Kim Chuan, alias Tua Tai; Khoo Geok San, alias Kapalu Batu; Chan Wah; Hoe Hock Hai; Govindasamy Ponnappalam; Chew Seng Hoe; Chew Thiam Huat, alias Baby Chai; Sim Hoe Seng; Ng Cheng

Liong; Tan Yin Chwee; Sim Teck Beng; and Cheng Poh Kheng.

One of the most surprising aspects of this case I discovered while thumbing through disjointed archived records of what took place during that period was that all of the above prisoners who were hanged claimed they had converted to Christianity while waiting to be executed. Just before Darshan Singh went to work, the Reverend Khoo Siaw Hia, the prison's Methodist minister, arrived to give his final blessings. Later he produced a letter which was released to the media and signed by all of the above-named prisoners. 'Our Dear Rev. Khoo Siaw Hia, it began.

We thank you from the bottom of our hearts and the depth of our souls in this humble expression of our undying gratitude for all you have done for us. You were everything to us in our hour of need - friend, adviser, confidant, father, and our unfailing source of strength and inspiration. You were our beacon that guided us to the Haven of Jesus Christ. You taught us to have unquestioning faith in God's Word, and to pray to him on humbly bended knees to ask for his forgiveness for all the sins and transgressions that we have committed against His Commandments. During these long agonising months of mental torture, of waiting, of hoping, of seeing each hope crumble away till now when we stand at the very brink of death, at the very edge of eternity, you, dear Rev., have given so much of yourself to us in selfless devotion to receive in return - absolutely nothing! Nothing but the knowledge that you are serving God to the best of your ability and satisfaction that you derive there-from. It is through you that we now look death in the face with courage and equanimity, for we doubt not God's promise of forgiveness for past iniquities by the simple act of belief and acceptance. We know that in three and a half hours' time when we pass from this Earth to our Lord and Saviour, Jesus Christ, will be waiting with open arms to lead us to our new home in the house of our Father. If only every man in this world were like you, dear Rev. what a better place it would be. There would be no wars, no murders, no coveting, no sins, no prisons, just peace and tranquillity everywhere. It is with heavy heart that we must now bid thee farewell, but we know that we will meet again one day ... in a better place, a better place, a better time, a better day. With our dying breath we once again affirm to you our undying gratitude ... gratitude that will transcend even Death itself. Fare thee well, our dear Rev. Yours, in Christ.

No one knows who actually composed this letter and it is not unusual for people in such a dire situation to suddenly find Jesus after a lifetime of sinning. But the ordeal was not over for all those who helped send the 18 convicted killers to their deaths or put the others behind bars for many years. It was feared that the prosecution team and Judge Buttrose himself would now be targeted by the secret societies to get revenge. Buttrose was guarded round the clock until he was repatriated to Britain. Francis T. Seow, Senior Crown Counsel and his assistant K.S. Rajah, Director of Public Prosecutions, were also given police protection until it was deemed that any possible threat to their lives no longer existed, Darshan Singh told me. But he said he was never given any protection himself! Perhaps it was because they thought he was safe working in Changi Prison surrounded by armed fellow officers. But perhaps that could have been the most dangerous place for Darshan Singh to be at that time.

6

Gallows Humour

If chief executioners like Darshan Singh have a macabre sense of humour it should surprise no one. Making jokes in the face of nightmarish situations is a part of human nature, an inborn defence mechanism, psychologists will tell you. The hangman's lot, in particular, cannot be a happy one. Unless, of course, he is heartless, sadistic and really enjoys what he does. Even if they have such perverted natures - as perverted perhaps as some of those they execute - it must be a heavy burden to bear, despite their outward show of bravado and self-righteousness. Although he would not admit it, Darshan Singh's burden must be particularly heavy - he has hanged nigh on 1,000 men and women in his 50-year career as Singapore's chief executioner.

To understand the weight of this burden, it is important to know what happens before and after anyone is hanged. Darshan Singh himself has a special way of helping some of the death row inmates he has known come to terms with their fate. He always talks quietly and explains the process as kindly as possible. He promises they will feel no pain, that he is an expert with many years experience. This attitude may be his way of easing that terrible, compounded burden. He told me he so convinced 18 men convicted of murder arising from the Pulau Senang penal colony riots of 1963 that being hanged by him would be painless and all over in a split-second that they actually wanted only him to hang them. On occasions when he was not sure if a prisoner would struggle on the way to the gallows a prison doctor prescribes a relaxant to help him - or her - stay as calm as possible. The drug is usually slipped into a last drink the night before. But there is often very

little chance of anything really violent happening. An assistant or guard usually stands by while preparations are completed. The prisoners' arms are quickly pinioned behind their backs with handcuffs and straps rendering them virtually helpless. Then Darshan Singh hastens them into the execution chamber via a connecting door and before they know what is happening, they are on the twin trapdoors. To prevent the prisoner kicking out as the doors spring open and breaking their fall, their legs are tightly strapped together.

Darshan Singh, as in the usual tradition of the British way of hanging, then places the noose around the neck, ensuring always that the knot is in the correct position behind the right ear and to thus break the spinal cord instantly at the end of the drop. The white cap is then produced as if out of thin air like a conjurer's trick and placed over the head in one deft movement. In true Singapore tradition timing also has to be perfect. Whether it is just one prisoner or three - the maximum Changi's modern scaffold can handle at one time - the trapdoor or doors now mechanically connected to one lever will open simultaneously at precisely 6.00 a.m. give or take a second or two. Why this final, grotesque ritual takes place just as the sun rises has never been clearly explained to me. Perhaps it is to do with the date on which the execution has been ordered - to ensure the condemned will never see the light of another day or even a fraction of one beyond his or her legally-determined lifespan. The body - or bodies - will plunge down a distance gauged by his or her weight, height and muscularity and the length of the rope. This method prevents decapitation or strangulation but no method of execution is without its faults. Despite Darshan Singh's claim, no one can be sure that every one will be perfect. No hangman is infallible no matter how many times he has carried out a hanging but he will never admit committing any kind of blunder.

The body will be left suspended for at least 20 minutes to ensure death has taken place or while it stops writhing. The face will be purple, engorged with blood, the neck covered with lacerations, the tongue swollen and protruding from the mouth, eyes nightmarishly bulging. And, as always happens, involuntary ejections of urine and faeces will stain the clothing. Such has been the lot of Darshan Singh who has done this, although he cannot be sure, around 900 to 1,000 times since 1959. He has kept his sanity by lightening his load, repeating his half

dozen or so jokes, conversational set pieces for the dinner table or over a glass of beer in one of his favourite haunts in Singapore's Little India.

Sigmund Freud had a theory about gallows humour. In his 1927 essay 'Der Humor', he wrote: "The ego refuses to be distressed by the provocations of reality, to let it be compelled to suffer. It insists that it cannot be affected by the traumas of the external world; it shows, in fact, that such traumas are no more than occasions for it to gain pleasure'. Some other sociologists elaborate this insight further. Paul Lewis, for example, says that this 'liberating' aspect of all kinds of gallows humour depends on the context of the joke: whether the joke is being told by the threatened person themselves or by someone else. 'Stress is the condition that results when person-environment transactions lead the individual to perceive a discrepancy, whether real or not, between the demands of a situation and the resources of the person's biological, psychological or social systems'.

During conversations I had with him, Darshan Singh constantly peppered his responses with his personal brand of real gallows humour - the product of a record number of executions for any hangman anywhere which seemingly has kept him psychologically balanced throughout the years. However, I still asked him if he slept well or whether he ever experienced nightmares involving some of those he had executed. Did he ever see any of the faces whose life he has snuffed out mocking him from the darkness during a disturbing dream? I almost believed him when he said he always sleeps well and what he does has never bothered him or disturbed his peace of mind ... until he began reeling off some of those jokes and laughing so heartily. 'After every execution', he has probably repeated a thousand times, 'it takes me two days to get over my hangover'. I felt sure that Freud would have loved to have had Darshan Singh on his couch for a few hours and attempted to analyse that particular joke. The conversation continues. Another joke - more raucous laughter. 'I am the fastest executioner in the world', he says. 'I don't hang about'.

He recalled a certain execution many years ago that was celebrated with two fellow prison officers. It was the evening after his 500th execution, an obvious momentous occasion for any hangman proud of his work. The officers came to his home in civilian clothes with a bottle or two of Chivas Regal! 'I can't remember whose execution we

were celebrating, who the 500th person was', he said. 'It was a long time ago ...'. Listening to Singh reminisce about this particular celebratory moment and make decidedly off-colour jokes reminded me of the Hungarian-born author Arthur Koestler who played a crucial part in the campaign to abolish capital punishment in Britain back in the 1950s. In his damning *Reflections on Hanging* which was serialised in the British Sunday newspaper, *The Observer*, and was causing alarm in the British establishment then fighting a rearguard action to keep the death penalty, Koestler opened with a startling commentary on 'this peaceful country where necks are broken: There seems to be jolliness about the procedure as if the victim, twitching on the end of the rope, was not a real person but a dummy burnt on Guy Fawkes' Day. The present hangman, Albert Pierrepont, runs a public house called Help the Poor Struggler ... and the present Lord Chief Justice delighted a Royal Academy banquet with a story of a judge who, after passing the death sentence on three men, was welcomed by a band playing the Eton Boating Song's refrain: 'We'll all swing together' It all goes to show that hanging has a kind of macabre cosiness, like a slightly off-colour family joke, which only foreigners, abolitionists and other humourless creatures are unable to share'.

Darshan Singh told me that he wanted to retire one day but the authorities could not find a replacement hangman. Not long ago he spent weeks training two understudies, one Chinese and the other Malay. Using dummies he taught them the Table of Drops, how to weigh and measure the condemned, and calculate the length of the drop accordingly. He told them it was important to get the length of the rope and the drop exactly right. Too short and they are strangled. Too long and they are decapitated, he always reminded them. Before the short walk to the scaffold arms are pinioned behind back on the trapdoors, the noose placed around the necks, the white cap on heads. Darshan Singh even told the trainees that he always uttered those now infamous words: 'I am sending you to a better place than this'. Then pull the lever. Perhaps he wanted them to carry on this tradition that he began. But when it came to a real execution, the would-be executioners froze and could not do it. They could not pull the lever. According to Darshan Singh, the young Chinese prison officer actually ran from the execution chamber in horror and never came back. He resigned from

the prison service the next day. The Malay prison officer returned to his normal duties. He refused to go anywhere near the scaffold again, however, and Singh was obliged to stick at the job while more futile attempts were made to find his successor.

At one time the prison authorities considered abandoning hanging and replace it with the lethal injection method used in some American states. Two arguments quickly put paid to that idea. It has always been a tradition in Changi Prison for the condemned to be given the opportunity to agree to organ donation. Singh always told them that if they agreed to 'make good' it would ensure reincarnation. Then it was discovered that if they died by lethal injection their vital organs would be destroyed. But more importantly, that proposal was shelved because it removed key elements to being executed on the gallows: the stark fear and horror that it presents and the utter ignominy of being hanged, say human rights activists. Lethal injection to the Singaporean way of thinking is too humane, too painless and too dignified. It would be more like lying on a gurney ready for surgery and never waking up from the anaesthetic. It is the very dread of being hanged by your country and the awful spectre of the gallows, death penalty advocates maintain, that is so important. It is the ultimate degradation.

7

Man In Transit

The neatly-dressed young man strolled nonchalantly through terminal ones transit lounge at Changi airport trying to look every bit a typical student traveller without a care in the world. He was returning from a trip to Phnom Penh, Cambodia, and looking forward to being home with his family in Melbourne for the Christmas holiday. But his cool look belied what was really going on behind that inscrutable face. It was 12 December 2002, a date he would come to remember until the end of his days. There would not be many more of them. In fact, although he didn't know it then, there were only another 1,085 days left. The countdown had just begun. This is the story of the very short life and violent death of Australian citizen, Nguyen Van Tuong.

Completely in the dark as to the nature of his trip his mother, Kim Nguyen, a devout Catholic, was at home busily preparing for the Christmas celebrations and a welcome meal for Van. It would be breakfast time when she expected him to walk through the door. But it was a meal he would never eat and a welcome he would never receive. The 22 year-old was also looking forward to seeing his young friends Kelly Ng and Bronwyn Lew again - and especially twin brother, Khoa. He had a very special Christmas present for him. It was strapped to his back and hidden in his luggage. Silk Air Flight MI622 from Phnom Penh touched down at terminal one at precisely 3.06 p.m. The connecting flight that would take him home on the final leg of the journey was Qantas Airways QF10. He had quite a long wait. Take-off time was not until 8.15 p.m. Nguyen tried to remain composed and as inscrutable as possible, anxious not to make eye contact with anyone.

He held on tightly to his canvas bag. The haversack slung over his left shoulder was trapped securely by his arm. He looked around for a quiet spot to spend the next five hours. He wanted to look natural but his stomach was churning and deep down he was feeling extremely nervous. He purchased a magazine and many cups of coffee and tried to take a nagging fear off his mind. Nguyen kept glancing at his brand new \$1,150 Rado wristwatch he had bought for his 21st birthday, hoping his nervousness was not being noticed by anyone. He knew hidden CCTV cameras were quietly whirring away with men and women trained in reading body language sitting at batteries of screens looking for tell tale signs of trouble or anxious people with something to hide or fear. Terrorists are their priority targets. And drug traffickers. Security officers in uniform and some in plain clothes pretending to be fellow travellers were also everywhere ready to respond to any eventuality. He was also aware that other eyes could be watching him. The syndicate in Phnom Penh had warned he would be shadowed every step of the way to make sure he delivered. If they were bluffing he would take no chances. The man in the seat behind him might have been one of them. Any deviation, change of heart, would mean serious trouble. He feared for his life from all quarters. He just wanted to get home, safe and sound, among family and friends again. Just after 7.15 p.m. he heard the Qantas flight announcement. He downed the last dregs of the coffee to keep his mouth from drying up, gathered his belongings and began walking slowly towards Gate C22.

He knew the next few steps would be the most hazardous part of the journey. His very life was on the line. He understood the meaning of those four simple words, always in English, on the sign he had just passed: 'Death To Drug Traffickers'. 'They were everywhere - on immigration and customs declaration forms and walls at every checkpoint. Nguyen did his best to maintain a cool look as he was motioned through the arch of the metal detector by a female security officer. The canvas bag and haversack were going through the X-ray machine to his left. His heart almost missed a beat as the alarm sounded. But this was not unusual. A bunch of keys, a belt buckle, a mobile phone or a few coins could do that. He stayed cool - on the outside. The officer told him to stand facing her, legs apart on two 'Big Foot' imprints embedded in the thick carpet. She passed a hand

held metal detector around his body, front and back, up and down and between his legs. No alarm this time. Nguyen breathed a sigh of relief. But it was not over yet. The officer then ran her hand gently over Nguyen's back. Perhaps she had already sensed there was something suspicious under his jacket. Or perhaps she already knew more than he could ever have imagined. Perhaps she had been waiting for him. Whatever the reason, she called a male officer to take a closer look, a closer feel. Nguyen was taken to a room within Gate C22 for a more intrusive search. His haversack and canvas bag were now being carried by the officer. His heart was pounding. Inside the search room, Nguyen was ordered to take off his jacket and shirt. He did as he was told without further prompting. Then he turned around. A plastic packet was strapped to his lower back with yellow and white adhesive tape. He also had half a dozen counterfeit watches, and a number of belts - Christmas presents for friends - in the haversack with a second plain packet. At this point the police officer called for his superior, Sergeant Teh Kim Leng, to take over the questioning. The calm demeanour he tried to exhibit was now one of sheer terror. Streaks of sweat ran down his forehead. He cried, banged his head against the wall, and crumpled to the floor, howling, rocking back and forth with his head in his hands. His nightmare had just begun. He would never see his family and friends in Melbourne again. He would now be re-routed. Destination: Changi Prison. He was a man in transit of an entirely different kind. But at that moment he was still inside the search room at terminal one.

The questioning began. 'What's this on your back?' 'Heroin'. 'What's inside the haversack?' Nguyen meekly took out a second packet. 'What is this?' 'Heroin'. The baby-faced trafficker was in possession of just under 400 grams of the stuff - enough to hang him 26 times. Under Singapore law anyone caught with more than 15 grams of heroin faces a mandatory death penalty. The street value of 400 grams would have netted several million dollars on the streets of Sydney and Melbourne. At the time of Nguyen's arrest a heavily diluted gram would fetch A\$300 to A\$400 from desperate men and women craving another fix. Drug addiction had long become a major social scourge in Australia especially Melbourne and Sydney - and an easy money-maker for some. Syndicate bosses, mostly Vietnamese, were becoming multimillionaires almost overnight. It was a business many wanted to get

into. At the same time addicts and their families were suffering from its cruel destructive influence. Turf wars broke out regularly between the drug gangs creating yet more havoc for everyone to fear and bear.

I watched Nguyen's demise unfold in the High Court and the day the verdict was announced: death by hanging. His trial began in early 2004. The evidence was clear and damning. In statements read to the court, Nguyen claimed he was just a drug mule, involved in a one-off attempt to make some quick money. He told investigators he and twin brother Khoa had serious financial problems. Khoa in particular, he said, was in deep with a Melbourne loan shark. He would receive around \$40,000 for the drug run and would settle his brother's debts of \$12,000. It was to be Khoa's Christmas present, he told his interrogators, hoping it would arouse some emotion and sympathy for his plight. The rest would get him out of trouble.

As she busied herself in her kitchen after returning from work his mother, Kim Nguyen, was soon to learn all about the purpose of the 'holiday' trip to Cambodia. The Australian Federal Police had received a phone call from Singapore. Officers raided the bewildered woman's home just before midnight. He had been arrested at Changi airport for drug trafficking. It was serious, they told her. Her son was facing the death penalty. They also had a warrant to search his bedroom and the rest of the house.

I'd moved to Singapore from the United States about the same time of his arrest and I kept track of the case and pending trial. Australia's biggest magazine, *Woman's Day*, commissioned me to write a special feature about the many Australian citizens banged up in prisons across Asia - Vietnam, Hong Kong, Laos, Cambodia, Thailand, Brunei and Indonesia - serving long sentences or awaiting execution. Schapelle Corby, an Australian beauty with a model's figure, had just been arrested in Bali for trafficking 4.2 kilograms of marijuana into Bali and Nguyen's appeal was to be heard twelve days later. Both were wondering whether they would live or die. He was heading for the gallows. She was supposed to die in front of a firing squad. There were scores of their fellow citizens rotting away in filthy prisons, some also fighting for their lives or begging for leniency, some forgotten and some wishing they had never been born. But from my inquiries, the threat of being strung up, shot or given impossibly long prison sentences in the most sordid

conditions didn't seem to be any kind of deterrent for them. They were mostly fools, too naive for their own good, putting their lives on the line at the most ridiculous odds.

Nguyen was an unknown quantity to me at that time. He was facing the mandatory death penalty for his crime. Would it be another controversial case that would reverberate across Australia and perhaps the world and stir anti-death penalty campaigners into action again? Because of its death penalty laws, eyes are often focused on Singapore whenever news that they are about to hang someone gets out, especially Westerners. To get a better picture of some of these characters, I boned up on the trial reports and executions of Australians Kevin Barlow and Brian Chambers who were hanged in Malaysia 1986 for trafficking 141.9 grams of heroin. Next was British-born Michael McAuliffe, a barman from Sydney. He was executed in Malaysia in June 1993 after languishing for eight years on death row while going through a tortuous appeals process. McAuliffe was arrested at Penang International airport with a large stash of heroin packed into condoms in his money belt. While looking into these old and new cases, I met up with an AFP narcotics agent based in Singapore. 'Why on earth do they take such risks?', I asked somewhat naively. 'If you find out, let me know', he replied dryly.

If Nguyen was telling the truth that this was his first venture in drug smuggling, just another foolish mule or a partner with his brother Khoa trying to make the big time as syndicate bosses, news of his 'financial problems' quickly got around Melbourne's murky haunts of the drug kingpins. He was soon propositioned by two mystery men, so he told Singapore's Central Narcotics Bureau investigators. One was named Tan, he said. The other was named Sun. Tan? Sun? Sun Tan, I mused. A joke? Not their real names surely although they are typically Chinese. Maybe they had a sense of humour? Or maybe it was Nguyen's joke? Perhaps he made them up on the spur of the moment as part of his cover story when he was caught. If he were telling the truth they would not use their real names anyway. The CNB brushed the information aside as useless, the usual disinformation. Nguyen's defence lawyers claimed at the trial he had given them helpful leads to track down the Melbourne syndicate and the Cambodia connection. He deserved a break. But in court a CNB agent said he had only wasted their time

with false leads. According to Nguyen the plan was for him to transport a 'package' from Phnom Penh to Melbourne or Sydney via Singapore. He said he was given several thousand dollars to cover the air fares and accommodation. When Nguyen arrived in Phnom Penh he was met by members of a drug syndicate. He described a dramatic cat-and-mouse game giving last minute instructions via mobile phones, moving from one meeting point to another to make sure he was not being tailed by narcotics agents until they were satisfied Nguyen was 'clean'. He was taken to a secret hideout, a backstreet garage, shown how to crush heroin crystals and tape the two packets he divided it into on his back. He then made a first-ever trip to his ancestral homeland, Vietnam, for some sightseeing in Ho Chi Minh City. He also sought the company of prostitutes but during his interrogation Nguyen claimed he did not have sex with them. Even though he knew then he would never see his girlfriend in Melbourne again, he was gentlemanly enough not to reveal such an indiscretion.

Back in Phnom Penh several days later he met up with his contacts again. He was late for the appointment but his explanation was accepted. The heroin was ready to be crushed and packed. He went back to his hotel and prepared for the trip home. The journey would take him once more to Singapore. He boarded Silk Air flight MI622 and sat ready for take-off. The arrangement back in Australia was that a stranger would approach him, start a conversation and then suddenly say: 'I like basketball'. The deal would be done. Nguyen would get his money. Some of it would go to his brother. Their problems would be solved. That was *his* story. It seemed all too simple. Halfway into the journey, however, Nguyen's nerves were getting the better of him. He fidgeted. He had difficulty breathing. One of the tapes binding the heroin packets had become loose and uncomfortable slipping gradually down his back. He headed for the toilet to make some adjustments but the packet fell into the aisle as he got out of his seat. Inside the toilet he tidied himself, then returned and slipped the troublesome packet into the haversack in the compartment above his head. There was nothing more the judge needed to hear. He was caught red-handed. The traditional black cap was placed on the judge's head. Nguyen was ordered to stand. "The sentence of this court upon you is that you will

be taken from this place to a lawful prison to be hanged by the neck until you are dead. And may the Lord have mercy on your soul'. Then he was bundled down the steps to a holding cell below the courthouse to await a police vehicle to take him back to Changi Prison. A new cell was being prepared for him. He would now be on death row.

Seven months later on 30 October 2004 his appeal against the death penalty began. As I arrived by taxi to report the proceedings, I could see wide-berth boats full of tourists, relaxing happily in the warm sunshine as they floated by. Inside the grim, packed courtroom three appeals judges in traditional robes were about to issue their decision in a terse, 90-second statement. I was sitting next to his mother in the public gallery. Kim Nguyen, hands clasped throughout the hearing, was quietly praying, while staring down at her son, a lone, tiny figure in the dock, with two guards on each side armed with guns. Nguyen looked intently at the judges trying to read their faces as they came and went and returned again to announce the verdict. He occasionally turned his head to make eye contact with his terrified and tearful mother. When the verdict was announced and the judges quickly filed out of the courtroom, Mrs Nguyen buried her face in her hands and sobbed as she took in what it meant. A young lady from the Australian High Commission tried to comfort her. He had just lost another battle for his life. His only hope was the President. But his appeal for clemency was denied. The appeal was based on various technical grounds: Nguyen was not given access to a lawyer to represent him while he was being interrogated. His lawyers also argued that the mandatory death penalty in Singapore was contrary to international law. That was dismissed because Singapore had not signed any international agreement on this issue. It was a foregone conclusion.

Even then, Nguyen's case received scant coverage in the Australian media. After all, to the majority white population he was just another Vietnamese immigrant bringing deadly drugs into his adopted country. However, one Australian internet blogger and controversial anti-prohibition campaigner, the late Gary Meyerhoff, could not contain his rage. 'In stark contrast to events in 1986 [when Barlow and Chambers were executed]', Meyerhoff wrote, 'Van Tuong Nguyen has been virtually ignored by the Australian Government and the media'. Meyerhoff went on:

Nguyen Tuong Van is definitely not a household name. Why is the media ignoring him? Is it because they can't pronounce his name or is the real reason a little more insidious than that? Schapelle Corby doesn't exactly roll off the tongue and she has been turned into a media celebrity, not to mention the millionaire Aussie yachtsman Chris Packer, recently released from an Indonesian jail after serving three months for failing to declare firearms. With regards to media reporting, there is obviously some sort of double standard at play. Brian Chambers, Kevin Barlow, Chris Packer and Schapelle Corby all have one thing in common. They are all white Australians. Nguyen's crime is that he is an Australian of Vietnamese origin. Australia's predominantly white journalists (and our white Prime Minister) have written him off as just another Viet boy dealing smack.

Meyerhoff's barbs may have pricked a few sensitive spots and attitudes began to change a little when photos of his distraught mother outside the old Supreme Court building went out on the wires after his appeal was dismissed. But the name Schapelle Corby was still hogging the headlines. Not surprising, either. With sexy photographs of her on the covers, *Woman's Day* and *New Idea* were flying off the shelves selling more copies than Angelina Jolie, Tom Cruise and Nicole Kidman put together! Nguyen Van Tuong didn't stand a chance of getting his voice heard or his photograph appearing anywhere. He was hardly on anyone's radar screen.

But all that changed when I obtained a surprise and sensational interview with the man who was to hang him. He was about to become another household name and enter the consciences of all Australians for better or worse. It was the kind of revelation that so scared the British establishment when it was fighting to retain this barbaric, medieval form of punishment. Now Singapore's establishment was about to get the same kind of unwanted attention. Nguyen was the first Australian citizen ever to be sentenced to death in Singapore and the prospect of his execution was gradually awakening angry human rights activists again down under and around the world. Australia had long ago abolished the death penalty as cruel and inhumane. Back home, Nguyen would most likely have got a prison sentence of 24 years with a third off for good behaviour. At 25, he would have had time to reshape his life, learned his lesson and become a good Aussie. But such thinking in Singapore, unless otherwise influenced, is not part of their thought

process despite Changi Prisons proud motto: 'Captains of Lives: Rehab, Renew, Restart'. These words are even cynically - and perhaps deliberate and mockingly so - printed at the bottom of each letter sent to families from the prison governor announcing the day their loved one will be put to death. If not intentional, the meaning of hypocrisy must have been lost in translation from Mandarin to English.

As expected, my interview with the hangman added fuel to the growing furore as the execution day loomed nearer. When it hit the front pages Joseph Koh, Singapore's then High Commissioner in Canberra, was on the phone to the Foreign Affairs Minister with accounts of the potentially damaging interview he had just read with horror and dismay. In Australia I was told Foreign Minister Alexander Downer almost had an apoplexy over Darshan Singh's grisly revelations. In a statement he said he was 'outraged' over his comments and said the hangman 'should get a decent job'. Of course, it had put Downer firmly in the hot seat and under pressure by many of his emotional fellow citizens horrified at what was about to happen and wanting him to do something more positive to help save Nguyen's life. Many Aussies demanded he get tough with obstinate Singapore with an economic boycott and diplomatic reprisals.

As anti-government feelings were increasing and with an election coming up the following year, Prime Minister John Howard would come under fire as a result of another interview I obtained - this time with Mike McKenna, a reporter from *The Australian* with renowned criminal defence lawyer Subhas Anandan. During the interview Anandan, perhaps indiscreetly, revealed one of Singapore's best-kept legal secrets - that there is no separation between the executive and the judiciary. He said that if the Australian government had intervened in Nguyen's case the moment he was arrested his life might have been saved. The charges could have been reduced at executive government level with a little tweaking of the facts as had been done in several of the cases I investigated. The inference was that, although Howard was aware of the legal nuances of Singapore law to enable this, he was not interested in saving the Melbourne man's life at any cost. During the interview Anandan criticised Australia's eleventh hour tardiness in coming forward only after every legal process had been exhausted, including an appeal to the President for clemency. He described it as

being 'like visiting a patient in hospital when he is already dead'.

What was never revealed after Nguyen's arrest and during his trial was that he had set out on his ill-fated trip completely oblivious to the fact that he was walking into a carefully laid trap. His activities as a drug trafficker were already known to Australia's Federal Police drugs unit even before he left home. Nguyen was shadowed everywhere he went the moment he agreed to take on the perilous assignment. Knowing his plans in advance, they watched him leave his home in Melbourne early that December morning for the airport where he bought a return ticket to Phnom Penh via Singapore. He was watched closely when he arrived at Changi airport. Singapore's Central Narcotics Bureau agents knew he was coming, too. Then he was watched boarding a connecting flight to Cambodia. The Bureau immediately called their counterparts in Phnom Penh where the close surveillance was taken up by undercover agents instructed to gather every bit of information about his movements, where he went, what he did and everyone he met. According to Nguyen's confession, the plan was to take possession of almost 4 kilograms of heroin from the syndicate in Phnom Penh. They would first meet at the Lucky Burger restaurant, identifying each other with pre-arranged code words.

Although he did not have a criminal record Nguyen had already attracted the attention of Melbourne police. He frequented sleazy bars and nightclubs in Melbourne and began dealing in drugs with his twin brother. Khoa, a heroin addict and convicted drug trafficker, was also suspected of being involved in organised crime and a marked man under almost constant police surveillance. In 1998 he attacked a teenager with a samurai sword, seriously wounding him over what was believed to be a turf war. The case did not come to trial until 2002 by which time Van was in custody in Singapore facing the death penalty. Khoa was sentenced to three years in jail for the attack. His 17 year- old victim ended up in a wheelchair and spent months in hospital undergoing a series of operations. Khoa, the court was told, had left home against his mother's wishes, abused drugs and alcohol and gambled.

The AFP has a well-established special liaison system with their counterparts in Singapore, Cambodia, Vietnam, Indonesia, Brunei, Laos and the Philippines with a declared aim to make Southeast Asia

drug-free by 2015. Exchanging vital information about the cartels and their mules is a vital part of their operations. The carefully kept secret as to how Nguyen was caught red-handed was revealed to me by a newly retired CNB officer. I always had a nagging feeling that the real story had not been told. It took many phone calls and visits to bars where I learned some CNB officers hung out. Finally, I was introduced to my informant who was prepared to talk on condition of anonymity. We met at an Italian deli restaurant at the Rail Mall on Upper Bukit Timah Road for lunch on a quiet afternoon. After assuring him that I was not wired nor had a hidden tape recorder, he told me that although he was still with the bureau when Nguyen was arrested and did not work on his particular case he knew all its inner workings. It was no chance happening or just bad luck on his part. He was caught through a carefully planned, top secret operation. The AFP knew all about the drug run. Both Khoa and Van had been under surveillance, using undercover agents, paid informants and tapping phones for months. The object was to identify everyone involved and all their cross-border connections. No one was completely sure where Nguyen was going or who he would be dealing with once he left Australian shores. The syndicates plan might be changed at any time. And Nguyen might have changed his plans and bring the drugs into Singapore instead of Australia.

The surveillance operation became more complicated when Nguyen suddenly decided to visit his ancestral homeland, Vietnam, for the first time. His mother had escaped with her husband in a perilous boat journey when America's war finally came to its ignominious end. He was born in a refugee camp in Thailand and the family moved to Australia when he and twin Khoa were tiny tots. This was his first trip abroad since then and the closest he had been to Vietnam. Van arrived in Phnom Penh just after midday on 3 December 2002 and immediately checked into the \$50 a night three-star Cara Hotel in the city centre. Then he headed for a pre-arranged venue, the Lucky Burger restaurant at 3.00 p.m. the next day. Van told his Singapore interrogators that he was taken to a garage where he was questioned by his new suppliers. They were suspicious of him, too. In true Hollywood movie style, he was ordered to smoke some heroin to make sure he was 'for real'. He claimed he refused and only obeyed them when they

threatened him with an iron bar. He also claimed they had to show him how to crush rocks of heroin and safely strap the powder concealed in packets to his body. He was then told to meet them at the same fast food restaurant again six days later, 10 December. He had time on his hands so he decided to fly to Ho Chi Minh City for some sightseeing and buy some Christmas presents for his family and friends. According to his statements he bought the company of prostitutes but claimed he did not have sex with them. As soon as he checked into the airport to fly to Ho Chi Minh City, Vietnamese undercover agents were also on his trail keeping him under surveillance but with orders not to arrest him under any circumstances. No one could be sure what his motives were in going to Vietnam or who he might meet there. 'He was watched everywhere he went', said my informant. 'He didn't suspect a thing'. As it turned out Nguyen's trip to Vietnam was an innocent excursion but it caused him to miss his appointment by one day. They were furious but accepted his excuse. He was then introduced to the consignment of heroin, returned to his hotel and divided it into two packets weighing almost 2 kilograms each, then strapped them to his back.

He was so nervous on the flight to Singapore that one of the packets strapped to his back became loose. When it slipped off his back and fell into the aisle when he went to the toilet, he became even more nervous. He must have felt certain he was being watched - if not by an undercover agent, then a member of the syndicate ensuring that he completed the transaction. He eyed the passengers on his way back to his seat wondering which ones, if any, were watching him and why. 'One of our men was actually sitting just a few rows behind him', said my informant. The day after Nguyen's arrest, the Central Narcotics Bureau issued the following statement:

On 12 December 2005 at about 19.45 hours, as part of stepped-up security checks at all checkpoints, CIAS Auxiliary Police at Changi International airport, conducted a routine check on a 22-year-old male Vietnamese of Australian nationality at the boarding gate. Upon checking him, they found a packet of heroin weighing about 382 grams strapped to his back. He then informed officers that there was another packet of heroin in his hand-held haversack bag. Upon searching the haversack, a packet of heroin weighing about 380 grams was seized. The case was then referred to CNB for investigation. The male Australian is a salesman and was transiting Singapore on his way to Australia. He

will be charged in court for possession of a controlled drug for the purpose of trafficking. Under the Misuse of Drugs Act, a person who is found guilty of possession for the purpose of trafficking in more than 15 grams of heroin will face the death penalty. The seized drugs will be sent to the Health Sciences Authority for analysis of the weight of the controlled drugs. In view of the current global situation, enforcement agencies at all entry and exit points are working closely together to step up security inspections of all persons, goods and vehicles entering or leaving Singapore. As a result, drug traffickers can also expect to face a heightened gauntlet of security checks and measures at our entry and exit points.

According to court papers, the money Van Nguyen claimed he was being pressured for totalled only \$25,000. Khoa's urgent debt was a mere \$12,000. By his own admission Van could earn \$25,000 a year in a regular job. It seemed very small money to risk one's life for. It seemed an unlikely story. I was introduced to the former CNB just as I was completing research for this book. I wanted to dig deeper into the Nguyen's inexplicably dangerous drug run. Was he really such a hapless, desperate mule or someone trying to get into the big time with Khoa? There was no real defence except some wrangling over legal technicalities: were his rights infringed when he was interrogated without a lawyer present; should the mandatory death penalty apply in his case; did his five separate statements amount to a confession? Was the CNB derelict in not informing the Australian High Commission earlier of his arrest? Is execution by hanging cruel and unusual punishment? The arguments were dismissed by the trial judge and later by the three court of appeals judges. He had been caught red-handed. He had admitted the crime. He would be hanged. Nguyen was moved to a cell on death row as soon as he returned from the Supreme Court on 20 October 2004.

Cameron Murphy, President of the New South Wales Council for Civil Liberties, revealed what he calls 'Howard's death penalty shame'. After his government was defeated in the 2006 election and Kevin Rudd became Prime Minister, Murphy wrote this on NSWCCCL's official website: 'After two years, the Australian government has finally released confidential documents about Australia's death penalty policy. The Freedom of Information documents show that the Howard government deliberately set out to undermine Australia's opposition to the death

penalty. Australia has an international obligation not to expose any one in any circumstances to the real risk of execution. What these confidential government documents show is that since 1998 Australia has been deliberately breaching those obligations'. Murphy went on to point out that: 'In the late 1990s, the Howard government decided that Australia could assist in foreign death penalty cases without a guarantee that no one would be executed. This violates Australia's international obligations and was a significant break with past practice'. Elsewhere Murphy pinpointed the way that

the confidential internal documents show that the Howard government made a conscious decision to revise Australia's universal and consistent opposition to capital punishment in light of the government's strong stance on terrorist offences. Australia has a longstanding principled opposition to the death penalty. Australia respects the right to life of all individuals - no matter their crime. We should not be assisting in the court cases of people who could be executed. The confidential documents show that the government had flawed legal advice stating that Australia's human rights obligations do not extend beyond our borders or beyond individuals in the custody of Australian agents overseas. This advice is clearly wrong. It is inconsistent with Australia's obligation not to expose anyone in any circumstances to the real risk of execution. Following the government's legal advice to its logical conclusion, it authorises AFP and ASIO officers to assist their foreign counterparts in violating human rights - so long as they do it abroad and their counterparts are the ones detaining the victims. We welcome the new openness of the Rudd government and thank it for finally releasing these documents. Australians need to know how their government makes decisions - otherwise we cannot participate in public debate in a meaningful way. It's how a liberal democracy should work. We will also be asking Attorney-General McClelland to release publicly the flawed legal advice, so that it can be examined by legal experts.

When Howard was being urged in parliament to try to save Nguyen, he replied: 'I have told the Prime Minister of Singapore that I believe it will have an effect on the relationship on a people-to-people, population-to-population basis'. He did not say prime minister-to-prime minister, government-to-government or business-to-business relationship. Howard rejected calls for trade and military exercise

boycotts against Singapore, one of Australia's strongest allies and trading partners in Asia. He only said that the execution should serve as a warning to other young Australians. 'Don't imagine for a moment that you can risk carrying drugs anywhere in Asia without suffering the most severe consequences'.

8

Final Destination

It was just another Friday morning. Singapore was just waking up, getting ready for work and preparing for the crowded trains and highways to get them to their offices and factories. Few were aware that the life of Nguyen Van Tuong was about to come to a brutal end at the age of 25 just as the sun rose on a new day. But where was the man who was to hang him? Darshan Singh had seemingly vanished from his home in Woodlands. He had not been seen for several days. The rumour mill was grinding out the story that he had been sacked for breaking the Official Secrets Act in talking to me. Soon after I had exposed as him as the much-feared executioner, his normally quiet neighbourhood was suddenly besieged by television crews, reporters and photographers anxious to get another interview, another photograph. They had camped out in the street below Darshan Singh's 10th storey flat. He could not go out for fear of being followed and badgered for more of his secrets. He was afraid of being filmed every time he showed his face. At 3.00 p.m. on 30 November, two days before the execution was scheduled to take place, plain clothes officers from Changi picked up Darshan Singh and his wife and took them to a furnished flat in a guarded compound adjoining the prison where guards and their families reside. Only a few hours earlier Darshan Singh, very distressed at having his world turned upside down, told me he had complained to the prison governor that he was unable to move outside his home without being followed everywhere by Australian and international paparazzi. To avoid further embarrassing revelations, the authorities decided that he and his wife should be moved to avoid an

'unseemly' convoy of the world's media following him to the prison the morning he would hang Nguyen.

Small groups of civil rights campaigners held candlelight vigils all night. They were careful not to number more than four otherwise they could be arrested for 'unlawful assembly'. But there was little the authorities could do about them. The media had swelled the numbers until I counted at least 120 reporters, television crews with their producers, presenters and photographers. The area was lit up like a film set. Some of those in the milling crowd that lined the perimeter fence of the prison were undercover police taking notes and photographs just like everyone else. It was difficult to distinguish who was who unless you knew them. Some of these included reporters from *The Straits Times*, known for employing reporting staff straight from government intelligence and spy units. They were not looking for stories but the storytellers. Their reports only appear in files on people they believe they need to keep regular tabs on. I am sure my name is in those files. The ruse to get Darshan Singh inside the jail to carry out the execution worked beautifully. He was up early. It was 4.00 a.m. No one noticed the plain-looking car that took him along Tanah Merah Besar Road, almost under their noses, drove through the gates and disappeared into an underground car park beneath the prison cells where Nguyen was waiting.

Darshan Singh got busy. He was dressed in his usual attire - baggy shorts, singlet and sports shoes. Nguyen had already been weighed and measured. Death was only minutes away. Soon he would be on his way to the gallows. Darshan Singh peeped through an eye-hole to observe his demeanour. He was dressed, sitting on the edge of the concrete slab that served as his bed. He was praying and appeared calm helped perhaps by the sedatives he had been given with his last meal the previous evening. The day before I had called the public relations duty officer at the Ministry for Home Affairs for confirmation that the execution would go ahead as planned. There was no response, in keeping with their rule that they do not provide such information about who and when anyone is likely to be hanged.

Even the families of those facing the gallows receive scant notice, and any information about the Friday hangings are typically released only after they have been carried out. Nguyen's mother, Kim, had

received a letter from the prison governor a week before abruptly informing her of the date he was to be hanged. The ice cold way Singapore officialdom treats families angers Tim Parritt, spokesman for the human rights watchdog Amnesty International and highly knowledgeable about Asia. "They are in a state of complete anxiety and lack of knowledge until very, very late in the day. The concern Amnesty has about Singapore is the lack of information issued on executions, the number of executions and the processes which might feed a public debate and a higher level of public scrutiny about what is actually happening", he says. In a similar vein, Sinapan Samydorai of the Think Centre in Singapore notes, "The education system in Singapore doesn't touch on human rights at all The whole trend in the world right now is to re-look at the death penalty. If these things get highlighted too much it's also quite negative on Singapore'. As he emphasises, 'it's a very sensitive issue for the government'.

Critics point to the 'right to life' as a fundamental reason to abolish the death penalty. But Singapore has shrugged off such notions and looks unlikely to scrap it anytime soon. "The basic difference in our approach springs from our traditional Asian value system which places the interests of the community over and above that of the individual", Singapore's Minister Mentor Lee Kuan Yew said in a speech. 'Our priority is the security and well being of law-abiding citizens rather than the rights of the criminal to be protected from incriminating evidence'. Amnesty says the death penalty is not a deterrent to the drug trade as low-level mules, rather than the kingpins, are most at risk of facing the gallows. But Singapore's apparent low crime rates and general state of law and order have been held up as a model to keep capital punishment.

Meanwhile, as these arguments and counter-arguments were making headlines, the dawn sun was slowly rising and the life of Van Nguyen was about to come to a violent end. He had already said his goodbyes to his heartbroken mother, Kim Nguyen, his twin brother, Khoa, and friends Bronwyn Lew and Kelly Ng in the visitors' area in Changi Prison the day before. Darshan Singh entered his cell shortly before 6.00 a.m. The two already knew each other well. He had visited the 'baby on death row' as he was dubbed by others similar situation several times over the previous weeks, mainly to weigh and measure

him to get the drop right, but also to put him at ease during the long countdown to when the time came to put him to death. He treated Nguyen the same gentle way as he had always done with most of the men and women he had hanged. Looking around the cell, he often told them: 'Look, you don't want to spend the rest of your life in this terrible place'. He would also tell them of his belief in reincarnation and that they would come back a better person if they repented their sins.

As he had done hundreds of times, Singh pinioned Nguyen's arms behind his back with straps and handcuffs. He then led him gently out of the cell to the execution chambers a dozen or so steps away. Once he was standing firmly on the twin trapdoors and following the usual rule, Nguyen's legs were strapped together to prevent any last moment struggling and kicking preventing him dropping to his death. If such an even more nightmarish thing happened the execution would have to be aborted and the process started all over again. But Nguyen went quietly to his death, long resigned to his fate. His execution took place at exactly 6.07 a.m. He was officially reported as dead at 7.17 a.m. In a blunt statement a Ministry of Home Affairs spokesman said: 'The execution was carried out this morning at Changi Prison'. Later that day, at around 3.00 p.m., Darshan Singh and his wife arrived back home. The ordeal was finally over for them, too.

9

The Miracle

The petite, young Vietnamese woman with two small children looked every bit the doting mother. She bought them ice cream and they sat happily in the transit lounge at Changi airport waiting for a connecting flight to Perth. Now an Australian citizen, she was returning from a two-week trip to her homeland ostensibly to let her aging mother in Ho Chi Minh City see her grandkids for the first time. The Singapore Airlines flight that brought her from Ho Chi Minh City had landed at Changi airport 30 minutes earlier. While she sat in the lounge with son Kenny, almost 4, and daughter Vanessa, almost 2, her two suitcases were being transferred to another Singapore Airlines flight that would take them back to Australia, airport security officers were walking along the rows of suitcases, trunks and backpacks with a team of special dogs trained to detect anything dangerous - explosives, bombs and prohibited drugs, especially heroin, cocaine and opium. They were carrying out their routine searches to ensure that not a single piece of luggage is loaded onto any aircraft before it's thoroughly checked. There are never exceptions. Singapore is one of the biggest trading and tourism hubs in the world with the most efficient terrorist security and drug detection systems to be found anywhere. The flight would take the Vietnamese woman and her family on to Perth arriving at precisely 12.26 a.m. on 28 February 2006. They would then board a domestic flight that would take them back to Sydney. Home again, safe and sound. She would also be reunited with her other son, Billy, aged 8, who was being looked after by a woman friend, another Vietnamese- Australian she knew as Hoa.

This is the strange story of Thi Thanh Nga Ho, a 37-year-old divorced mother who, as if by a miracle, managed to escape detection and inevitable execution - twice! For the sniffer dogs prowling the suitcases, nostrils flaring, seemed suddenly to have lost their sense of smell. Their sensitive noses can normally pick up and distinguish different odours almost instantly but they inexplicably failed them on this occasion. Packed inside her specially-made suitcase was a stash of pure heroin worth \$3.6 million on the streets of Sydney and Melbourne. The dog handlers, all members of an elite security unit, also found nothing suspicious. Or so it appeared. "They don't miss a thing", said a retired CNB officer of my acquaintance. 'It would be a miracle for anyone with that kind of contraband to get through Changi airport undetected'. So Ho, even if she didn't know just how efficient the security system was, must have breathed a very big sigh of relief when they let her through without question. Using small children as cover or distraction is a common ploy by some drug traffickers, but security officers gave her, Kenny and Vanessa just a cursory once-over when they walked through the metal detector, the final check before take-off. She was on her way home, her problems solved. Or so she thought. She must have considered during the flight to Perth how lucky she was to have got through security in Ho Chi Minh International airport and again at Changi without a hitch. Had she been arrested in Vietnam or Singapore, she would very likely have suffered the same ignominious fate as another Vietnamese-Australian, Nguyen Van Tuong. He was hanged less than three months earlier, an execution that caused a storm of protests across Australia and many parts of the world.

Depending on how many others were already on death row, she would have become another number to be hanged by chief executioner Darshan Singh. The prospect of another Australian citizen - and a woman with three young children at that - being hanged in Singapore would have been a disaster for diplomatic, economic and cultural relations between the two countries. Even though John Howard's government did nothing to save Nguyen and refused to get tough with the Lion City if the execution went ahead, this would have been quite a different kettle of fish. Kevin Rudd, then in opposition as shadow prime minister, threatened economic sanctions if the sentence wasn't commuted to life imprisonment instead. On 22 February 2006, just

six days before Hos arrest, Singapore attacked Australia's decision to reject a bid by Singapore Airlines to fly the lucrative Sydney-US route. Howard, still in power, tried to defuse the criticism, saying there were good reasons' for the decision which virtually guarantees Qantas dominance of the route. It appeared to many Singaporean officials that the decision to shut the door on Singapore Airlines had worsened relations between the two countries since Nguyen's execution. Singapore's Transport Minister, Yeo Cheow Tong, angrily described the decision as 'extremely disappointing I am naturally very disappointed ... especially after more than 10 years of protracted discussions'. Yeo was quoted as saying in the *Sydney Morning Herald*: 'Singapore has also been more than generous in facilitating the growth of Australian carriers to and beyond Singapore. It is disheartening to see that they have taken this and the warmth in our bilateral relationship for granted'. For his part, Foreign Minister Alexander Downer said Australian officials would soon hold talks with Singapore about how to develop closer ties. "There are things they want from Australia, there are things we want from them, and we'll sit down and we'll have a good talk about those things in an appropriate and a private setting. We don't link executions to aviation policy'.

In an authorised biography published in 2006, Rudd stated he would launch a campaign against the death penalty if he were elected Prime Minister. The author, Robert Macklin, quoted Rudd saying that his most important foreign policy objectives would begin with a campaign to rid the world of the death penalty. 'It doesn't matter whether we are talking about the death penalty in the United States, the Islamic Republic of Iran, or in the Republic of Singapore, Australia should get behind the Europeans, through the UN, to make every effort to abolish this form of punishment, once and for all, throughout the world, and for all time'. Elections were drawing close in early 2006 and the Howard government, already in turmoil, was at its most vulnerable. Singapore was carefully watching what was happening down under. The Lion City saw Howard as their best friend and ally. But the fallout from the execution of Nguyen made everyone very nervous and his growing unpopularity with the electorate did not bode well. What if Ho was tried and sentenced to death right in the middle of the election campaign? It would have been a bombshell. So did everyone

find it expedient to let her continue her journey home and be punished in Australia? It would thus avoid another but more devastating international row if Singapore was obliged to hang this young divorced mum with three little kids.

After the furore and execution of Nguyen, did the two governments come to an arrangement that if any Australian citizen were found to be trafficking drugs via Changi in the future to let him or her go to be dealt with in Australia? Howard was trying to regain his once dominant popularity. If Singapore had tried and sentenced Ho to death and did nothing muscular - as happened in the case of Nguyen - to save her, this would have put an end to his hopes. But whatever was going on Ho was oblivious to it all. She was out of danger and on the way home. Just one more hurdle. That would be easy. But her relief at twice escaping inevitable execution quickly turned to despair when she arrived at Perth International airport. Customs officers were waiting for her. They picked her out from the streams of passengers. Her luggage was immediately selected for a 'random' search. It was said that traces of an unidentified white powder were initially found just inside one of the suitcases. Traces of heroin that two teams of specially-trained dogs failed to sniff out? According to complete court transcripts - initially denied to me by courts in Australia on the grounds that I was 'not an interested party' but now in my possession - it took forensic experts *four hours* to skillfully dismantle both pieces of luggage. They found what they were obviously looking for: four packets of heroin expertly wrapped with plastic and tinfoil. The terrified mother at first denied all knowledge of the heroin, but when she realised the game was up quickly confessed and cooperated fully with Federal Police narcotics officers. She even fingered a woman in Sydney as the organiser of the drug run: Harot Nguyen, nickname Hoa. According to court documents, Harot Nguyen gave her \$10,000 to cover airfares and accommodation for the family trip. If the run had been successful she would be paid \$40,000 per suitcase but later at her trial, when she pleaded guilty, she changed this to \$20,000 explaining the correct amount was lost in translation. She said Harot Nguyen 'volunteered' to look after her eldest son Billy while she was gone. It was suggested in court that the boy was used as 'security' to ensure his mother went through with the arrangement.

Indeed, just as she was about to return with the heroin Ho got cold

feet, telephoned her minder and asked if she could back out of the deal. She was told bluntly there was no backing out. More ominously she was told, Billys welfare would no longer be Hoa's responsibility. The \$10,000 advance for expenses would have to be repaid, and quickly. She was in too deep. When she first arrived in Vietnam, Ho said she met a male called 'Mai' who provided her with two brand new suitcases carefully packed with the heroin. She claimed she did not see this being done and had no idea exactly how much it was worth. On 27 February she flew back to Perth stopping off in Singapore to catch a connecting flight.

Very often in the murky world of drug trafficking strange things happen, the former CNB officer told me. Strange indeed if this woman was able to slip through two extremely efficient security nets, one in Ho Chi Minh City then Changi, only to be instantly picked out by customs officers in relatively 'sleepy' Perth International airport for a 'random' search. As soon as she was arrested, Chris Ellison, the then Minister for Justice and Customs - as if on cue - issued an immediate statement praising Perth airport officials. It was the largest seizure of heroin at the border in Western Australia in 12 years, he said. A stash of 2.6 kilograms of heroin is no big deal in the wider world of drug smuggling even in Sydney and Melbourne but maybe it was in Perth and worthy of the minister's immediate attention. "This seizure sends a clear message to those who attempt to import drugs that they will be caught". The arrest and subsequent jailing of Ho for nine years in August 2006 received scant coverage in Australian newspapers.

But did they miss something bigger? Could it be that Australia and Singapore now have a secret, unwritten agreement that any drug trafficker passing through Changi on the way home will be left to the AFP and the Australian courts to deal with? Did an officer of the Central Narcotics Bureau pick up the phone and call his counterpart in Canberra as soon as Ho boarded the homeward bound flight and say: 'She's on her way?'

It would not have been the first time that such an arrangement had been made concerning the potential execution of foreigners. Ho's lawyer, M.R. Gunning, told the court that his client was 'clearly out of her depth in a vulnerable position and has been preyed upon by people, that in my submission, are entrenched in the drug trade. She

has gone to Vietnam which has the death penalty, through Singapore, which has the death penalty, and then to Perth. I would have thought that her naivety is in the extreme'. A Singapore lawyer told me that no one can be 100 per cent sure that the Central Narcotics Bureau really were aware through their contacts in the AFP that she was on a drug smuggling mission.

But if they knew what she was up to, it could have been an operational decision between Singapore and Australian officials - government officials or the police. Drug enforcement agencies often work closely together and a decision like this could be a simple operational one. In this case, the AFP might have had her under surveillance and asked the CNB to lay off; that they knew all about the cartel - that this was their operation. In Singapore police and narcotics investigators have absolute discretion whether or not to arrest a known trafficker. So it is not beyond the realm of possibility this was part of a top level secret government-to-government or agency-to-agency agreement.

Before Judge J. McKechnie sentenced Ho he referred to the 'potential consequences' of importing drugs into the country particularly from Vietnam and through Singapore. He asked prosecutor G.J. Allen if her bags had been checked through from Vietnam to Perth. Allen replied: 'It appears, although she changed planes, it happens automatically, although I do note that in January Singapore expressed a concern not to be a transport hub for these substances'.

When Nguyen was hanged only three months earlier, anti-Singapore sentiment was at its highest and there were demands from Rudd's party then in opposition to impose a trade embargo if the execution went ahead. Singapore lawyer and human rights activist M. Ravi says that although it is impossible to prove that such an agreement has been reached between the two countries, the circumstantial evidence is overwhelming. 'The furore over the execution of Nguyen Van Tuong still resonates negatively with many Australians. No one in either country would want to risk going through a diplomatic and economic meltdown that would result if they hanged a young divorced mum with three kids. It would have been a very inconvenient execution.

10

The Honey Trap

German citizen Julia Suzanne Bohl, handcuffed and manacled, stood weeping in the dock accused of possessing enough drugs to hang her several times over. Central Narcotics Bureau agents had been keeping her under surveillance for almost two months and swooped on one of the two flats she leased during a wild party. She was running a highly organised drugs ring that supplied well-heeled patrons of glitzy bars and nightclubs in Singapore and they were determined to catch her red-handed. She had been arrested during the early hours of 13 March 2002 with 687 grams of cannabis in her possession. That was without other damning evidence of her long-time involvement in Singapore's thriving drug scene and possessing other drugs and special utensils related to their consumption. The Central Narcotics Bureau had discovered in early January that she was running a lucrative drugs ring, selling and hosting special all-night parties where heroin, cocaine and hallucinogenic drugs were readily available. Her wealthy but divorced parents, alarmed that she could end up on the gallows, had flown in from Germany to be at her side. With them came hoards of reporters, cameramen, star television news presenters and their crews. They piled into the courtroom and filled the grounds of the Subordinate Court to witness what could be the trial of the century back home. The law in Singapore states that anyone found guilty of trafficking 500 grams or more of cannabis will be hanged. The same, of course, goes for other drugs like heroin, cocaine and methamphetamines. Julia Bohl looked like becoming another grim statistic for the hangman. He was also closely following the case. Three Singaporeans nabbed with her in

the raid - Madhi Ibrahim Bamadhaj, 23, Sunaiza Hamzah, 23, and 33 year-old Hamdan bin Mohd - also faced similar charges and the death penalty. If found guilty they would most likely have all ended up on the gallows together one Friday morning at dawn in the not too distant future.

It was a big, big story back home in Germany. The very idea that one of their citizens - and a young woman at that - would be hanged for a drug offence was totally abhorrent to everyone in her country, the rest of Europe and many parts of the world where the death penalty had also been abolished long ago. It was a horrifying thought to millions of people.

In August 1994, Dutchman Johannes van Damme became the first European to hang in Singapore for drug offences, despite pleas for clemency from the Dutch government led by the Queen, the Pope, and human rights organisations around the world. Van Damme was caught in 1991 at Changi airport with 4.5 kilograms of heroin hidden in his suitcase. His execution left a lingering animosity between the two countries that persisted for years, damaging what had always been a harmonious relationship. So the seemingly inevitable execution of a Westerner - let alone a woman - looked like another huge international crisis in the making. But in Singapore where a mandatory death penalty exists for trafficking more than 15 grams of heroin, she would have been just another statistic among the many hundreds of men and women hanged for similar offences. Within hours of being told of her arrest and the awful consequences that might befall her, diplomats and lawyers in Singapore and Germany swung into action working round the clock under the very eye of the Chancellor Gerhard Schroder himself. It was feared that the outcome of the trial might affect the result of the next general election if they failed to stop Bohl being hanged. The German Embassy hired one of Singapore's top criminal defence lawyers, Subhas Anandan, to take up Bohl's case and, indirectly, that of the Federal Republic as well. Much was at stake.

Everyone in Europe and top officials in the Singapore government remembered the outcry, followed by threats of economic reprisals against Singapore, when van Damme was hanged. Both sides feared an even bigger and devastating uproar in Germany which could do serious damage to the close business relationship between the two countries.

Germany was a major investor in Singapore and no one wanted an economic fall-out of a potentially catastrophic dimension if this young woman were to be sentenced to death and hanged. The Bundestag was in uproar and on the verge of suffering a mass apoplexy. Everyone kept their fingers crossed in Germany for a good outcome of the case - or, as they do there, gripped their thumbs for luck. But they all knew it would take more than luck and, if Schroder did not move quickly and with a firm hand to save his precious citizen, it could cost him dearly at the next election. Singapore knew it was in danger, too, from a devastating diplomatic and economic riff with the European giant. Apart from that, its mandatory policy of hanging convicted drug dealers was brought into the international spotlight once again.

It was clear from the evidence - and my later investigations - that Bohl ran a major drug ring that supplied well-heeled patrons of bars and glitzy nightclubs and restaurants along the Singapore River at Boat Quay and Clarke Quay and at private parties at her home. This was her luxury flat in Goodwood Park, a high end part of town, plus another just around the corner at Balmoral Apartments - perhaps used as a bolt-hole, which she later claimed was a place to study in not to escape to. But that was where narcotics police found large stashes of drugs and 'cooking' utensils to prepare them for consumption. Documents recording her first two remand appearances in the Sub-Ordinate Court alleged that Bohl and one of the men known to her only as 'Ben' were using the Balmoral apartment to store her drug supplies. 'Ben' was Bohl's boyfriend and it was not disputed that he stayed with her in the Balmoral apartment, according to the court documents. Bohl was also named in the rental agreement which she had signed as the tenant. Her activities had come to the notice of the Central Narcotics Bureau in early January 2002 following the so-called Orchard Towers murder investigation and she, her accomplices and customers were put under 24 hour surveillance.

On 2 January 2002 after a wild drugs and booze New Year's Eve party two people died in a fight over a stash of missing drugs. This was the case of Mike McCrea, a millionaire financial adviser and money launderer who went on the run with his young Chinese Singaporean girlfriend when two bodies were found stuffed in a car in a car park in at the high rise shopping and night club mall known which boasts

of having four floors of whores. Investigations into the murders ultimately led police and CNB agents to the activities of Bohl and her friendship with McCrea. McCrea, also in the business as a seller, had by this time fled to Britain and then to Australia. As soon as they began investigating the crimes the police and Central Narcotics Bureau realised they were on to something bigger than they ever imagined. Despite the furore created by the two murders just around the corner from her home, Bohl was totally oblivious to the fact that police had her under surveillance. A few weeks later, she was introduced to a good-looking young man who said his name was 'Ben'.

He was a 33 year-old Malay Singaporean and told her he had good connections with suppliers just across the border in Johor Bahru. He wanted to get in on some bigger action. Bohl was convinced he would be a good addition to her team. She also took a shine to him, mesmerised by his good looks and charm. They soon became lovers and lived together in one of her flats, the one at Balmoral Apartments - just around the corner from her other pad at Goodwood Service Apartments where she hosted her drug parties. Her name was on both leases and she had the keys. From my investigations, I discovered that 'Ben' was in reality an undercover agent, an officer of the Central Narcotics Bureau - with orders to kill. His brief was to get enough evidence against her to ensure she would one day have an appointment with Darshan Singh on the gallows. 'Ben's' real name - if it was his real name - was revealed when he appeared in the dock with Bohl in Singapore's lower court. He was identified as Hamdan bin Mohammed. He had been given orders to infiltrate the drug ring, seduce Bohl and become her lover. While making love to her, he was collecting vital evidence about her drug sources and customers. It was the kind of pillow talk that could send her - and perhaps many others - to certain death.

It was a midweek party, this time a Tuesday night-Wednesday morning, another wild drug party hosted by Bohl when it all came to a crashing, screaming end, as dozens of armed CNB agents burst into her flat. It had been a good party for her regular customers; a lovely crowd of beautiful people and, as usual, the ever-present 'Ben' hovering in the background. At a pre-arranged time he sent a signal on a mobile phone. Officers of the CNB who had been waiting out of sight in unmarked vans and cars in nearby streets suddenly swooped. He was also held

in the melee and appeared in court the next day when they were all formally charged. It was good cover - they don't like their undercover men to be exposed for what they are. The arrest of Bohl made headlines across Germany and all over Europe. NCB officers had seized 687 grams of marijuana and other drugs in her apartment and newspaper headlines announced that this German girl faced the death penalty. A few days later things seemed to have got worse. Bohl was back in court to face additional charges - trafficking, drug use, possessing ketamine and other drugs and utensils for their use. Without the capital offence, the maximum sentence for possessing the ketamine alone was a S\$20,000 fine or 10 years behind bars or both. Then a funny thing happened on the way to the High Court where Bohl's trial was about to begin. Further laboratory test results produced by the prosecutor, suddenly showed that the cannabis found in her possession weighed only 281 grams! A difference of 301 grams - and far less still than 500 grams which attracts a mandatory death penalty. All the other charges against her were also suddenly and mysteriously dropped or, at least, were never mentioned again. Just as mysteriously, 'Ben' also vanished from the scene. During initial investigations to build the case against her, Bohl and 'Ben' were taken to her second flat just around the corner which served also as a store room for her drugs. 'Anyone simply found in possession of keys to anything containing illicit drugs or the keys to any premise where such drugs are found is presumed to have been in possession of those drugs', a legal expert told me.

The real story of how Bohl was caught - and her neck saved - was partly revealed to me by a former member of the Central Narcotics Bureau. Now retired and with the understanding that I would never reveal his name, he told me that Bohl and McCrea had known each other long before that fatal New Year's Eve party in January 2002. But it was the double murder that led to the sting and her arrest using 'Ben' as an undercover agent or rather an under-the-bedcover seducer! 'It's a dirty job but this is a dirty business', he told me. 'We have to infiltrate the drug rings in this way. Otherwise they are closed to us. It's the only way we can get to know them and their activities and bring them to justice. The thing I always hated was that we had orders to encourage some mules to commit bigger crimes with more drugs than they planned to traffic. This always meant sending them to the

gallows - and many were'. When Bohl eventually appeared in court to face trial, she was all alone and full of smiles. She had agreed to plead guilty to lesser charges which carried a maximum penalty of 20 years in jail and a \$20,000 fine and, more importantly, to give evidence for the prosecution. But she received a sentence of only five years, a slap on the wrist by comparison to what happened to the likes of Nguyen and many others. The damning evidence that 'Ben' had gathered from his 'pillow talk' and observations was never produced. His dangerous undercover work was all in vain, but no doubt his work under the sheets was adequate enough satisfaction for him. Even more strangely, court records now show that only one more of the four named in original court records ended up being prosecuted: Mahdi Ibrahim Bamadhaj. He was jailed for 20 years and given 22 lashes of the rattan cane. The chief prosecution witness in his trial was none other than Julia Bohl. Her evidence cited him as the kingpin while she was under his influence all the time!

While I was delving into court records concerning the case against Bamadhaj and his appeal, I came across this extraordinary titbit of information. After detailing the circumstances of Bamadhaj's arrest with Bohl and 'Ben', the High Court document explained: 'Ben is currently on the run. He was last seen by the CNB on the afternoon of 13 March 2002 at the car park at the York Hotel, after telling his friends present at the Goodwood Park service apartments that he felt he was being trailed by the CNB'. Unless there had been a typing error, the fact that this happened only hours *after* first appearing in the dock with Bohl and the other accomplices and was then 'seen' by CNB officers at Goodwood Park that afternoon rang a very loud bell in my head! A top flight drug trafficker, possibly facing death on the gallows, then goes 'on the run'? How could it be possible he would be allowed to get away only hours after he had appeared in the dock with Bohl - who was being held in custody along with Bamadhaj and, presumably, Sunaiza Hamsah? Then tell his friends that he 'felt he was being trailed' by the CNB while actually being watched by the CNB? It did not make any kind of sense to me. And it was my further investigations that confirmed my suspicions that 'Ben' in reality was a police officer and had been working undercover all the time. But it should not surprise anyone, my retired CNB officer informant told

me. Such people doing such dangerous work have to be protected at all times. I also tried to discover what happened to Sunaiza Hamsah, the other young woman named in the original charge. There was no trace of her at all. Lawnet.com has nothing on her 'case either. Perhaps she, too, was an undercover agent or informant? Or maybe, because of the intervention by the German government to save Bohl, they let her fade into obscurity so Singapore could not be accused of 'favouritism' and have her reveal more scandal at her trial than Singapore could deal with. Bohl was released in July 2005 having served only three years - just five months before Australian citizen Van Tuong Nguyen was hanged - and went to live in Amsterdam where certain kinds of drugs are a way of life.

During my investigations into the Bohl case, I uncovered yet another carefully-guarded secret between the two countries. The Federal Government promised that two German banks, the State Bank of Hessen and the State Bank of Bavaria would invest heavily in Singapore on condition that a 'diplomatic solution' would be found to save her from the gallows. It was an offer Singapore could not or rather dare not refuse! After all, business is business. Unfortunately, I was never able to discover if these huge investments actually materialised. Such sensitive banking information is impossible to find without breaking the law in Singapore.

When Nguyen was about to be hanged shortly after Bohl returned home, Singapore's Prime Minister Lee Hsien Loong said in a statement that he was sorry for Nguyen's mother that the execution had to go ahead. He pointed out that this was because the amount of drugs he was caught trafficking to Australia via Changi airport would have destroyed thousands of lives. What a contrast to the warm, friendly treatment Bohl received. Exactly how she managed to escape the noose wasn't known when the campaign to save the Australian citizen failed. Then, of course, it was too late. No one was able to point out to Lee that Nguyen was merely using Changi as a hub! The Australians could quite easily have given him a long, punishing prison sentence, instead of hanging him, as is the norm in the majority of countries. If Nguyen was helping to destroy lives in Australia as Lee stated and was so concerned about, then Bohl was helping destroy lives perhaps on a much bigger scale in his own backyard, Singapore. It is not that Bohl should have

hanged, but that Nguyen's life should have been spared, too!

'Julia has shown good behaviour in prison so she was granted a remission of one third of her five-year sentence', prison spokeswoman Lim Soo Eng said of her kindly on her release. Bohl turned 26 while in jail and was immediately deported. She was picked up by her loving parents and consular officials outside the jail and immediately whisked back to the safety of Europe. Bohl was an ideal inmate, according to a prison officer. While serving her sentence, she was allowed to pursue a London School of Economics distance learning course in economics and social science. Her privileged life as a teenager had begun in Singapore where her wealthy parents used to live and where she completed studies at the local German School and continued in prison! The outcome of her trial astounded many human rights observers in Singapore. And when I became involved in the Nguyen Van Tuong case, I searched the Bohl court files. They prompted a timely interview with her lawyer, Subhas Anandan, for the newspaper *The Australian* with one of their staff reporters, Mike McKenna, who flew to Singapore to help cover the events leading up to the execution. Anandan, with a reputation as a most skilful criminal defence lawyer, was querulous over the Australian government's 'tardiness' in coming forward to save their citizen in the same way the German government did for Bohl. He dared not go into details at that time, but said only that the last minute flurry of activity by the Howard government was akin to 'visiting a dead person in hospital'. Although they served roughly the same time behind bars, Julia was allowed to start her life all over again. Did race play a part in the outcome? Or didn't Howard care enough to fight for Nguyen like the Germans did for their precious citizen?

The Bohl case and many others I have looked into reveal a little-known secret: that Singapore has an Achilles heel when it comes to whom they hang and whom they don't. 'If the economy comes under threat from reprisals it will err on the right to life - and the right to trade - and buckle under from this kind of pressure', another Singapore lawyer told me. Asad Latif, a former senior reporter with *The Straits Times*, and a visiting research fellow at the Institute of Southeast Asian Studies in Singapore, would deny this of course. He has to toe the People's Action Party ethos. In an article published in *The Australian* explaining why Nguyen should be hanged, he wrote: 'It is unfortunate

Nguyen Van Tuong has to die, but the law against drug trafficking must be implemented uniformly. No one has the right to expect, let alone demand, that Singapore bend its laws to suit the laws of another country. Sovereignty, then, is a key issue in this case'.

11

The Odd Couple

One of the most bizarre stories I uncovered for this book concerned British financial adviser, Mike McCrea, a reputed millionaire, and German student Julia Bohl who could, in normal circumstances in Singapore, have ended up on the gallows - possibly together. The crimes they committed were not entirely unconnected and had this fateful chain of coincidences played out to its spooky end, Darshan Singh might well have hanged this 'odd couple' side-by-side at the customary time: Friday at dawn. As it turned out, unlike hundreds of other criminals caught in Singapore dragnets and sting operations facing the mandatory death penalty, these lucky souls were spared the noose. Their stories began in early 2001. Bohl, aged 23, and McCrea, 44, were close neighbours in a high end part of Singapore - he in Balmoral Park and she just around the corner in Goodwood Park where many foreign diplomats also reside. They first got to know each other through their mutual interest in the high life - and drugs - at a bar named Pinkk at Boat Quay, now under new management and completely above board. Both were regular drug users who loved wild parties. And both were dealers who had discovered a lucrative sideline to boost their already impressive incomes. Bohl grew up never having to work for her basic needs. She had wealthy parents back home in Germany and her allowance from them alone was more than many medium level executives earned in Singapore. But Bohl wanted more out of life, the excitement of wild parties with thumping music that went on all night energised by the kind of drugs she sold and consumed. She needed much more than her parents gave her to satisfy

her special cravings. McCrea had very similar interests. He was making pots of money persuading wealthy expats and Singapore's home-grown upwardly mobile executives to part with huge sums of cash they didn't want to show to the tax man. He had better places to put their money, mainly offshore shell companies around the world he controlled with two secret partners in Singapore and London.

He was an expert in these tax shelters, he assured them. His company was suitably called April Investments - signalling the end of the financial year and the time to legally, more or less, reduce his clients' liabilities or hide their ill-gotten gains. As a sideline to keeping some of his wealthy clients happy he also discreetly supplied them with party drugs. In turn Bohl, his chief drugs source, also became one of his April investors. It was an ideal arrangement. McCrea advertised his services in glossy magazines and wrote an occasional column - subtitled 'Doing The Obvious Differently' - in *The Expat* magazine in Singapore giving advice and encouragement to the wealthy to trust him and invest in his money-laundering schemes without anyone knowing, including the police and the taxman. It was during this time that he became a close friend of the then editor of *The Expat*, Nigel Bruce Simmonds, who was later to be arrested in another sting operation using the very same undercover narcotics agent who helped nail Bohl in March 2002. McCrea also enjoyed the company of young, glamorous women and the champagne life he had grown accustomed to and which Singapore was only too happy to oblige. He also developed a propensity for all kinds of drugs, especially cocaine, and Bohl was another perfect solution. She always had abundant supplies of the stuff. Most of it was smuggled in from Malaysia by the busy syndicate she had become connected to. Knowing this young worldly German girl meant he had a new gravy train to jump on. He would become a supplier himself. And he had the perfect front.

In the end he was making so much money that he was able to pay his live-in chauffeur \$6,000 a month - huge by local standards at the time - and in 2001 he was able to give him a Christmas bonus of \$25,000. A few days later he killed him in a drug and booze induced rage. Until then, he told his Melbourne lawyer, Terry Grundy, who was helping him avoid extradition to Singapore to face murder charges, that the chauffeur was Tike a brother' to him. His dream life had all come

crashing down to a tragic, brutal end after the 2002 New Years Eve drug and booze party in McCrea's luxury flat. After he fled to Britain, where his immediate family lived, then Australia, where his wife lived, a warrant for his arrest was issued in Singapore.

The arrest of Bohl was to come a few months later. It did not take police long to link them. Bohl and McCrea often went to each other's homes to take part in wild, pulsating Saturday night-Sunday morning drug parties and often joined each other at parties in bars along the Singapore River. Despite McCrea being on Interpol's 'most wanted' list over the alleged murders, Bohl was unaware the police now had her under surveillance. When McCrea fled to Australia with his 22- year-old girlfriend, Audrey Ong, homicide police and officers of the Central Narcotics Bureau began investigating all his friends and business connections. The bodies of his chauffeur, Kho Nai Guan, 46, and the dead man's girlfriend, Lan Ya Ming, 29, were found hidden in his limo. Tests found heavy traces of drugs and alcohol in both their bodies. Court documents later claimed that the fight began when Lan had called Ong a 'slut' in Hokkien. When McCrea demanded to know what it meant in English, a violent fight erupted between the two men. But this was merely a cover story made up by investigators probing the two brutal deaths, I later discovered from a former agent of the CNB. They wanted to keep the real cause of the murders completely secret. In reality the fight was over a dispute McCrea had with Kho whom he suspected of stealing a large amount of cash from his safe and, more importantly, a large amount of high quality drugs he had purchased weeks earlier, as they discovered, from Bohl.

McCrea was also a fitness enthusiast who was proud of his muscular physique and prowess. He installed a full size punch bag in the corner of his bedroom and he worked out every morning before breakfast. Kho was easily overcome by McCrea who finished him off with blows from a metal rod. During the fight Lan went to Kho's aid repeatedly smashing a vase over McCrea's head injuring his arm as he tried to ward off the blows. Then he knocked Lan unconscious with a single punch. Later that same day when they came out of their drug haze and realised Kho was dead and Lan still conscious. They set about cleaning up the apartment deciding what to do. Most importantly, they wanted to know from Lan where she and Kho had hidden a large stash of heroin

and amphetamines that had gone missing. After being so generous to Kho, McCrea realised Kho had been betraying him. Whether they were successful in getting the semi-conscious Lan to talk or not was another closely-guarded secret during investigations and even during the trial in 2006. Whatever happened, McCrea decided Lan would have to be killed or else become a witness to the crime. He could be hanged on possible drugs charges anyway - if the police were able to find them.

The next day, after constantly interrogating her as she lay semiconscious on her bed, he put a gloved hand over Lan's face until she stopped breathing. Then he and Ong set about hiding the bodies. When the police and Central Narcotics Bureau officers eventually came upon the scenes they soon realised they had uncovered a mine of information relating to an underworld drug scene they could only dream about. They knew they had more big fish to fry. Before they fled, McCrea and Ong recruited two willing helpers to clean up the flat and remove any incriminating drugs they could find. Drugs alone could have got them both an appointment with the hangman without two murder charges to answer. An Englishwoman, Gemma Ramsbottom, McCrea's former bookkeeper, and Singaporean Cheo Yi Tang, were persuaded to help with the cleaning, hiding the bodies and destroying the grisly evidence. The pair told police that after driving around nature reserves, rainforests and the coastline looking for a spot to dump the bodies, it was decided to leave them in Guan's silver Daewoo Chairman 400, in a high rise car park then flee before the police were aware of what had happened.

The case became known as the Orchard Towers Murders. Orchard Towers is a high-rise shopping plaza in a red light district more famous for its sleazy nightclubs and which boasts of having 'four floors of whores' popular with sex tourists and sailors. The bodies, by then rotting almost beyond recognition, were found by a security guard and quickly identified. Warrants were issued for the arrest of McCrea and Ong, and their friends and associates were rounded up for questioning. Officers of the Central Narcotics Bureau took part in the investigations when blood tests revealed heavy drug and alcohol use by the victims shortly before they died. By then the wanted couple was out of reach. First they fled to Britain where McCrea had a former wife, parents and siblings, and then to Australia where he had a current wife, Brunetta,

a former model, pregnant with their second child. He turned up unexpectedly at their home in Melbourne one Saturday afternoon with Ong at his side.

Brunetta McCrea was not too pleased with this new addition to her family. An inevitable disturbance broke out. Police were called. McCrea had arrived in Australia using a fake passport under one of his many aliases: Mike Townsend. McCrea refused to return to Singapore voluntarily and because Australia cannot by law to extradite anyone to any country where the death penalty might be imposed, a long legal battle ensued between the two countries. Just as interesting, it was the investigations into the alleged murders that led them to discover Bohl's drug trafficking activities - activities that could attract the death penalty for her, too. This bizarre twist to the McCrea murder case was revealed to me by a former CNB officer just as I was coming to an end of my research for this book and is fully related in the previous chapter. Bohl was spared the noose only when the German government intervened at an early stage and used its economic muscle to force the Singapore government to reduce the charges against her so she would not hang. McCrea managed to escape the noose, too, but had these strange coincidences continued to a bitter end, they might well have hung together in Changi Prison one Friday morning at dawn. McCrea was eventually sent back to Singapore on condition that the charges would be reduced to culpable homicide which carried a maximum penalty of 10 years' jail. In June 2006 - seven months after Nguyen was hanged for trafficking heroin - he was sentenced to a total of 24 years on the two charges plus four more for destroying evidence of the crimes. In effect the death penalty for him had been abolished even before his trial began and Singapore did not like it at all. They wanted to hang him!

12

Send in the Marines!

On 23 September 1994, a Dutch engineer became the first Westerner to be hanged under Singapore's draconian drug laws. Johannes van Damme went to his ignominious death on the gallows despite appeals from Queen Beatrix, the Foreign Minister and the Pope. Van Damme, a handsome, burly man of 56, claimed to be a secret agent in the employ of his country. Whether or not he really was their undercover man in Lagos the Dutch Minister of Foreign Affairs, Hans van Mierlo, made a strenuous effort to save his life. The anti-Singapore sentiment that reached ferocious levels across the Netherlands shocked everyone. As preposterous as it seems, in a national poll half the population demanded the government send warships to Singapore and rescue van Damme using military force. But Singapore ignored this wild expression of anger and all the pleas that came from the Netherlands, the rest of Europe and around the world. In a damning response, the Minister said his government and people were greatly disappointed and appalled to learn of the execution'.

It also coincided with the opening of the ASEAN-European Union ministerial talks taking place in Karlsruhe, Germany. Mierlo was among the 12 EU ministers who attended the dialogue with their Asian counterparts. The execution had taken place only hours before the meeting opened. German Foreign Minister Klaus Kinkel said in his opening address the EU regretted the execution but the subject was not discussed during the ministerial meeting. The Singapore Foreign Minister, Shunmugam Jayakumar, said it would have been 'hypocritical' if they had changed the date deliberately so that it would not coincide

with the meeting. To many human rights activists it suggested that the van Damme execution was another example of Singapore's resilience to Western pressure, when it suits them. Jayakumar explained that the execution was a matter of the law taking its course. He said that granting clemency on the grounds that capital punishment was anathema to the country of an offender would undermine Singapore's integrity and reputation for impartial enforcement of the law. It would also be a serious breach in the Republic's battle against drug traffickers who were 'worse than murderers'. 'A murderer normally kills one person, but a drug trafficker erodes the fabric of society', he said. Referring to drug abusers in Singapore, he said: 'People are our only resource. And there are 8,000 in drug rehabilitation wasting away, completely useless to our society until they are rehabilitated'. He went on to claim that 'the number of drug traffickers would have tripled or quadrupled if Singapore did not have the death penalty. It works for Singapore. We want to keep it'.

Van Damme was arrested at Changi airport in September 1991 after 4.3 kilograms of heroin were found hidden in his suitcase. He had arrived from Thailand, a major shipment point for narcotics, the court was told, and was in transit to await a flight to Athens. A resident of Nigeria since 1976, he said that he had been set up by a Nigerian criminal operation he had exposed to the Dutch intelligence agency. According to newspaper reports at the time, his assertion of innocence seemed to gain some credibility particularly after the Dutch Foreign Ministry confirmed that he had been working with their intelligence agency up to the time of his arrest. The exact nature of those activities was not disclosed, however, and Dutch officials said they did not directly involve the drug charges in Singapore. But that should not surprise anyone concerning the murky world of spies and spying, just as it should surprise no one that the murky world of drug traffickers and their pursuers is steeped in secrecy and more often treachery and corruption. The judges and investigators in van Damme's case might well have taken his explanation more seriously. According to court records, van Damme, married to a Nigerian, said he had been carrying the bag for a Nigerian engineer and did not know what was expertly packed inside the false bottom. Nigerian drug smugglers reportedly work with Japanese, Chinese and Vietnamese syndicates who control

much of the heroin trafficking in Southeast Asia. At that time, Singapore had executed scores of people, including many foreigners from other Asian countries, under a 1975 drug law that mandates capital punishment for possession of as little as a half an ounce of heroin.

According to an Agence France Press report from The Hague, the then Dutch Prime Minister, Wim Kok, said the execution cast a 'grey veil' over his country's relations with Singapore. He revealed that the government had summoned the Singapore Counsellor, Kheng Hua Iseli, to emphasise the 'profound distress' they all felt. Kok said it was impressed upon her that on both emotional and ethical grounds the Netherlands could not accept the decision to go ahead with Van Damme's hanging. He said it demonstrated the cultural gap between the two countries and that he had urged Iseli to consider ways of bridging this gap by putting an end to 'these particularly inhumane judicial procedures'. The Prime Minister said his government had discussed whether there should be diplomatic and economic retaliation for the execution. But the idea was abandoned because such relations would have been restored after a few weeks or months anyway, with the risk of creating the impression that his country was wiping the slate clean. According to an archived press report I found, van Damme's family in the Netherlands, said they were 'completely in the dark as to what actually happened and can only conclude that other people deliberately or unintentionally involved in this situation a man who was by nature law-abiding'. The family released a copy of the usual bluntly worded telegram that they received from Singapore the previous week: 'Death sentence passed on Johannes van Damme will be carried into effect on 23.9.94. Visit him on 20.9.94. Claim body on 23.9.94'. It was signed by the superintendent of Changi Prison. But while foreign migrants and guest workers regularly ended up on the gallows for similar offences, van Damme's execution marked a significant ramping-up of enforcement at that time.

By the strangest of coincidences barely five months earlier another Dutch citizen, Maria Krol-Hmelak, aged 57, had been arrested in her hotel room in Singapore in possession of 1.6 kilograms of heroin. It was said at the time that Krol-Hmelak and van Damme, both long time residents of Nigeria, did not know each other. She was married but

estranged from her Dutch husband who had left her to live in Brazil. A few days earlier, in another Singapore hotel, a 36-year-old Nigerian, Peter Johnson, was found with 0.33 kilograms of heroin. Both Krol- Hmelak and Johnson were working for a Nigerian trading company in Lagos called Kenrods Ltd. While Krol-Hmelak and Johnson were languishing in Changi Prison awaiting trial, van Damme's case was dealt with much faster and was on death row sentenced to hang before their trials even began.

The Austrian-born Dutch citizen, Krol-Hmelak, had studied law, then economics and finally became a chartered accountant. She was married to Frederik Krol and had a son by him named Christopher. Frederik Krol was a mechanical engineer and the family went to live in Nigeria to work for Kenrods in the 1980s. He travelled widely, often to Brazil to make contacts with Volkswagen and other car companies. While there in 1989 he found another job, resigned from Kenrods and abandoned his wife and son leaving them totally penniless. In April 1990 Maria Krol- Hmelak was persuaded to join Kenrods and was assigned to establish a branch dealing in coloured gemstones. At that time the gemstone business in Nigeria was booming. Many new minefields were developed and new varieties of stones were found. Nigeria had large deposits of sapphire, aquamarine, tourmaline, amethyst, emerald, garnet and crystal quartz. She obtained all the necessary permits and licences and began establishing a market in Germany. She soon found she could obtain better prices in Thailand and in October 1990 went to Singapore and Bangkok to obtain orders. However, Krol-Hmelak returned to Nigeria at the end of November to discover that the Middle East Gulf crisis threatening war was in progress and prices were falling drastically. When the war began the bottom fell out of the market. One gram of good quality sapphire that once sold for US\$140 plummeted to US\$20. At this time Krol-Hmelak was in Bangkok and was told to wait there until things improved. When the war ended the market did not recover. Her boss in Lagos told her to go to Singapore to meet a Mr Oloo, a relative of the company's chairman Felix Obeke. Krol-Hmelak was hoping to be recalled to Lagos where her son Christopher was being cared for by friends. But instead Obeke informed her that Johnson, a new company director, was coming to Singapore for the first time. She was asked to stay on, check

him into the Park View Holiday Inn where Oloo had stayed before, and show him around. All she knew about Oloo was that he was a cousin of Okeke who was the 'big boss' of Kenrods. She also heard that Okeke was an 'evil man' who had relieved Oloo of \$200,000 in a business deal that went wrong. During one of her trips to Bangkok Krol-Hmelak received a call requesting her to bring several Caterpillar tractor engine parts which she collected from Oloo back in Singapore. These turned out to be heavy pistons which were smothered in thick grease. She asked Oloo why he was not taking them himself. He explained that he had to go to Jakarta then to Lagos for the wedding of his sister.

In a statement she wrote in her cell for her defence lawyer, P. Suppiah, Krol-Hmelak said Oloo took her to a second hand spare parts shop in Bangkok in a tuc tuc taxi. She waited in the cab while he went inside. 'He returned shortly afterwards with a grey traveling bag', she wrote. 'When I tried to lift it I found it very heavy. I looked inside and saw those greasy spare parts. He told me they were piston rings. At first I refused because they were too heavy, but agreed when he said Mr Obeke would be very angry if I did not take them. Since I was very eager to return home, I agreed. He said I would have to deliver them to a cargo company in Singapore for shipment to Nigeria. He said he would give me the name of the company later and returned to my hotel. Then I remembered that I forgot to ask him for the invoice for the spare parts. I tried to reach him in his hotel, but could not'. Krol-Hmelak returned to Singapore with the engine parts and briefed Johnson about her itinerary. He knew nothing of the pistons - or piston rings as she described them in her statement - and promised to call the office in Lagos because he wanted to know what was going on. 'The following evening he came to my room and asked for one of the engine parts because he wanted to find out more about it. I gave him one and reminded him to give me money for the hotel bill and other outstanding expenses'. Krol-Hmelak said she did not hear any more from Johnson and decided to call his room several times the following evening. There was no reply. A final call was answered by another person who passed the phone to him. Her statement continues:

He told me he had been arrested because there was heroin in these machines. He said the police were with him. I was worried because I was left without funds and asked him to leave some money for me.

Mr Johnson did not reply. He dropped the phone. Later I started wondering which machines he had with him that could have heroin inside, but I never connected the spare parts with it, simply because a spare part is just that: a part.

Krol-Hmelak said she then called the company in Lagos and informed them what had happened. 'I was very worried and upset because I was left in a bad condition, in a strange country without money to pay my hotel and my expenses. The company told me to hold on. They would send someone with money'. She waited six days and the evening before her arrest, sitting having coffee in a patisserie in Centre Point Shopping Centre it 'suddenly occurred' to her that Johnson was referring to the pistons she had in her hotel room. 'I then became very much afraid because I remembered the warning on the visa entry card for Singapore, that anyone carrying drugs can be sentenced to death. So I decided that though I was not sure that I was correct with my suspicions, the best thing for me was to throw them away'. She quickly obtained several black plastic bags from a nearby store and carefully wrapped the pistons separately then together and put them in a large traveling bag. Then she put the traveling bag in another plastic bag. 'By then I was feeling ill with stomach pains after I completed this task and decided to take them away the next morning even though an inner voice was prompting me to take the things away at once'.

The knock on her hotel room door came early the next morning. Officers of the Central Narcotics Bureau wanted to talk to her. 'I delayed opening the door', she wrote for her defence lawyer. 'I was very scared and decided to try to hide the spare parts. I did not know where to hide them at first, but decided to put them in the sofa which converted into a spare bed'. It did not take the police long to find the hiding place. Krol-Hmelak was ordered to provide two urine samples. A week later, accused of being a drug addict according to tests they had carried out, she accused her interrogators of trying to frame her. 'I had never taken any kind of drugs', she declared. 'You are framing me with that urine'. Despite her protests she was charged with one count under the Misuse of Drugs Act.

After van Damme was convicted, much to Krol-Hmelak's horror and the amazement of many, a Dutch newspaper, *AD*, published a report quoting a spokesperson for the Central Investigation Information

Bureau (Centrale Recherche Informatiediens) in Holland accusing her of working with a Nigerian drug ring. 'The Dutchman, J. van Damme who has been sentenced to death in Singapore for smuggling heroin, is possibly part of a Nigerian drug ring', said the spokesperson. 'The 59-year-old Maria Krol-Hmelak, who has yet to be tried, would also have been drafted as a courier by a Nigerian drug ring'. The report also quoted Krol-Hmelak's estranged husband that he intended suing the CRI for publicly portraying her in this way and at such a crucial time in the fight for her life. Krol was also alleged in the report to have given the names of Nigerians to the American Drug Enforcement Agency, DEA, who were involved in smuggling drugs in 1989. Among those names were people who were worked for Kenrods Ltd. of Lagos - Krol- Hmelak's employer until he resigned. It was beginning to become a very murky case indeed. And it did not look good at all for Krol-Hmelak, a Kenrods' employee at the time of her arrest. Her 'I didn't know' defence is used in 90 per cent of all drug possession cases according to published records and usually carries no weight at all. It is too simple. But she was being condemned in her own country even before her trial began. In the statement she prepared for her legal team, Krol-Hmelak said her co-defendant, Johnson, came to her room one evening to take away one of the piston rings for examination. 'I gave him one', she said. 'I also reminded him to give me money to pay more deposit for my hotel and for my journey to Bangkok where I wanted to wind up things and finally return home to Nigeria. He said he would give me the money in the morning, then the evening. However, in the evening he did not call, so I called his room. There was no reply'. Krol-Hmelak tried again later when someone else answered her call. 'When I spoke to Mr Johnson, who was called to the phone, he told me he had been arrested. They had found heroin in 'these machines' and the police were with him'.

When the inevitable verdict was announced in van Damme's case, the Dutch media began speculating on her fate as well. 'Death Sentence Threatens Dutch Woman', *De Telegraaf's* front page blazed. The trials of Krol-Hmelak and Johnson, despite objections from her lawyers, were held jointly. The first session before Judge Lai Kew Chai began on 23 September 1993. They dragged on for six weeks with some lasting only a few hours with the two accused being shunted back and forth

from their cells. The pair maintained all along they had no idea large amounts of heroin had been packed inside the spare parts.

Following final submissions at the 28th session which began on 29 October, Judge Lai suddenly announced them both not guilty. Krol- Hmelak could hardly believe her ears. She was free. Completely stunned she burst into tears sobbing 'What's happening? What's happening?' She had been in jail for two and a half years expecting she would end up on the gallows. Instead she heard cries from embassy officials: 'You are free! You are free!' It was an extraordinary end to the case in which few believed she would not be found guilty and hanged. The 'I didn't know' plea had seemingly and perhaps miraculously worked for her but in Singapore funny things tend to happen on the way to their courtrooms just as funny things happen when they arrive in a theatre to perform in a comedy show. However, in Singapore it has nothing to do with humour.

In fact, many believe that Krol-Hmelak was guilty. But to hang her following the uproar over van Damme's death sentence might not have been wise. So it was very likely a government verdict not a judicial one. Singapore's judiciary is not free to decide who should live and who should die when vital business, economic and diplomatic issues are at stake. In these circumstances, to have two Dutch citizens on death row at the same time and an elderly woman at that would have meant economic and diplomatic suicide. And if they could not hang Krol-Hmelak, they could not hang her lucky colleague Johnson either. Suppiah told me that he was able to persuade Judge Lai that, despite the circumstances of the case, this highly educated professional woman really didn't know she was in possession of a valuable consignment of heroin hidden in those engine parts. But he added: 'There was a lot of sympathy for her and I don't think Singapore wanted to hang a 57- year-old grandmother. The authorities made sure she received a very fair trial. Everyone was relieved, of course, when she was freed'. Her very rare successful 'I didn't know' defence might well have made the Guinness Book of Records had it been offered for consideration.

There was only one light moment during the grim and tedious 66- day trial of Krol-Hmelak and Johnson. It had the court rocking with laughter. Even the judge smiled. It happened when a Central Narcotics Bureau police officer was giving evidence about Johnson's attitude when

he was being questioned. Suddenly Johnson unzipped his pants, took out his penis and swore on his member that he was telling the truth. It was as though he was taking an oath on a holy book. If he were lying he would be prepared to have it cut off as part of his punishment and endure God's wrath. He said it was an old Nigerian custom still used in his home country. But many in the courtroom wondered if he was either brave or just stupid. For taking into account the mandatory death penalty and Singapore's questionable rules of evidence, it could mean that two heads would roll in Johnson's case.

Although Judge Lai, who died from stomach cancer in 2006, said at the end of the trial that he would produce a written judgment he did not do so. There was no appeal against his decision by the prosecution either. Lawnet.com, the renowned international legal recording service merely has the words 'No record' by her name. The only record of the trial is that which Suppiah prepared for himself. According to him, Judge Lai said in his summing up:

We have gone through 28 days of trial and at the appropriate time, I will be delivering a judgment in full, in writing. But very briefly, Mrs Krol, it is the finding of this court, having heard you under cross-examination, that more probably than not, you did not know that the pistons contained diamorphine. I believe you on your evidence when it comes to the crucial elements of the case. You have on occasions lied to the police officers, and even to this Court, but they did not undermine my belief in your evidence because your version was consistent from the beginning to the end in its essential element and you have discharged the burden of rebutting the evidence, the presumption against you. So you are acquitted of the charge and you may go free.

Then he asked Peter Johnson to stand up. Judge Lai said:

As for you, your evidence has been less satisfactory. Your different versions given to the CNB officers and your evidence in Court have shown that by nature you are quite a mendacious person. Between your evidence and that of Mrs Krol, I would accept her evidence rather than yours. Having said that, it is still the finding of this Court that it was Mrs Krol who handed you the piston ring. Mrs Krol said to this Court that you appeared surprised when she mentioned to you that Mr Oloo gave the piston to her in Bangkok. And it is her evidence, which I accept, that you collected the piston from her to go and find out about

carguing. But for her evidence, I don't think you would have discharged your onus of proof. Mrs Krol has no reason to help you but she has given evidence which turned the case in your favour. I have therefore come to the conclusion that more probably than not, you also did not know that there was diamorphine in the pistons. You are also acquitted and discharged.

The DPP: 'The exhibits, Your Honour?' Judge Lai: 'The exhibits are to be returned to the accused persons and the drugs to be forfeited'. Suppiah wrote an epilogue which he allowed me to copy. It said:

Under normal circumstances the First Accused must give evidence first who in this case was Peter Johnson. However, with leave of the Court, Maria Krol gave evidence first even though she was the Second Accused, followed by Johnson. The reason for this arrangement was to have a continuous picture of the events that took place, as it was Mrs Krol who brought the pistons from Bangkok to Singapore and gave one to Johnson. Nowhere in her evidence did Mrs Krol implicate him. She said Johnson did not know anything about the pistons and he was rather surprised when Mrs Krol told him about them. There has been unnecessary cross-examination of Mrs Krol by counsel for Johnson as can be seen from the trial notes. Why this was so it is difficult to fathom. The cross-examination was extensively towards attacking her credibility. At the end of the trial the judge accepted the version given by Mrs Krol and said this in relation to Johnson: But for her evidence I do not think you would have discharged your onus of proof - that is of no knowledge as to what was inside the piston ring that was found in his room. The joint trial in fact benefited Johnson, leading to his acquittal on Krol's evidence. It would have been easier for Krol to discharge the burden of knowledge if she had been tried alone without Johnson, as it can be seen from his evidence that he has complicated matters for no apparent reason. After Johnson was acquitted, the US\$50,000 was returned to him. He wanted to give some to Mrs Krol to settle her outstanding hotel bill which she rejected. There has been no written judgment on the case and there was no appeal against the Judge's decision.

As soon as she was declared innocent, Krol-Hmelak wanted to leave for home immediately. A seat had been reserved for her on the evening KLM flight to Amsterdam. But a last minute hitch brought new terror for her. All her friends and Dutch Embassy staff were waiting at Changi

airport to see her off. But instead she was reminded of a pending charge for the consumption of drugs due to be heard at the subordinate court the next day. She was permitted to stay the night at a hotel instead of being returned to the prison cell. The next morning the Attorney General formally withdrew the charge without further ado. Krol- Hmelak left for the Netherlands ten hours later. She has never returned to Singapore. The result, despite the uproar when Johannes van Damme was hanged, meant business as usual between the two countries. No one wanted another demand, however frivolous, for Dutch warships to be sent to Singapore to spring this aging granny from the shadow of the gallows.

13

Dead Woman Walking

'She went to the gallows dressed all in white. Not virginal white but, for hundreds of thousands of Filipinos, the white of innocence'. This is what one Filipino journalist wrote the day domestic worker Flor Contemplacion was hanged in Singapore. It was believed by many of her country folk she never committed the two murders she confessed to. Some believe she was tortured to obtain the confession. Her execution - against howls of protest in the Philippines and elsewhere - brought relations between the two countries to crisis point. It also affected the outcome of a Philippine senatorial election, blighted the careers of two cabinet members and two ambassadors. The execution of the young Catholic mother sparked outrage among her fellow citizens in Singapore and around the world. An estimated four million mainly young women slave away doing the kind of work no one else wants. They staged daily demonstrations outside Singapore embassies and consulates and took part in street marches in Manila and other large cities. To them it was like a death in the family or rather as Filipina journalist wrote, 'like a family member being murdered by a cold, soulless state called Singapore'. In the Lion City her supporters - mostly fellow maids and labourers - planned a massive demonstration outside Changi Prison before dawn the day she was due to hang. They began travelling by bus, train, taxi, motorbikes, bicycles and on foot. But the plan leaked out. Road blocks were put up on all routes leading to the prison near Changi village. In fear of an even larger demonstration getting out of control and creating more international attention, machine-gun nests were installed on rooftops above the

main entrance and Gurkha troops stood by ready for action. 'Added to this was a repugnance of a Singapore justice system that, seen from the Philippines, was so haughty it was not prepared to admit a mistake had been made', a journalist wrote at the time. This sense of outrage in Flor Contemplacion's home country brought relations between the two countries to crisis point.

A former laundry worker, Contemplacion arrived in Singapore in 1988. Her working hours were from dawn to midnight, keeping two households clean and looking after her employer's child seven days a week without any time off. Even the police said she broke down under the unrelenting pressure of her work from which she had little or no respite. 'She must have snapped', wrote one investigating officer. On 4 May 1991, after getting up at 6 a.m. to mop floors and wash the 'master's' car she was allowed a rare moment off to visit another domestic worker, 34-year-old Delia Maga. According to her confession, she wanted Delia to take a bag of personal items back to the Philippines for her family but she refused, saying the bag was too heavy. To Contemplacion, physically exhausted and emotional drained, this was the last straw. She flew into an uncontrollable, maniacal rage. She stabbed Delia and drowned the four year-old boy in her care in a bucket of water. Contemplacion admitted the killings on the advice of her court-appointed lawyer. The plea was apparently part of a plan to win clemency when the case ultimately reached the Supreme Court. It was a fateful blunder.

The case began in a low key and, as is the norm in Singapore, little was reported in the local media. During the four years Contemplacion was in jail and on death row, she was visited only nine times by Philippine consular staff, according to reports. Consequently news of her plight did not get back to the media in her own country. The embassy said its 15 staff members were overstretched trying to meet the needs of the huge Filipino community. Back home in Manila as journalists finally began reporting Contemplacion's tragic situation, they believed their own diplomats had abandoned this poor, uneducated, woman of little consequence to her fate in a country she hardly knew. She was easy meat for Singapore's judicial system but as the execution date neared, Filipino citizens everywhere were becoming increasingly angry. One late failed appeal said Contemplacion had

suffered bouts of insanity as a child. Had this evidence been produced earlier it might have convinced government lawyers and psychiatrists she should not be hanged. It was obvious to everyone she had a serious mental breakdown. But it made no difference. Once she had been tried and found guilty no further evidence was permitted to be introduced. Mounting indignation was greeted at first with disbelief and then with resentment and fury at what was seen as a determination by Singapore to hang her come what may.

Philippine President Fidel Ramos - his party caught in senatorial and local elections - played to the voting masses. He tried to get tough and appealed to Singapore's then President Ong Teng Cheong for a reprieve. It was turned down. New witnesses came forward with conflicting testimony. Some newspaper articles in the Philippines spoke of Contemplacion having being stripped naked by her interrogators and tortured into making a confession. Amid these accusations and recriminations, no one could prove she wasn't guilty. Worse still for her, she never denied she committed the murders.

At dawn on Friday 17 March 1995 Contemplacion was hanged on schedule and around the time she would normally start her gruelling 18-hour working day. It was 6 a.m. The Singapore media ignored what was going on under its very nose and did not report the fomenting developments of the case. To them she was just another lowly maid 'gone bad'. They ignored the growing diplomatic riff. During the night before and the early hours leading up to the execution thousands of her country-folk gathered in small groups across the tiny island. They held silent vigils as a prequel to a secret plan to converge on Changi Prison for a final, vociferous mass demonstration to show their horror and disgust to a disinterested if uninformed Singapore at what was about to take place in their name. Back in the Philippines, the Alex Boncayao Brigade, an armed Communist group, threatened to punish Singaporean and Filipino officials whom they accused of ignoring Contemplacion's plight for too long. The Catholic church, which wields enormous influence, also condemned the execution. But it made no difference. Singapore was impervious to all the pleas that poured in from all around the world.

For Darshan Singh, hanging Flor Contemplacion or any woman for that matter is no different from hanging a man. He was up bright and

early on that Friday morning, arriving at the prison in a chauffeured prison vehicle at 4 a.m. He was on schedule. He was dressed casually as always - shorts, singlet and sandals - and he went about his business in his usual calm and methodical way. He had already made complete preparations according to the rules the day before. Contemplation had been weighed and her physique judged for him to calculate how far she should drop before coming to a neck-breaking halt and then oblivion. Being slightly built and not very tall, for her it was the long drop. Just long enough to do the job without decapitating her. A short drop would cause painful strangulation. And he had given her long pep talks trying to make her feel as relaxed as possible at what he had to do to her. He explained that he did not *want* to hang her, it was his job, and she had been sentenced by the court. That was none of his doing. She was asked if she would like to donate her organs saying that her life would not have been entirely worthless if she could save someone else. It was so long ago he could not remember if she signed the consent document or not.

A final photograph, wearing her best clothes, was taken for her family to remember her by. Darshan Singh assured her she would feel no pain; that it would be over in a split second. 'You don't want to spend the rest of your life in this terrible place', he told her so many times during these pep talks in her cell until she must have been convinced of this herself. 'That would be a living death, wouldn't it', he would always add. It was nearing dawn. Just minutes away. He checked his watch and then shackled her arms behind her back and led her to the final steps to the gallows close to her cell. Once on the trap door, her legs were quickly strapped together as is the rule. This is to prevent any last minute panic struggling. Then he uttered those now memorable words he first revealed to me in that historic interview shortly before he hanged Nguyen Van Tuong: 'I am sending you to a better place than this'. He added quietly: 'God bless you, Flor'. Darshan Singh pulled the lever. The twin trapdoors disappeared from under her feet. It was all over in a split second as he promised. Her neck broken where he calculated it would and, as according to custom, she was left to hang grotesquely for ten to twenty minutes before she was taken down. The execution was witnessed by the prison governor, a doctor, her priest and some other senior officials. Shortly afterwards, Darshan Singh

returned to his home in an official car with a cheque for his morning's work. It was \$325 - the rate that particular year.

Still the debate raged. Her remains were exhumed for fresh examination by international experts. It changed nothing. All the time, the drama was being played out against a backdrop of increasingly strident street demonstrations across her homeland, flag-burning, recalled ambassadors and cancelled trade and state visits. Ramos sacked the previous ambassador to Singapore, Francisco Benedicto, and suspended the then current ambassador, Alicia Ramos. Foreign Secretary Roberto Romulo resigned, taking responsibility for what the public viewed as a failure to safeguard Contemplacion's interests. His resignation was soon followed by that of Labor Secretary Nieves Confessor.

Three 'quickie' movies, including *The Flor Contemplacion Story* appeared in the Philippines, each purporting to tell what really happened. The movies and media reports were highly emotive with torture scenes and Contemplacion being drugged, denied food, water and the toilet, water-boarded, even molested by the Singapore police in a bid to extract a confession. A Manila journalist wrote: 'If there is a real story of Contemplacion, it is not that she did or did not kill two people in Singapore. It is that, in her death, she came to symbolise the millions of Filipinos driven by poverty to leave their families and take their chances abroad. Some are looked down on as little more than modern-day serfs; others are treated with dignity. But all are where they are because they have yet to benefit from Asia's prospering economies'.

It took a very long time for the things to simmer down in Manila. President Ramos set up an inquiry into the case and ordered the exhumation of Delia Maga's remains to determine how she died. The controversy raged that Contemplacion did not commit either murder. However, the new inquiry seemed to conclude that she probably was guilty notwithstanding the appalling conditions she worked under that drove her to madness. But many people in the Philippines still believe to this day that she was innocent. 'Singapore might sensibly have considered granting a stay of execution as requested by President Ramos and it is hard to see how doing so would have damaged its criminal justice system', said another observer in Manila. Her mental condition should have been taken into consideration and as is customary in her

country, where the death penalty was still on the statute books at that time though rarely carried out. She would have been provided with a lawyer to advise her *during* the initial investigations and advised of her rights. This is not permitted in Singapore. The police must be free to carry out their investigations and interrogate the accused without hindrance.

Public sympathy was also with her because of the treatment so many poor and poorly educated Filipino migrant workers are subjected to in overseas countries. No consideration as to her mental history or state of mind on that fateful day was given when she was sentenced to death even though investigators concluded that she had 'snapped' under the stress of her 18 hour hard slogging days without a break - forced to do so by her slave driver employer. According to statistics, the economy in the Philippines, was heavily dependent on the more than \$2 billion sent home annually in the 1990s by an estimated four million Filipinos, the majority women, who work overseas. Although President Ramos seemed initially resigned to the execution, he called Contemplacion a heroine. His wife went to Manila airport to receive the coffin and Ramos sent a wreath to the funeral. He also provided financial help to her dependent children. Regardless of her innocence or guilt, others took up Flor Contemplacion's execution as a rallying cry against the inhumane, abusive, and exploitative working conditions that many of their domestic workers and labourers face abroad. And it was quite a different story when another Filipino maid was arrested in Singapore in 2005 for what became known as 'The Body Parts Murder'.

14

The Maid Singapore Could Not Hang

When Filipina maid Guen Aguilar appeared in court on 15 September 2005 charged with one of the most gruesome murders in Singapore history, the diplomatic turn-out from her country's embassy astounded everyone. The ambassador, Belen Anota, flanked by top diplomatic officials and prominent members of the Filipino community filed into the courtroom. Other Filipinos, mostly young domestic workers and labourers packed the public gallery and stood in groups around the courthouse. Two of Manila's biggest television stations sent camera crews and another dozen print writers and photographers arrived to cover the proceedings. Their numbers were swelled by international wire services including AFP, AP, Reuters and representatives from the local media such as *The Straits Times*, *Today* and *The New Paper*.

Guen Aguilar was facing death by hanging for the murder of her close friend Jane La Puebla, a fellow maid from her home town. But in Manila and across the Filipino diaspora her execution would be regarded almost as an act of war. Her seemingly inevitable ghastly end had all the makings of yet another 'trial of the century' in her country and it sent shock waves through Singapore's corridors of power and fury in the Philippines. It was a particularly ominous sign, and with good cause. Although it was almost ten years since another Filipina maid had been found guilty of two murders and hanged, everyone remembers the name: Flor Contemplacion. Her execution sparked political upheaval in the Philippines and a bitter diplomatic row resulting in a huge backlash against Singapore which still resonates to this day. Even when the atmosphere thawed things were never quite

the same again. Despite the ghastliness of Jane La Puebla's murder, the immediate message from Manila was clear. When Guen Aguila, a 29 year-old mother of two, appeared in court to be formally charged a huge crowd waving placards was already demonstrating outside the Singapore embassy in Manila demanding that this time a fair trial would be held for their fellow citizen. It was an early warning signal to Singapore. The atmosphere was getting tense again.

Exactly why Aguilar killed her friend never came out at her trial. Some unconfirmed reports said they quarrelled over money. Another said it was over a love triangle with a Singapore taxi driver. The hunt for the killer began when dismembered parts of a woman's body were found in various part of the city. Arms and legs were found in bags in and around an Orchard Road shopping centre. Then a woman's partly clad torso was found at McRitchie Reservoir, a beauty spot popular with joggers, picnickers and tourists. It puzzled detectives that Aguilar would kill and dismember her close friend then dump her body parts where everyone could see them. Back home the case made garish headlines but everyone from the president down was determined Aguilar got a fair trial and would not be cast aside and executed by Singapore as just another 'havoc maid'.

This time the authorities in Singapore and the Philippines quickly realised the potential damage the case could cause again if it was allowed to get out of control. The turnout from Aguilar's embassy and the ambassador himself made that very clear. They would be watching every aspect of the police investigation and trial very closely. Her husband was flown in at government expense. He was allowed to see her in her cell as soon as he arrived. This was something almost unheard of in Singapore while a serious case like this was still under investigation. Even though it was being forced to do so, Singapore was doing its best to show a little rare humanity. Aguilar broke into tears as she first saw her husband, Edwin, flanked by the large contingent of her fellow citizens stand shoulder to shoulder inside the courtroom. All this kind attention to Aguilar's welfare was a far cry from the way Flor Contemplacion was treated. She had been virtually ignored by her embassy until it was too late for any kind of government level intervention or support. Bilateral ties had since been normalised and Singapore was once again a major investor in the Philippines but

there would always be a bitter taste in the mouths of many Filipinos - and Singapore knew it only too well. The Philippine government also appealed to its media to stop sensational reporting. 'We don't want a repeat of the Flor Contemplacion furore', Justice Secretary Raul Gonzalez told *The Straits Times*. He feared they could whip up public sentiment and trigger an unwarranted backlash against Singapore again. But this time both countries were determined not to have a replay of that particular tragedy. To emphasise this Ambassador Anota made it clear they would be hands-on all the way. Daily press releases about what was happening were issued by his embassy every few days. Singapore officials also issued regular updates to the media. It was obvious that Aguilar was being treated with more than kid glove sensitivity for someone who had allegedly committed such a gruesome crime. Even so, remembering what happened to Contemplacion, leftist and feminist groups, human rights activists and the media in Manila took the opportunity to denounce Singapore as a 'barbaric, tyrannical and totalitarian state with no respect for human rights'. Officials even invited coroner's examiners from the Philippines to perform a joint autopsy on the deceased, to avoid any possible accusations of a frame-up. Twelve hours after her arrest police seized a cleaver at the premises where she worked. Aguilar and La Puebla, both domestic helpers, had been neighbours and close friends, they discovered. Police also took possession of CCTV video footage showing the two women together shortly before her death. Forensic evidence also connected the dots. There was plenty of blood to work with.

Aguilar's two sons Mark, 7, and Edwin, 6, were at home in the Philippines. Their father Edwin, a farmhand, tried to explain what had happened. They had not seen their mother since August 2002 when she left to work as a maid in Singapore. They were hoping she would be home for Christmas - just as she had promised in her last text message just after 7 p.m. on Friday 9 September, the very night Singaporeans were learning of the gruesome killing on the television. The dead woman's husband and two sons Nueva Vizcaya, 9, and Clifford, 7, and were heartbroken. "They are inconsolable, they cannot come to grips with their loss", said her sister Julie Parangan at the time. 'It's so painful to hear that my sister has been killed like that and by her best friend', she said.

The Philippine National Bureau of Investigation was allowed to send pathologists, Cesar Bisquera and Raquel Fortun, to observe La Puebla's autopsy. Unlike the Philippines, the police in Singapore hold suspects without access to counsel while investigations are still underway. That also caused some consternation among legal advisers in Manila. They recalled what happened to Contemplacion; she was interrogated for days and quickly confessed to the crimes. Her own country folk knew little of her predicament and her embassy virtually ignored her. She was easy meat for the Lion City. But, more ominous for Aguilar, unlike Philippine law, the Singaporean justice system doesn't consider insanity as a ground for acquittal. Even though she was properly examined by psychiatrists who said she was mentally unbalanced at the time of the murders, she could still have received the death penalty. I found from my searches of court records that such cases are not unusual in Singapore. Whatever her mental condition, however, none of the families believed Aguilar could have committed such a gruesome crime and instead suspected La Puebla's Australian landlord and employer. Paulina Antonio, La Puebla's mother, revealed to a Manila reporter that she had received a phone call from this man before the murder was discovered. Antonio said: 'He told me he was very much worried about Jane's disappearance, but how come that, when Jane's body parts were found, he did not even call us for consolation or, at least, confirmation?'

'Jane's Australian boss called me Wednesday telling me that she went out Tuesday night and did not come home. He called me again last Thursday informing that Jane was still missing. And then another call came Friday informing me that the police were already notified of her disappearance', said Gerry Antonio, La Puebla's stepfather, who theorised that the landlord made the series of calls only to establish in any later investigation that he was looking for La Puebla on the first day she disappeared. He suspects that the landlord planted the alleged murder weapon, a cleaver, in Aguilar's house. Singapore newspapers published details such as Aguilar's bloody fingerprints supposedly found on the bags containing La Puebla's remains and of surveillance cameras showing the two maids together. Meanwhile, ordinary Filipinos had their own ideas: decapitating a woman's head and limbs and fitting them into plastic bags requires unflinching cold-

bloodedness. Chopping with a meat cleaver through raw tendon, sinew and bone to sever a body of at least 100 pounds requires brute strength. Depositing these body parts in very public places also did not seem to be a very intelligent act, unless one purposefully wanted them to be found easily.

It is tempting for Filipinos to suppose that racist urbanites who often see them as a caste of servants would find them convenient scapegoats for crimes. After all, the typical Filipino asks, what is it about Singapore that drives people homicidal? Some 140,000 women work in Singapore as maids, mostly from the Philippines, Indonesia and Sri Lanka. Activists contend that many more cases of abuse remain unreported, especially those of workers who enter Singapore illegally and who fear prosecution and jail, then deportation, if exposed. La Puebla's death was neither the first nor the most recent case of homicide or maid abuse in Singapore. The Contemplacion case not only exposed the perceived bias against domestic helpers but also the lack of concern and support the Philippine government had for these overseas workers. Haunted and shamed by that case, the Philippine government was quick to respond this time and was generous in its support for both the La Puebla and Aguilar families. Miriam Cuasay, Manila's labour attache in Singapore, immediately assigned Maria Isleta as Aguilar's Philippine legal counsel. Labor Secretary Patricia Tomas promised to provide financial assistance to the family of the victim. Aguilar was a hard working wife who grew up as an orphan, the third among five siblings. She was in her second year studying Hotel and Restaurant Management at the University of Baguio when she went to work abroad.

Every observer of the case waited anxiously for the verdict of the court. It came on 29 May 2006. To everyone's relief she was jailed for 10 years having pleaded guilty to a reduced charge of manslaughter. Reports said she narrowly escaped the gallows when the court reduced the charges from murder to manslaughter. Evidence was produced that she was mentally unsound and had killed La Puebla because of a money dispute. 'Her illness did not in any way dispossess her of that ability to distinguish between right and wrong', said High Court Judge V.K. Rajah. 'Upon taking all the relevant circumstances, I determine that the appropriate sentence for the accused is a term of imprisonment of 10 years'.

Aguilar, wearing an orange prison suit, was expressionless when the sentence was read out. Her husband Edwin and sister were in the court along with Philippine embassy officials. Even the mayor of her hometown arrived to give his support. 'We are happy with the sentencing', said her lawyer Sashi Nathan. 'Earlier there were some concerns that she might get a life sentence, so this is a huge relief for Guen'. It was also a huge relief for Singapore. Of course, they knew they could not hang her. Perhaps, though, Flor Contemplacion's death on the gallows was not entirely in vain. It served as a warning to Singapore and the cavalier way they impose the death penalty on oppressed, lowly people driven to madness by their own system.

Contemplacion's death on the gallows reminded me of the execution of another deranged young woman - Ruth Ellis - who shot her lover in a moment of madness. Her execution also ignited fierce opposition to the death penalty in Britain and it became one more nail in the coffin of capital punishment. Not long after capital punishment was abolished there for all time. After the Guen Aguilar's case was over, a Singapore lawyer told me: 'I am prepared to bet everything I own they will never hang another maid in this country again'. So maybe Flor Contemplacion's death has put an unofficial moratorium on the death penalty for maids in Singapore and her death on the gallows might not have been entirely in vain.

15

Licensed to Kill?

For several weeks in July 2004 - shortly before Australian drug trafficker Nguyen Van Tuongs appeal against the death penalty was about to be heard - dozens of people took to the streets of Jakarta to make vociferous, banner-waving protests outside the Singapore embassy. But this was not a prelude to the fight to save Nguyen from the hangman. They were members of the Working Forum on Justice and they were demanding the abolition of the death penalty for domestic helpers and other migrant workers in Singapore. 'We have also launched worldwide actions to take our protest to the International Labour Organisation', said Anis Hidayah, an activist of Migrant Care who coordinated the protest. The protesters also demanded that Singapore, Indonesia and Malaysia ratify the international law to protect migrant workers' human rights. Many migrant workers face horrendous conditions all over the world but especially in such places as the Middle East and, more importantly at this time, Singapore.

There happened to be five Indonesian maids awaiting trial for the murders of their employers. Four of them faced the death penalty. The cases had highlighted the stressful conditions many of foreign domestic workers often at the hands of cruel, abusive employers who treat them like slaves. Many are forced to work 18-hour days without a single day off year in and year out. Such conditions were known to cause all kinds of distressing situations which led to violence and murder - of their own or their slave-driving, abusive employers. Like the Filipinas Flor Contemplacion and Guen Aguilar, the five young Indonesians, had cracked under the strain and had apparently gone mad committing

shocking, gruesome killings which stunned Singapore, especially its government. If they had to hang any of these women, some barely out of their teens, the uproar around the world, particularly in their homeland of Indonesia and the Philippines and Thailand - all vital economic partners in ASEAN - would be catastrophic. Everyone recalled the uproar and diplomatic and economic meltdown that occurred when Flor Contemplacion, a Filipina maid, was hanged in 1995. To many, Singapore's name still lives in ignominy as far as her execution was concerned.

As well as demanding the end of the death penalty for maids, the demonstrators in Jakarta also demanded the eradication of any form of physical, mental or sexual violation against domestic helpers and migrant workers, with hefty punishments for the perpetrators. "The crimes committed by migrant workers are a reaction to the accumulation of resentment against unjust and brutal treatment by their employers", said Anis Hidayah. "These issues must be taken into account", said Yanti Muchtar an official of the NGO Kapal Perempuan who also took part in the Jakarta demos. At another protest in front of the Singapore embassy a week later, they were received by the First Secretary. The ambassador could not see them because he was on leave, they were told. "The embassy official did speak to us", Anis said. During the meeting they explained they could not do anything to stop the death penalty in Singapore. It was a matter for the courts. The protesters, wearing black plastic sacks on their heads as a symbol of people awaiting execution, declared they would continue to pursue efforts to have the death penalty scrapped in Singapore. One of the black banners they held up demanded 'Free Our Foreign Exchange-Earning Heroes' and another 'Stop Women and Child Trafficking'. The embassy official promised they would convey their demands to its government in Singapore. In April 2004 a delegation of Indonesian NGOs travelled to the United Nations Human Rights High Commission in Geneva to raise the issue of this threat of the death sentence.

In early May 2004 the Indonesian Minister for Women's Empowerment and the Minister of Manpower and Transmigration went to visit the five accused in Changi Prison. 'Unfortunately', wrote the Indonesian campaigner and anti-death penalty activist, Wahyu Susilo of Migrant Care, 'the Singapore government refused

them permission to visit these distressed young women facing the death penalty'. This further angered the activists and government officials and they vowed they would never be brushed off so easily by Singapore again. Migrant Care continued their campaign demanding that the Indonesian government should concentrate on legal efforts and political diplomacy to free these workers from the death penalty as a violation of human rights. 'From a human rights perspective, these five women must be freed from the threat of being hanged', they demanded. Wahyu Susilo added: 'If the Indonesian government does demand that Singapore remove the possibility of a death sentence for the five women, then it will also have to review the death penalty in our own criminal law system. More importantly, the government should immediately enact legislation to protect migrant workers. This legislation should concentrate on females working overseas, since this group is particularly vulnerable to violence'.

In the first murder trial, two Indonesian maids, one known only as Juminem, aged 18, and her close friend Siti Aminah, aged 15, were jointly charged with murder. The two had moved from East Java to Singapore and began working for Esther Ang and her ex-husband. Juminem was Ang's maid and Siti worked for her ex-husband in a separate but nearby household. The two maids were said to be very close and not to have had any other friends. Since their employers, although divorced, remained on good terms the pair also saw each other regularly. But relations between Juminem and Ang were not happy. On 2 March 2004 the two maids took turns to suffocate Ang with a pillow and beat her about the head and stomach with a wine bottle at her home. The pair then faked a break-in by taking her money and valuables. Juminem then forged her employer's signature on a cheque for \$25,000 payable to Siti Aminah. It was revealed in court documents that Juminem planned to kill Ang about a week earlier because she was 'unreasonable and oppressive' and enlisted the help of Siti. Justice Choo Han Teck found that Juminem had been suffering from 'reactive depression' as a result of stress from loneliness, financial worry and her employer's demands. The defence had quoted extensively from her diary illustrating the way her mood had changed over the previous months. She was found guilty of culpable homicide not amounting to murder and sentenced to life imprisonment instead.

of ending up on the scaffold. As for Siti Aminah, the court found that she had been under 'severe stress', especially from her employer's elderly mother who had called her names and pushed her around. She was only 15 and of borderline intelligence. The judge said she was easily led by others, especially her best friend. She was sentenced to 10 years' jail.

Severe though those sentences were, everyone heaved a sigh of relief. Siti could not have been hanged anyway because of her age, but if that had been Juminem's fate the reaction in other parts of Asia would have been disastrous for both countries but especially Singapore. The demonstration outside the Singapore Embassy in Jakarta a few months earlier was warning enough. It reminded everyone - if such a reminder were needed - of the disastrous consequences with the Philippines when Flor Contemplacion was hanged. With relations between Indonesia and Singapore often on a knife-edge, an incident like hanging one of their maids - with some very savvy public relations-minded activists in the background - might plunge them into another costly row with all kinds of unpleasant ramifications of a business and economic nature. To many observers, as to be expected, the risk of a diplomatic row, an economic meltdown and a threatened ban on sending maids to Singapore may have impinged on the verdicts. The judgement offered little reprieve for the murdered woman's family, however. Her daughter told reporters that time had helped in the healing process but they have yet to obtain closure. After the case, Indonesian Ambassador to Singapore, Mochamad S. Hidayt, said he was relieved at the verdict and that his embassy was working with Singapore's Ministry of Manpower - the government department that issues work permits - to strengthen cooperation. The question of how a 15 year-old girl could obtain such a job in Singapore was also highlighted by the activists. 'It amounts to child trafficking and slave labour', said Anis Hidayah. 'She was just a child at the time. She should have been in school. Now she is in prison. For ten years!' Ambassador Hidayt commented: 'We will try to improve the quality of the domestic workers looking for employment in Singapore but at the same time we also appeal to employers in Singapore to treat our domestic workers humanely'.

The next maid to beat the noose was Sundarti Supriyanto, aged 23. She was charged with murdering her abusive employer, Angie Ng, 33,

and her three year-old daughter, Crystal, in May 2002. Sundarti faced two mandatory death sentences. The circumstances of the crimes were horrific. She was accused of stabbing Ng to death then setting the home alight with petrol. The little girl was burned to death. To many observers, it appeared to be yet another case of an unofficial moratorium being put on the death penalty where maids who murder their employers and members of their families were concerned. While Justice M.P.H. Rubin found Sundarti guilty, he convicted her on the lesser charge of culpable homicide or manslaughter after taking into account the 'ill-treatment' Ng had subjected her to. In fact, because the judiciary has no discretion in mandatory death sentence cases, the charges were reduced by the Attorney General even before the trial began. "This is an exceptionally tragic case. It is tragic and sad both for the deceased and the accused", Rubin said before sentencing her to life behind bars. He had rejected the prosecution's claim that Sundarti was a 'cold-blooded killer' who carried out a 'mindless killing'. 'Despite all the lies uttered by the accused to extricate herself from her guilt, there was cogent evidence to conclude that the deceased subjected her to some measure of ill-treatment. In my view the cord of reason suddenly snapped when the accused could no longer control her emotions of feeling and despair'. The judge also referred to Ng depriving Sundarti of food, then forcing the starving woman to accept biscuits from other people who pretended to pity her. This amounted to physical and mental ill-treatment, the judge said.

In July 2005, a young Indonesian maid named only as Rohana appeared in the dock in the High Court charged with murdering her employer Tan Chiang Eng. She, too, was facing the death penalty. But she also managed to dodge the noose - as horrible as the nature of the killing was. Court documents show that Tan had been 'bashed on the head repeatedly' with a 10.5 kilogram amethyst ornament, the sort that adorns many Chinese living rooms for good luck. Then she was throttled to death. She had 75 wounds on her body, including 14 to her head. She was missing two front teeth, had a deep cut over her right eyebrow and a fractured right eye socket. But it was clear the divorced mother of two put up a fight when Rohana, then 20, first bludgeoned her with the ornament after being upset at being scolded for oversleeping. Bleeding from the forehead, Tan made her way to the

living room, calling for her 12 year-old daughter who was sleeping with her younger sister, 6, in the master bedroom. Fearing the girls would wake up, Rohana picked up the stone ornament and again brought it down on Tan's head so hard that it broke in pieces. 'She covered Madam Tan's mouth with her hand to stop her from screaming but was bitten and kicked. She next picked up a piece of the stone and brought it down on Madam Tan's face once more. Then she started strangling the bleeding woman with her bare hands'. That was when the doorbell rang. To stop people hearing her boss's cries, Rohana dragged her by the hair to the kitchen toilet, banging her head on the wall and on the floor repeatedly.

According to court records, Tan continued to scream and to plead for her life, saying that her daughters needed her. Unmoved, Rohana dragged her into the storeroom. 'Ana, sorry lah', pleaded Tan in Singlish. 'Like that already you say sorry', Rohana replied. 'Ana, let me talk first', said Tan. 'No', was the reply. Then Rohana choked the life out of her.

Shortly before the trial began on 5 July, the Indonesian news agency issued a report that the government had sent a team of lawyers to Singapore to help defend their young citizen. The Indonesian government also escorted the girl's parents to Singapore to give her moral support. 'We hope the Singaporean court could be fair in handling this case', a government spokesman said before the trial began. Although the Public Prosecutor demanded Rohana should be jailed for life, the judge sentenced her to only ten years instead. Had this murder occurred before Flor Contemplacion was hanged, Rohana would without doubt have suffered the same fate. Alex Au, an outspoken civil rights campaigner and death penalty abolitionist, says there are also some troubling aspects of Singapore's laws and justice system. 'The common denominator seems to be that Singapore is out of step with expected norms prevailing in many other countries', he told me.

To them, and many Singaporeans, our laws and processes appear barbaric and unjustifiably loaded against the accused. Hence, each time a foreign government takes an interest in a case, we have to make ad hoc adjustments in order to avoid a crisis in relations. In the example of the Englishman Mike McCrea, we've had to give up the death penalty in order to get him extradited from Australia at all.

But every time we make *ad hoc* adjustments we raise the question of equal justice. We raise the suspicion that the verdict might have been less grounded on facts than on diplomatic imperatives, which, as you can imagine, does wonders - sarcasm intended - for the dictum that justice should not only be done but *seen* to be done. What purpose does capital punishment serve? It doesn't even have a deterrent effect as other countries have also shown. And certainly, it has no rehabilitative effect either. You're dead, man! It's just judicial revenge, stemming from a primitive view of what justice should be. How do we convince anyone that denying an accused person access to a lawyer is good for justice? To me, this practice seems to come from a time when the chief aim was to get confessions, by whatever means. What is holding us back from bringing our justice system up to date? Pride. Damn pride. An unwillingness by our government to admit that their thinking is archaic, that they are more inclined to making their prosecutors' jobs easy than upholding human rights. An insistence they always know best. An insistence that while everybody else's norms may be fine for everybody else, a different sun shines on Singapore.

'Uniquely Singapore' is a slogan carefully crafted for the tourism industry. But following a spate of grisly murders by maids of their employers, headlines were beginning to overshadow this image with a new slogan 'Maid In Singapore'. Yet another sensational murder was revealed when an Indonesian maid who strangled her employer's mother-in-law, then slit her wrist to make it look like suicide. Purwanti Parji, 19, described as another 'Havoc Maid' by the local media was jailed for life. She had strangled her employer, Har Chit Heang, 57, in her Tai Keng Gardens home on 4 August 2004, because she had been 'too harsh' with her. The case was heard by Judicial Commissioner V.K. Rajah who said that the 'callous and heinous crime' could not be justified or condoned on the pretext of 'maid abuse'. It was clear, he said, that she had not acted because of some grave and sudden or physical provocation. Instead, she had tried systematically to cover up her involvement in the killing, which showed that she had thought through the consequences of her 'diabolical act', he said. Like violent and abusive employers, domestic workers who resort to violence in retaliation should expect harsh sentences, he added. Though initially charged with murder, Purwanti pleaded guilty to a reduced charge of manslaughter. But had she been found guilty of murder, being under

the age of 18 at the time of the crime, she would not have been sent to the gallows anyway. In court, Purwanti apologised to the victim's family, saying she was very remorseful for what she had done. But the family refused to accept it. Har's older son, Leong Meng Wei, 33, said that the killing was a 'stupid act'. Meanwhile, Har's husband, Michael Leong Kit Heng, 58, a businessman, said that while Purwanti may have escaped the death penalty, the sentence was a firm and fair one. 'She's a dangerous person', he said.

In mitigation, her assigned lawyer, Subhas Anandan, together with Mohamed Nasser Mohamed Ismail, said that Har had constantly nagged and cursed Purwanti. She made Purwanti wash and rewash soya sauce bottles if they were not cleaned to her satisfaction. Purwanti, who has had to care for her three step-brothers from the age of nine, found herself working for two households - in Tai Keng Gardens and at Har's daughter-in-law's home in Woodlands, when she came to Singapore to work in November 2002. Har also deprived her of food and would scold her for eating more than she thought she should, said the lawyer. She was often given bread to eat by the maid next door. That morning, Har had scolded Purwanti for not cleaning the toilet properly and tried to slap her. 'That was the final straw', said Anandan. Purwanti snapped and decided to kill her tormentor. 'If maids are not treated well, unexpected and unpleasant consequences may arise', said Anandan who urged the court not to impose life imprisonment on Purwanti, a first-time offender. However, the judge said that she was 'no shrinking violet unable to fend for herself or to communicate her difficulties or distress to the world at large. She had killed Har because of longstanding resentment. It was, he said, 'disturbing case' with a number of aggravating features. Arguing for a life sentence, Deputy Public Prosecutor Jaswant Singh said the killing was deliberate and calculated, not due to any momentary loss of self-control or sudden rage but motivated by ill-feeling. Purwanti was no simpleton and had tried to cover up her act by setting up the scene to make it appear as if Har had committed suicide. She even cut her own fingernails when she saw the marks left on the neck of the deceased, he said.

Purwanti was one of a string of Indonesian maids who had committed crimes that would ordinarily have attracted the death penalty in 2004. When these cases began coming to light and giving

Singapore such a bizarre image, some activists began asking why. And under their very noses they suddenly found a grim picture of a modern society of 'slaves' being forced to work up to 18 hours a day for years without ever getting a day off. Depending on their knowledge of English they would be paid from \$170 to \$350 per month, a pittance by Singapore standards. And most of that would be sent home to support their poverty stricken families. Their duties included shopping, cooking, scrubbing, cleaning cars, washing, ironing and, more dangerously, cleaning the windows in their high rise apartments so they always sparkled inside and out!

Domestic workers often face poor working conditions known as the three Ds - dirty, dangerous, difficult - without legal recognition as workers. Maltreatment by their employers often includes violence, sexual abuse or even rape. Sometimes employers do not even pay them. They often work without safety equipment. Since 1999, more than 140 Indonesian domestic workers have died in workplace accidents, mostly as a result of falling from windows while cleaning them. But unlike other workers in Singapore their conditions are not governed by an Employment Act, points out human rights activist Alex Au. Only after the appalling stories of the so-called 'havoc maids' got everyone's attention did the government pass a law that every maid should get one day off per month! But this is not compulsory provided they are paid if they work on their official day off. On May Day 2008 all three local government-controlled newspapers, *The Straits Times*, *The New Paper* and *My Paper*, carried short articles which said that maids should get one day off a week by law like everyone else. But the suggestion was greeted with disdain from many citizens who responded that this would put an 'unfair burden' on them. If it has taken more than 40 years since independence to achieve the right to one day off a month for domestic workers, achieving the right to one day off a week seems like an impossible dream. Adding to the pressure of having to work 18-hour days, many Singaporean households have installed webcams or CCTV cameras that follow their maids virtually wherever they go. This is to ensure the maids do not get up to any kind of mischief while their employers are at work or enjoying themselves away from home.

Alex Au notes: 'One cannot deny some need to protect their homes and children, but webcams are merely treating the symptoms'. He says

too many maids are still in their teens when they come to Singapore from rural villages.

They have never been away from their families, and suddenly they are contracted here for two years without a vacation or even one single day off. It's an emotional shock, they can't get the food they are used to, they miss their friends and they get homesick very easily. They have had very little schooling and no awareness that cultures can be different. There can be an infinite number of ways for misunderstanding and friction to arise, leading to the feeling of victimisation on the maids' part making conflict inevitable. Trying hard to keep the lid on the maids by locking them in the house, perhaps even under constant surveillance, doesn't solve the problem, but more likely piles on the pressure.

Au then poses the question:

Has anyone made the connection between this state of affairs and the steady diet of news about maids murdering their employers and family members? In contrast, I can't recall a single instance of a foreign worker employed in the manufacturing, cleaning or construction industry - predominantly men from India, China, Bangladesh, Thailand and Burma - taking out their frustrations against their employers to the point of killing them! Does this have to do with the fact that cleaning and construction workers get days off? And that they have their own quarters to retire to, unlike domestic maids who have to live under their employers' roof and are under CCTV watch all the time? How can we deny the worth of free time, privacy and socialisation to any person's psychological wellbeing? I am embarrassed that we have become a society so marked by inhumanity, I am embarrassed that we have a government that, far from providing moral leadership, has created a climate for inhumanity to metastasise like cancer. And it now seems maids have a licence to kill!

16

A Woman Named Angel

If the Lion City shows no conscience or fear hanging women for drug offences or murder - unless a major foreign power is twisting its economic tail - it does sometimes, just occasionally, show a glimmer of humanity. A rare, surprise gesture of 'kindness' as it was described at the time came shortly before the scheduled execution of Angel Mou Pui-Peng. Mou, a 25-year-old single mother from the then Portuguese province of Macau who lived in Hong Kong was due to hang on 22 December 1994. Because it was Christmas, she was granted a temporary stay of execution after a plea by her mother and nine year-old son. Mou was originally scheduled to hang simultaneously the same morning with two Singaporean drug traffickers who were not Christians. The authorities bent the rules and allowed her devout Christian family to visit her in Changi Prison every day during the entire religious season. They then deemed that the young woman's life should come to an end just as the sun rose on the twelfth day of Christmas. It was Friday 6 January 1995 and Fridays at dawn are the traditional times for killing people in Singapore. They could not put it off any longer.

Mou was arrested at Singapore's Changi airport on 29 August 1991 with a suitcase containing 20 packets containing 4.1 kilograms of heroin, according to the Central Narcotics Bureau. She had flown to Singapore from Bangkok. At her trial she claimed she did not know the false-bottomed suitcase contained heroin. She thought she was carrying contraband watches instead given her by a couple she met by chance. There was no evidence that the syndicate involved in the run had been traced and arrested, nor if there had been any attempts to

track them down using intelligence she might well have provided. And, as usual in Singapore, her appeals were rejected out of hand. No one in its conveyor belt execution system was prepared to consider that she might well have been hoodwinked and was telling the truth. There was no evidence to suggest she was or wasn't innocent of trafficking drugs. Having them in her possession was all the system wanted to know. Hangings are normally carried out simultaneously in groups of three if there are that many waiting on death row. It is all done in strict secrecy and little is known about exactly what happens. But having interviewed Singapore's chief executioner, Darshan Singh, I gained a much better insight into the whole gory business - an insight that the average citizen would never dream or even care about knowing.

In Mou's case, at about 5.50 a.m., Darshan Singh entered this slender young woman's cell to prepare her for her execution. After talking gently to her, he pinioned her arms behind her back and secured them with handcuffs. Then he walked her into the death chamber less than a minute before 6 a.m., made her stand on the twin trapdoors and swiftly strapped her legs together. This was to prevent her struggling and kicking out in panic at the last moment. But Mou was calm and resigned to her fate, her lawyer said later. Darshan Singh checked his watch. Mou was literally seconds away from death. The noose was quickly positioned around her slender neck. Then, like a magician, he produced a white linen cap as if from the air and placed it gently over her head in one deft movement. Mou was a slim woman barely 5 feet tall. Darshan Singh had already calculated a drop just enough to break her neck causing her to die instantly and painlessly. Before he pulled the lever he uttered the now memorable words he first revealed to me for the first time in that dramatic interview in October 2005. 'I am sending you to a better place than this'. Mou was gone. To a better place? Only she knows and, being a Christian, had a good idea where she would be going. After the execution her body was returned to relatives to be cremated that evening at Mount Vernon crematorium. There was a short service for family and friends. 'Our sister Mou has now been taken to heaven - a place we will go and we shall hope to see her there one day', an elderly pastor, speaking in Cantonese, told the congregation of some 25 people. 'When are you coming back to Hong Kong', a young distressed woman cried, unable to comprehend

what had happened. Mous sister Cecilia and a few others dared watch the coffin, covered in black velvet, disappear into the furnace. Her father, reportedly reconciled with his daughter during her brief stay of execution, broke down uncontrollably after the cremation.

In Lisbon, President Mario Soares and the Portuguese government had also appealed for clemency on the grounds of Mou's youth and the fact that she was only a low level carrier. But according to officials in Portugal, Singapore responded that they could not differentiate between foreigners and its own people. The Governor of Macau, Rocha Viera Vasco, said he was supported by the people of the Portuguese province in expressing deep sorrow over Mou's execution and criticised Singapore's judicial system. 'For someone like me who is a citizen of a country that takes pride as one of the first to abolish capital punishment, her loss by execution is incomprehensible and even revolting'. Chris Patten, who was Hong Kong's Governor at the time, said the British colony had supported a plea for clemency put forward by Britain and the European Union. Of course, Singapore was determined not to lose face. The sad story of Mou is all too common, a teenage girl who gets pregnant at 16 is forced to leave her neighborhood out of shame and inevitably drifts into poverty and petty crime to survive. She becomes an easy target for exploitation by more sophisticated people who make a fortune from drugs and do not care who suffers along the way.

Mou's lawyer, Peter Yap, told a Hong Kong newspaper she was 'normal and calm' when he last saw her. He said she 'was emotionally stable and prepared to die. Spiritually she is very strong'. He also said Mou was comforted by the settlement of guardianship for her son. A human rights activist in Hong Kong wrote at the time:

Sadly she was sent as a carrier to one of the few countries in the world where they have no compunction about executing young women. Whilst I accept that she was guilty, I doubt somehow that she was evil but rather think her motive was purely the small sum she hoped to make had she got away with it. However, many people may feel that death is an extreme penalty for merely carrying the drugs for which the mules usually receive very little reward whilst the Mr. Bigs make millions from the safety of their mansions. Equally there are many who admire Singapore's tough and unbending stance on crime which has helped to make it a safe and prosperous country. Interestingly

most Singaporeans support their tough laws and executions rate just a paragraph or two in the press, if mentioned at all. Why is it that even in countries like Singapore and Malaysia people are still not deterred from crime by the death penalty? Are they stupid, desperate for money or do they think that somehow they won't be caught? Mou may or may not have known what she was carrying, but even if you believe her story, she knew she was smuggling which, no doubt, would have carried a heavy prison sentence in Singapore.

What puzzled me while carrying out research for this book was that nothing is ever heard about the syndicates who entice these mules into their orbit, often by trickery, then warned of the dire consequences if they tried to back out. The only way out, they are told, is feet first! If the Singapore authorities can so coldly send a silly young single mother like Mou to her death on the gallows why not use her instead as bait - whether she knows it or not - to trace and hook her handlers at both ends of the drug run? It does not take rocket science to work out the potential for such an operation. Instead of being hanged so barbarically, she could have become a useful tool in the fight against the big time traffickers, help catch the Mr Bigs and become a heroine. When I raised this question with an expert in the field he simply replied that the murky world of drug cartels is murkier than anyone could possibly imagine.

The year 1995 was one of the busiest on the gallows in Singapore. The hangman sent mother of two, Thai national Navarat Maykha, to a 'better place' at dawn on 28 September. A devoutly religious woman, she sat praying in her jail cell, nervously awaiting her execution. She was to be hanged for her crime: trafficking heroin into Singapore. Up to the very moment of her death, she swore she had been unaware of the heroin hidden in the lining of a suitcase given to her by a friend. An impoverished and uneducated woman, she swore she had no idea that heroin that was hidden in the lining of a suitcase given to her by a Nigerian friend. 'It was heartbreaking', her lawyer Peter Fernando was quoted as saying after her execution. 'If you are an addict, and you are simply sitting at home with more than 15 grams of heroin and you cannot prove with scientific accuracy that a portion of the drugs are for personal use, you will hang'. On 27 September 1996, six people were hanged in one morning, three at a time. Four more had been hanged

the previous Friday, all for drug trafficking. According to Amnesty International more than fifty people were hanged in 1995, the majority for drug offences.

Hong Kong born, Cheuk Mei-mei, aged 29, was executed on 3 March 1994. A fellow countrywoman, Tsang Kai Mong Elke, was hanged on 16 December 1994. Poon Yuen-chung, a shop assistant from Hong Kong, was 18 years-old when she and her 17 year-old friend, Lam Hoi-ka, were arrested at Changi airport, after arriving from Bangkok. The two girls had gone on holiday to Bangkok after telling their parents they were going on a local camping trip, airport officials found heroin hidden in a secret compartment in their luggage. Both denied any prior knowledge of the drugs and said they had been befriended by a Chinese couple in Bangkok who had taken them out to dinner and on sightseeing tours, and later bought suitcases for them. 'My sister is a simple and naive girl who can do foolish things sometimes', Poon's sister later told *The Sunday Morning Post*, a Hong Kong newspaper. Despite appeals for clemency, Poon Yuen-chung was executed in April 1995. Her friend Lam Hoi-ka was sentenced to life imprisonment because she was under 18 at the time of the offence, airport officials found heroin hidden in a secret compartment in their luggage. They never found the Chinese couple in Bangkok. Perhaps they were the same people who also lured Mou to her death.

Rozman Jusoh, a 24-year-old labourer from Malaysia, was arrested after trying to sell 1.04 kilograms of cannabis to an undercover officer of the Central Narcotics Bureau, enough to hang him. But in March 1995, Rozman was acquitted of the capital offence of drug trafficking after the trial judge found him to have 'sub-normal intelligence, with an IQ of 74'. Instead of sentencing him to death, the judge found young Rozman guilty of the lesser offence of drug possession and jailed him for a 20-year term. His lawyer had suggested that the undercover agent might have 'encouraged' him to sell the cannabis to him thus attracting more serious punishment as a trafficker. However, not to be outdone the DPP filed an appeal, whereupon the appeal judge sentenced him to death, stating: 'He was educationally sub-normal but that does not absolve him from his criminal deeds'. Singapore newspapers rarely take an interest in such cases. But, perhaps prompted by Amnesty International, a government-controlled tabloid, *The New Paper*,

actually interviewed his mother who said, 'When someone's talking to him, he would merely smile or look at you blankly. I don't know how he ever made it through to grade 3 in secondary school'. She said that the family had planned to enrol him in religious classes and steer him back to the 'right path' once he was released from prison. Rozman was hanged at dawn one Friday morning in April 1996. It was this kind of biased treatment of many who fall foul of the machinations of Singapore law that so angered the former CNB officer who assisted in some of my enquiries. 'Encouraging the less fortunate to commit more serious crimes that result in them being hanged or jail for impossibly long terms really appalled me', he said during an interview given in the strictest of confidence.

Three days before Christmas, in December 2001, an Indian migrant worker, Arunprakash Vaithilingam got involved in a drunken fight with a flat mate who died from a single stab wound. Vaithilingam was sentenced to death for murder despite evidence that not only was there was no intention to kill his friend, Lourdasamy Lenin Salvanayagan, but that he made every effort to get immediate hospital treatment. Both men had come from Tiruvarur in India's Tamil Nadu state to work as labourers in Singapore. Petitions poured in from the young man's parents, the Tamil Nadu state government and international human rights organisations including Amnesty International. But all efforts to save his life were rejected. The court heard that Vaithilingam stabbed Salvanayagan with a knife during the argument during the early hours of 22 December 2001. He was taken to a hospital where he died the next day. Vaithilingam was said to have panicked and ran away. He was arrested at a checkpoint on 18 March 2002 and charged with murder. On 9 December 2003, after a five day trial, he was found guilty and sentenced to death. His appeal against the conviction was dismissed. Civil rights groups in India and the young man's parents also petitioned Singapore President S.R. Nathan to grant clemency. According to a report in the Indian newspaper *The Hindu*, the Indian government has also intervened on his behalf, requesting the Singapore authorities to commute his death sentence to life imprisonment. They had argued throughout that Vaithilingam had attacked his friend in a sudden fit of anger during an argument while drinking and that there was no intention to kill. 'In fact, after stabbing Lenin, Arun took him

to a nearby hospital with his friends', his father said in a petition to President Nathan. 'He did not know until Lenin collapsed that he had been injured in the scuffle'.

Zulfikar bin Mustaffah, 32, an Indian migrant worker, was sentenced to death in November 2000 after being found in possession of a package containing approximately 70 grams of heroin and was executed in 2001. A drug addict since the age of 14, he dropped out of school at 15 and has spent most of his life in drug rehabilitation centres or in detention. Zulfikar was unemployed at the time of his arrest and had reportedly found it difficult to find work due to his criminal record for drug addiction. The evidence against him was that he agreed to deliver the package to a man he did not know, but claimed that he was unaware of the contents. This man also turned out to be an undercover agent. Amnesty International also joined in the outcry against the death sentence. A delegation of the Indian rights group Peoples Union for Civil Liberties met Singapore Consul Koh Siew Mui in Madras in another desperate bid to save his life. During a sitting of parliament in July 2001, the then MP and human rights campaigner, the late J.B. Jeyaretnam, called for a parliamentary debate on the case, saying: 'It is a known fact that someone who is given to drug-taking over a period of time will have his mental faculties affected, his power to think carefully and to rationalise. He becomes weak-minded and particularly vulnerable to people who try to use him or exploit him'. JBJ, as he was affectionately known to his friends and admirers, urged the Cabinet to consider various aspects of the case during examination of his clemency appeal. JBJ was given just a few minutes to speak before his arguments were rebutted by the Minister of State for Law and Home Affairs. No further discussion took place about this particular case or about the death penalty in general and the execution went ahead two months later. Like all those who preceded him on the gallows, Zulfikar was hanged on a Friday morning in September 2001 just as the sun was coming up.

Thiru Selvam, 28, a Singaporean father of two young children, was arrested after a friend of his was found in possession of approximately 800 grams of cannabis. The friend reportedly told the police that the drugs actually belonged to Selvam who denied this from start to finish. At his trial the judge reportedly told Selvam that if he confessed he

would be sentenced to 25 years in prison and 24 strokes of the cane. If not, he would be hanged. However Selvam stuck by his guns and refused to confess to a crime he had not committed. 'I am completely innocent', he told the judge. And, as the judge promised, he sentenced him to death in September 2000, while his friend was given a 25-year prison term. Selvam's mother died when he was a baby. His father remarried but began drinking heavily and died of alcoholism when he was only 16. He had been using drugs from the age of 14 and was admitted to a drug rehabilitation centre the following year. Because he would not confess to something he had not done, Selvam was hanged quietly at dawn one Friday morning in September 2001. Had these tragic stories been reported by an independent press free to champion the civil rights of the likes of Selvam, Zulfikar, Rozman and Vaithilingam, and to ensure they had fair trials the outcome of each case might have been completely different.

These cases are just the tip of the iceberg. They are not rare at all. According to Amnesty International, they highlight Singapore as having one of the harshest justice systems and the highest per capita rates of executions in the world. In particular, says Amnesty, studies have shown that the death sentence is more likely to be imposed in Singapore on those who are poorer and less educated making them more vulnerable than average. Local groups are also concerned about the poor working and living conditions of migrant workers in Singapore that make them more vulnerable. 'They and international human rights organisations, stress that death penalty is a violation of right to life and should be repealed', said one report. Singapore, which has a reputation of being a relatively crime-free society, has resisted pressure mainly from Western countries and groups to drop its death penalty law, saying it was crucial in the fight against criminality. An internet poll showed a majority of Singaporeans support the death penalty. Of the 2,899 respondents, 55 per cent supported capital punishment 'as it helps keep the crime rate down'. Another 27 per cent also gave their support but said its use should be restricted. Only 14 per cent opposed the death penalty, while two per cent were unsure.

'The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is provided. Studies have shown that it is more likely to be imposed on those who are poorer,

less educated and more vulnerable than average', says Tim Parritt, of Amnesty International in a recent annual report. The risk of error in applying the death penalty is inescapable, yet it is irrevocable. While Amnesty recognises the need to combat drug trafficking, there is no convincing evidence that the death penalty deters would-be traffickers more effectively than other punishments. Furthermore, there is always a risk that drug abusers may be executed, while those who mastermind the crime of trafficking evade arrest and punishment. Persistent drug addicts who have been admitted more than twice to a drugs rehabilitation centre are treated as criminals who may be imprisoned for up to 13 years and caned. Despite these draconian anti-drugs laws, drug addiction continues to be a problem.

There is no public debate about the use of the death penalty in the country. Controls imposed by the government on the press and civil society organisations curb freedom of expression and are an obstacle to the independent monitoring of human rights, including the death penalty. Despite such restrictions, there have been some attempts at raising public awareness about death penalty issues. For example, the non-governmental organization, the Think Centre, has published its concerns on its website and in October 2003 it urged the government to impose a moratorium on executions. The Singapore authorities have been criticised by both the United Nations and the European Union for their use of the death penalty. The EU has expressed particular concern about Singapore's use of the mandatory death penalty and high executions rates. The government of Singapore has consistently argued that the use of the death penalty is not a question of human rights. It has vigorously defended its stance that executions have been effective in deterring crime, particularly drug trafficking. In a letter addressed to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and circulated in 2001 at the 57th session of the Commission on Human Rights, the Permanent Representative of Singapore to the UN stated: 'the death penalty is primarily a criminal justice issue, and therefore is a question for the sovereign jurisdiction of each country. The right to life is not the only right, and it is the duty of societies and governments to decide how to balance competing rights against each other'. In 2002 the government of Singapore criticised the work of the then Special Rapporteur, claiming she had 'repeatedly

exceeded her mandate and degraded the credibility of her office' after she expressed concern about the case of two men facing execution for drug trafficking. Singapore signed a statement disassociating itself from a UN resolution adopted in April 2003 calling for the establishment of moratoria on executions pending complete abolition and stating that the abolition of the death penalty contributes to the progressive development of human rights. Claiming that the death penalty has been effective in controlling the trade in illicit drugs, the Singapore authorities reported an overall decline in the number of drug users arrested between 1994 and 2001. However, drug addiction has since continued to be a problem, particularly among the poorly educated, impoverished, unemployed and young people from broken homes.

On 16 January 2008, *The Straits Times* reprinted a surprise report posted on the Central Narcotics Bureau's website, revealing that heroin arrests had shot up by a whopping 600 per cent in 2007 after hitting an all-time low in 2005. 'The number of arrests linked to its use reached 670 - a six-fold jump over the previous years and the highest since 2002', said the report. 'The white powder was the drug of choice for three in ten drug abusers nabbed. At a briefing on last year's drug scene, the Central Narcotics Bureau (CNB) disclosed that 2,600 people had been arrested for drug use last year'. It offered two reasons for the jump in heroin use.

First, the increase could simply have been due to the fact that heroin was now cheaper than Subutex. Subutex was introduced in 2002 as a prescription drug to wean heroin addicts off their habit. The following year, the number of heroin abusers - which had already been dropping since the mid-1990s - fell to just 567, the first time since the 1970s that the figure was below 1,000. But addicts began abusing Subutex forcing the authorities to reclassify it as a controlled drug in August 2006. This meant that people caught trafficking in Subutex, could attract similar harsh penalties to those facing heroin abusers: long jail terms and caning. Over 40 per cent of the 285 heroin addicts arrested were former Subutex users who returned to 'chasing the dragon'. But CNB deputy director S. Vijakumar called this a 'limited' switch back to heroin. The 285 heroin addicts who were former Subutex users made up only 6 per cent of the 5,000 known Subutex users, he said. He pointed out that some addicts could have gone back to heroin because heroin costs

\$50 per 0.2 gram straw against Subutex's street price of \$120 per 8 mg tablet.

The second reason offered for the rise in heroin is linked to the release of about 4,000 hard-core drug abusers from prison over the years. 'They could have influenced each other or drawn other people into taking up the habit again. We can't make it impossible for them to fraternise and meet each other', said Vijakumar. 'Nine out of ten heroin addicts caught last year were repeat abusers. For more than 60 per cent of them, the return to the habit will put them behind bars for long terms'. The CNB reported that it had seized 17.2 kilograms of heroin in raids in 2007, about three times more than in 2006. It arrested 769 traffickers, while only 590 were caught in 2006. But Vijakumar stressed that 'the rise in the supply of heroin was not a response to higher demand for the drug'. 'Rather', he said, 'it came from syndicates bringing in the drugs in the hope of finding buyers'. He said there had been reports of bumper harvests of opium poppies in the region. 'This could swell the heroin supply, but the CNB will continue to be vigilant'.

17

The High Society Drug Ring

It's Friday night. The rich and privileged are iced up dancing wildly to the thumping beat of techno music. They have popped a pill or two eased down with vintage champagne and they are having a whale of a time. It was very likely one of those Friday nights after a Friday morning when a hapless mule - one who possibly provided the cocaine they'd just stuck up their noses - had been dancing, too. But for him or her it was no fun. Their jerky moves were grotesque on the end of a rope. Every Friday at sunrise the hangman goes to work. No music can be heard. Only screams of terror or muffled sobs and a sickening thud. Or the hangman's hopeful refrain: 'I am sending you to a better place than this'. But 18 hours or so later, the revellers, like the majority of the population, would not know or care who had been hanged anyway. Changi Prison's execution chamber is a closely guarded secret. Little news of what goes on behind its grim walls ever gets out. These glamorous young things and their nattily-dressed partners are in a drug-hazed here-and-now world, bent on enjoying themselves as intensely as possible. As members of Singapore's so-called high society - often privileged and pampered sons and daughters of Singapore's newest batch of production-line tycoons or expensive foreign talent and entrepreneurs from Australia, Britain, the US or Germany - they are the ones who get photographed and written up for the glossies' celebrity news pages to be admired by their peers or worshipped or envied by the less fortunate. They see themselves as invincible and beyond the law. During the small hours when the nightspots around Boat Quay and Clarke Quay are closing they jump into limos to be whisked away

to join house parties where cocaine is just as plentiful. They snort it off the backs of their hands or stick 'loaded' rolled banknotes up their noses with total abandon.

The surprise round up began 7 October 2004. It was a lengthy investigation. Those arrested - 16 Singaporeans, seven foreigners, including two permanent residents - were from the upper classes, and included brokers, businessmen and executives, an award-winning French chef, a showbiz personality and a pretty television news reporter. They were known to zoom around town in flashy cars, ate at expensive restaurants and hang out at glitzy nightclubs and bars and along the Singapore River. Of the arrests that night, the most surprising was that of a former High Court judge's son, Dinesh Singh Bhatia, 35, a private equity investor. His father, Amarjeet Singh, a former judicial commissioner and also a senior counsel, served on the United Nations war crimes tribunal for the Balkans. Dinesh's mother, Dr Kanwaljit Soin, was a former Nominated MP and orthopaedic surgeon, and a director of the London-based Help Age International, a global network helping the disadvantaged elderly. Dinesh was charged with cocaine consumption, and was facing 10 years behind bars or fined S\$20,000 or both. But funny things often seem to happen on the way to court houses in Singapore. Instead of getting ten years and a heavy fine, Bhatia, was jailed for only 12 months for consuming cocaine. His lawyer, a People's Action Party MP, K. Shanmugam, had told the court that Bhatia was not an addict at all. He was given the drug by a friend but 'did not know that it was cocaine' although he had a 'fleeting suspicion' the substance could be illegal. 'He took it on impulse', said Shanmugam. An internet blogger wryly commented: 'I would not remotely suggest that it might have helped Bhatia's case that his father was a judge, and his mother a former Singapore Member of Parliament. Ignorance of the law is no defence!'

So should Bhatia, a sophisticate about town, have known he was sticking something illegal up his nose? On 7 April 2005, according to court records, Bhatia appealed against his 12-month sentence and asked for a heavy fine instead. Calling the previous sentence 'excessive', the appeal judge, V.K. Rajah, said that the district judge erred by not tailoring the sentence to fit the offender and failed to 'attach adequate weight and merit to all the relevant mitigating factors'. He said the trial

judge did not adequately consider the fact that Bhatias consumption was neither planned nor purchased. Justice Rajah then cut Bhatias sentence to eight months. On 7 July 2005, *The Straits Times* reported that Bhatia was 'now at home serving out his sentence wearing an electronic tag he cannot remove'. It did not say when this favourable treatment began.

Years earlier, when Michael Fay, the American student who was caned in Singapore for some paint-spraying vandalism, Bhatias father, a judicial commissioner and senior counsel at the time, supported the bloody, flesh-ripping thrashing, saying: 'You know, once you loosen up or the laws become lax, everything comes in. The floodgates are opened. It doesn't pay to mess around with the system'. That very week *The New Paper* reporter bravely wrote of those arrested: 'They live a lie. These are people on the move - young, urban and upwardly mobile professionals. At night they drive flashy cars and hit the expensive restaurants. This is the illicit cocaine party crowd right here in squeaky clean Singapore'. In one online chatroom, 'Sniff Snort', commented: 'Cocaine is nature's way of telling you that you are making too much money. Only someone with a brain the size of a pea wouldn't know the consequences of doing drugs in Singapore'. A veteran observer, Seah Chiang Nee, commented in his blog: 'Even as a liberal young journalist, I could agree with the reasons why Singapore and Malaysia had laws to hang drug traffickers. These countries are a stone's throw away from the Golden Triangle, one of the world's biggest heroin producers. If not stopped, the menace can write off hundreds of thousands of urban youth'. But during my meeting with Anandan he denied that Bhatia received special treatment because of his family connections. 'He was treated no differently than anyone else facing such charges', he said.

Briton Andrew Yeale, a top financial broker and a 10 year resident, who drove a Rolls Royce often with his Singaporean girlfriend, Penelope Pang Su-yin, 35, daughter of the organiser of the Miss Universe pageant, were next to appear in court. They too got off lightly with jail sentences amounting to no more than eight months with remission. Veale, was a broker with Structured Credit Desk dealing in derivatives and financial products, and the sort of people Singapore needs.

Next in the dock was Nigel Simmonds. Wearing a dark suit, the bald, bespectacled Briton kept his head bowed throughout. He was

accompanied in court by his brother and Japanese wife; Although Simmonds, 40, confessed to being a drug addict, his lawyers, Shashi Nathan and Peter Chean tried to distinguish their client from the rest of the pack. He never took part in 'drug parties' allegedly organised by his supplier, Ben Laroussi, said Nathan. It was Laroussi, who originally faced the mandatory death penalty, who mysteriously managed to slip out of the country while on bail after his arrest. In fact, Nathan said, the Briton 'always made a conscious effort to stay away' from these functions. 'He did not know any of the other 13 suspects well'. As for his supplier, Laroussi, he knew him only as 'the Arab'. Nathan said he was worried the arrests of many high-profile personalities gave the impression that all of them took drugs at private parties. But Simmonds was a loner, he said, who took drugs in solitude. 'He is an addict but not a member of these drug parties. He was so ashamed of his addiction that he had to hide it from his own wife', he said. Nathan also submitted a psychiatric report by Dr Lim Yun Chin of Raffles Hospital documenting Simmonds's 'tumultuous childhood and youth' which hooked him on drugs since he was young. He grew up in Malaysia where his father, an army officer, was posted. Lim said in his report: 'It is not surprising that drugs and alcohol were the only way he knew how to cope'. The psychiatrist added that Simmonds had tried to use his talent and ability to lead a normal life but he kept meeting misfortunes which 'aggravated' his drug use. His wife lost a baby the previous year due to medical complications. Then his father died of stomach cancer a few months later. The economic downturn also made his job more stressful. 'He had no chance to escape from the scourge of addiction because of his rollercoaster emotional experience', wrote Lim. Simmonds started psychiatric and counselling sessions after he was arrested and attended Narcotics Anonymous meetings. District Judge EG. Remedios noted that the standard minimal sentence imposed on first-time drug offenders was 12 months. 'There are no circumstances in this case warranting a higher or lower sentence', said the judge.

Dutchman Petrus van Wanrooij, managing director of Aspen Oil Broking, was also caught in the same swoop and was jailed for 11 months for popping ecstasy pills. He was the ninth and, at 57, the oldest of the group picked up in the October 2004 bust. Wanrooij was arrested in his home during simultaneous raids all over the island. His excuse

was perhaps the most original, even amusing. He admitted buying two tablets for \$60 to help correct an erectile dysfunction problem which he claimed Viagra could not fix. He bought the tablets from a man he knew as 'Tunis', later established to be Laroussi, one of the alleged leaders of the syndicate.

Another favoured member of the high society circle who dodged the noose was another kingpin, trafficker Marx Oh Wee Chee, a 31 year-old owner of Zero Events Concepts and part-time disc jockey. All this put him in a perfect marketing position as Laroussi's sidekick. Oh was arrested at his posh Hyde Park Gate home in Seletar in the October Surprise round-up and in April 2005 he was jailed for six years and ordered to be given five strokes of the cane instead of 20 to 30 years' jail and 15 strokes. He was originally found with 21.67 grams of cocaine - a mandatory hanging offence. Lucky Oh was given a discharge not amounting to an acquittal for this and another trafficking charge. He escaped the gallows, as extraordinary as this sounds, because Laroussi managed to escape from Singapore it meant the prosecution had lost a potential prosecution witness according to the spin. It all seemed so cosily convenient. To avoid any kind of internet criticism of favouritism for these chosen few, the authorities explained at the time that if Laroussi was ever arrested and brought back to Singapore, Oh might still be charged with the capital offence and hanged. Oh's luck was still in at the time of his trial when he was given the minimum five years' jail and five strokes of the cane on one charge of trafficking in 0.56 grams of cannabis mixture. He was also given one year's jail for possessing 16.25 grams of cannabis, to be served consecutively and a year's jail for possessing cocaine and cannabis to run concurrently. The sentencing of Oh, who remains the only one convicted of trafficking, brought to a close the headline-grabbing saga of high society drug abuse to a relatively happy end as far as the authorities were concerned.

Apart from Laroussi, two other men also managed to flee Singapore while on bail: award-winning French chef Francois Mermilliod, to whom Nigel Simmonds gave a glowing write-up in the high-society magazine *The Tatler*, and Sri Lankan Jeremy Shanmugam, 40, a director of Oh's Zero Events Concepts. Mermilliod, 29, a chef at Flutes at the Fort restaurant at Fort Canning had been charged with possessing 0.5 gram of cocaine and Shanmugam was charged with possessing one

gram of cannabis and a replica pistol at his house at Hyde Park Gate, Seletar. They both skipped the country ahead of Laroussi. Out of 23 people nabbed, 14 were hauled to court. The others included rapper- actor Sheikh Haikel and television presenter Cheryl Fox both of whom were released after their urine tests proved negative. Fox was said to be friends with Oh and was spotted by narcotics officers having a meal with him one day before the raids. Noor Ashikin Abdul Aziz, the creative director of an advertising agency, and shipping firm boss Andy Ng Kwang Thiam, 23, were all jailed for 11 months. Later, Anandan, who acted for five of the accused, solemnly told the government- controlled *Straits Times*: 'The courts have driven home the point that there's no group of people that will be spared or given special treatment. Whether you are rich or the elite, the law will come down hard on you', he said. 'If you are caught, you are dead meat'. Meanwhile, not having \$280,000 to post bail and purchase fake passports to help them disappear or having powerful governments willing and able to fight for them, Vignes Mourthi, Yen May Woen, Amara Tochi, Nguyen Van Tuong, Shanmugam Murugesu and Nelson Malachy, among many others, were waiting for the hangman to call. Very soon they really would be dead meat!

And as so often happens in the top echelons of the murky world of drug trafficking, the syndicate bosses are rarely caught and punished. They are able to live in the security of their fortified mansions protected not only by armed bodyguards but huge bribes - or deals - with their pursuers. Guiga Lyes Ben Laroussi is a typical case. Even after his arrest on capital charges of trafficking, he managed to 'negotiate' with the Singapore authorities and have the charges drastically reduced so that his life would be spared in exchange for a 20-30 year prison term topped with 20 lashes of the rattan. And just as many such high ranked criminals are far too often favoured, Laroussi, a handsome 35 year-old Tunisian holding down an executive, high-paying position in Singapore, was allowed bail with a personal bond of \$280,000 in cash - no doubt the proceeds of his nefarious activities! Although it was said he was ordered to surrender his passport as part of the arrangement he still managed to flee the country a few weeks later. How he did it is still a mystery in this tightly guarded, security conscious island. And despite being hunted by Interpol for five years at the time of the publication of

this book, Laroussi, named as the kingpin in the infamous High Society Cocaine Circle, has not been seen since.

He had obviously planned his getaway the moment Singapore's dreaded CNB officers swooped on his luxury home in Seletar in October 2004. 'Laroussi was very lucky to get bail', said his lawyer, Subhus Anandan, 'but it was a bailable offence in his case. He called me from Tunisia not long ago - that's where he *said* he was - and asked me if I could help his girlfriend [Mariana Abdullah], I told him, 'No, I don't think I can'. 'She's back in jail now for consumption, added Anandan. 'She has a very serious drug problem. Laroussi is quite safe where he is', he continued in this candid way. 'If a decision is made to extradite him, it will never succeed. Singapore will never be able to bring him back here. He's quite powerful in his own country, his family is well connected and the Tunisian police won't touch him. If they attempt to arrest and extradite him on behalf of Singapore, he and his family will tell them to go fly a kite! He probably travels on a false passport anyway, or has changed his name. Perhaps he's even changed his features by surgery!'

Laroussi, as marketing manager at Bobby Rubino's, was in a perfect position to meet the 'right' people - socialites with little to occupy their minds and with too much cash in their wallets and purses. Although he was highly paid they provided him with a very lucrative source of income giving him millionaire status. Narcotics officers had been tailing Laroussi for two months and had spotted him on several occasions meeting suspected drug addicts outside nightclubs and pubs in various parts of Singapore. When the drugs found in his possession were weighed a second time they were suddenly and miraculously below the mandatory hanging offense. There was no mention of the dossier the CNB had compiled over the months of their surveillance. This, of course, is exactly what happened in the case of Julia Bohl, another major trafficker and drug party hostess, to prevent her country, Germany, coming to economic blows with the diminutive Singapore. It would have been the mismatch of the century. But in his case the astute Laroussi had his own game plan. During the CNB investigation he refused to name any of his other customers - while hinting there were more prominent members of Singapore's high society he could expose as serious drug users which, I was reliably informed, would create an

even bigger scandal among the country's elite. He decided to hold on to his secret list of clients as a bargaining chip - his ace in the hole - when the time was right, when the shadow of the gallows loomed. But it was this plea bargaining strategy that the authorities were only too pleased to entertain. They were terrified that if he were to be tried for a capital offence with the gallows as the end game, he would first 'blow the lid off' Singapore', a lawyer close to the case told me.

After he managed to do an amazing disappearing act even Harry Houdini might have envied, the authorities issued a statement to the media saying that if Laroussi were ever arrested and brought back to Singapore and tried he could still face the death penalty. There were also suggestions that Marx Oh Chee Wee could still be charged with the capital offence of trafficking if Laroussi was brought back. But it is very unlikely that will ever happen. For obvious reasons, it seems that no one is really interested in pursuing Laroussi further. Let sleeping dogs lie, seems to be the policy. After the various trials and with Laroussi safely in his home country, CNB deputy director S. Vajkumar issued a strong warning on his website: 'We do not go easy on our enforcement on drugs. We will spare no community that gets involved'. Laroussi must have smiled at this threat wherever he was at the time. He knew that the last time an expatriate was hanged in Singapore was in 1991 when Dutchman Johannes van Damme was caught in transit at Changi airport with 4.3 kilograms of heroin which he wanted to deliver to the market in Athens.

On 10 February 2010 Interpol updated its website again featuring Laroussi on its list of wanted criminals for the fifth year running. It announced in its usual terse wording:

Guiga, Lyes Ben Laroussi, family name Guiga, date of birth June 14, 1969, place of birth: Le bardo, Tunisia; languages spoken French and English. Height 6' 3". Black hair. Offences: Drugs related crimes illegal possession and illegal traffic. Arrest warrant issue Singapore. The appeal: IF YOU HAVE ANY INFORMATION CONTACT YOUR LOCAL OR NATIONAL POLICE.

I decided to respond to this appeal. Just before the publication of this book, I called Singapore police and the CNB with the information: 'I have it on good authority that Mr Laroussi is living with his family in Le Bardo, Tunisia.

I also put a call in to the current president of Interpol, the former Singaporean police chief Khoo Boon Hui, to add weight to the urgency of the situation. People like Laroussi are a menace to any society and should be hanged, I told him, parroting Senior Minister Goh Chock Tong. With more than 30 years of police experience also with Aseanapol and Interpol before Khoo became president, he would be the man to get him back. Under his leadership, he had helped protect Singapore from every kind of criminal, including drug traffickers, his supporters say. But this man, Laroussi, had been corrupting the morals of many well brought-up citizens and young highly trained foreigners for years, and was making a laughing stock of Singapore. How on earth did he manage to escape after negotiating the drug charges against him down from a hanging offence? In March 2010, Khoo, in his capacity as president of Interpol, was ordered to issue a red alert for the arrest of a runaway Romanian diplomat, Dr Silviu Ionescu, wanted for the hit-and-run death of a Singaporean. He fled home enraging Singaporeans who demanded he be arrested and brought back to face the consequences. So if Khoo can authorise a red alert for Silviu why not for Laroussi who might very likely be responsible for the deaths and destruction of many, many young lives, especially from the higher echelons of society? But perhaps the reason Laroussi has been allowed to fade into obscurity as far as Singapore is concerned is that no one wants this drug baron brought back for fear he might reveal even bigger names that would rock the island state to its foundations. That was his threat should he be tried and hanged by Darshan Singh. And that's how *he* managed to escape the noose!

18

The Sting

Vignes Mourthi's journey to the gallows began on 20 September 2001. He was the son of an ethnic Indian couple who ran a small coffee shop near their home in Ipoh, Malaysia. Many immigrants from India, as well as first and second generation Indians in that part of Malaysia, worked in the large rubber and oil palm plantations. Vignes Mourthi's parents had both worked on a rubber plantation where they met when they were young and eventually managed to scrape together enough money to open the coffee shop. They did not make much from the business, barely enough to support themselves and a family of four children. Seeing far better job opportunities in Singapore - to many Malaysians the land of milk and honey just across the causeway from Johor Bahru - Vignes Mourthi, then 18, headed south.

Singapore is, of course, renowned for its bustling economy and its hard-working labour force. But many of that labour force are not Singaporeans at all. In fact, the economy would take a rapid plunge if it suddenly had to make do without the thousands of lowly-paid foreign workers contributing to its impressive GDP. Many of these foreign workers live in Johor where living costs are much lower and commute to work in Singapore where pay is much higher. This is what young Vignes Mourthi decided to do when he moved south. He found a low-rent house in a semi-derelict part of the border town, a job in Singapore and commuted back and forth six days a week. By September 2001, he was working as a machine operator and packer for a freight company earning S\$ 1,400 per month, a handsome sum for someone of his background and education but rather modest by Singaporean standards.

Although by the time he was 21 Vignes Mourthi had recently married he was able to send back two-thirds of his salary every month to his family in Ipoh. It was an arranged marriage and his wife, Pushpa, managed to find a job in a local factory to help the domestic budget. Despite all these responsibilities and the daily motorcycle commute across the border in drenching rain or sweltering sunshine, his life appeared to be going well. Until 15 September 2001, that is, when he met with an accident on his motorcycle on one of the journeys home. The injury sustained to a leg required expensive medical attention, he was unable to work for several days and his motorcycle was wrecked. It seems that an old family friend from Ipoh, Moorthy Angappan, heard about his accident and called by his home one evening for a chat. Angappan, a 27 year-old lorry driver, was more a friend of his father and when he also moved with his family to a nearby town in Johor, he promised to keep his eye on Vignes Mourthi. Angappan regarded him like a younger brother, it was said. They had not seen each other since the youngster had moved south first. During the friendly chat, Angappan asked him if he would make a delivery to a friend in Singapore as soon as he was well enough to return to work. The 'delivery' turned out to be two plastic-wrapped packets, one white and one red. Angappan had told him they contained incense stones used in Hindu ceremonies. As Vignes Mourthi knew that Angappan once owned a company dealing in this religious commodity he thought nothing more of the request and readily agreed to do him this favour. Angappan told him his friend Tahir would give him S\$8,000 in cash at the same time. Although this was a huge sum to Vignes Mourthi he told one of his lawyers, M. Ravi, that he thought this was also to do with a poultry business Angappan was planning to start up. Vignes Mourthi decided to return to work the next day riding pillion on a friend's motorcycle. Angappan said he would return 'a little later' with the 'incense stones'. A little later' turned out to be 2 a.m. The banging on the door woke up Vignes Mourthi's wife who then roused her husband who sleepily trundled to the front door, took possession of the packages, put them on a small coffee table in the hallway and went back to bed.

The checkpoint at Johor Bahru was fairly quiet when Vignes Mourthi and his friend, Jayacelan, who worked for the same company,

rode through at 5.30 a.m. and headed for the factory in Changi on the other side of the island. Around 8 a.m. Vignes Mourthi managed to call Tahir at the number Angappan had written on a slip of paper. Tahir told him he would try to borrow a car and pick up the packets later that morning. The pain in Vignes Mourthis injured leg was becoming unbearable again and was given the rest of the day off. He then called Angappan and asked him to make the delivery himself because he needed to get back home and seek medical help. But Angappan urged him to stay put until Tahir turned up and that he would pick him up and bring him back to Johor later in the day. He called Tahir and told him of the change of plan. He would go to the An Nur Mosque at Woodlands and hand over the package there. This time he borrowed Jayacelan's motorcycle for the journey. When he arrived he called Tahir's number again. This time the phone was answered by a man who called himself 'Segar' who told him Tahir had been called away and that he would take the packages instead. He was told to look out for a silver car with the license plate 9073 and would arrive within 20 minutes. A short time later a silver car pulled up and a long-haired Indian man stepped out. Introductions complete, Vignes Mourthi then pulled the red plastic packet from his riding helmet, but before handing it over asked Segar about the money he was supposed to receive from Tahir. Segar pulled out a thick wad of notes and handed this to Mourthi who checked just briefly to see if it was the S\$8,000 he was supposed to pick up. Segar smiled and gave a thumbs-up. The young man thought this was a friendly sign of approval. In fact, it was a pre-arranged signal to eight of his associates, all officers of the Central Narcotics Bureau. They rushed from their hiding places and surrounded Vignes Mourthi. It was a very neat sting operation. Segar then introduced himself as Sgt S. Rajkumar, an undercover officer. Vignes Mourthis life was as good as over.

All the above is roughly Vignes Mourthis account of what happened to him that day. Sgt Rajkumar had another account. And Moorthy Angappan, the family friend, on his way from Johor to pick up Vignes Mourthi near the An Nur Mosque, had another version. His lawyer told the High Court in Singapore where he was fighting for his life, that he was waiting near a fruit shop a short distance from the mosque when Vignes Mourthi called him again to ask if he had arrived. A short

while later two cars drove up to a spot not far from where Angappan was waiting. Unknown to him at that stage, Vignes Mourthi was in one of the cars. He peered out of the window, identified the man wearing a grey shirt as Angappan and his 'brother' - a term of affection, not of blood relation. The head of the sting operation, ASP Krishnan and another officer approached Angappan. They identified themselves as CNB agents and asked Angappan what he was doing lingering near the fruit shop. He said he was waiting for a friend but refused to name him. The officers then arrested him for being part of the drug transaction they had just intercepted. Angappan's life had just been given an approximate expiration date as well. They were both taken in separate cars to Clementi Police Station to be interrogated.

Were they accomplices, dupes or false accusers? It was a tangled web with many loose ends which the CNB easily managed to unravel - they knew the entire story even before it began unfolding. But they had to prove their case in court. The lives of two young men were at stake. Vignes Mourthi insisted he was an innocent dupe who believed he was delivering was 'incense stones' not heroin. He was just doing Angappan, an old family friend, a favour. 'Moorthy [Angappan] told me it was incense stones', he told his interrogators. 'I have never seen heroin before. I only knew it was some sort of drugs after I was arrested'. He did not question the large amount of money he was supposed to pick up because it would have been 'disrespectful' to question Angappan, an older person. It would be like asking Angappan intimate questions about his relations with his wife. He made several statements implicating Angappan who, he said, had lied about the true nature of the transaction and tricked him into becoming a 'mule'. Any bond between them was now totally in shreds, and it was Angappan who had done the shredding, according to Vignes Mourthi. It did not help that his wife of only five months, totally shocked by what happened, left him. They never saw each other again. She refused to visit him in jail and made only a sworn statement confirming Angappan's visits to their home. The only other witnesses to back up Vignes Mourthi's story in court were his two sisters. Angappan, likewise, denied everything. He claimed he was the hapless victim of a family friend, completely ignorant of the crime and had been set up by Vignes Mourthi, a man whom he had only sought to help out that day thus putting himself in

mortal danger. He denied even being at Vignes Mourthi's home on the evening of 19 September. In fact, he claimed he was attending a belated birthday party for a nephew many kilometres away in another town. He was home by 11 a.m., watched television and then went to bed. He called family witnesses to confirm his claims. The only contact he had with Vignes Mourthi was around 10 a.m. the day of his arrest when he received two phone calls to bring him back to Johor. After the second call he agreed and his good turn' ended with him facing the death penalty as a drugs trafficker.

Sgt Rajkumar was not taking sides. In his eyes, at 29 and an experienced officer, both men were guilty, partners in a scheme to transport dangerous and illegal drugs into Singapore and sell them. And as so often happens in the murky world of drug dealers and drug agents, Rajkumar had a string of informers who provided him with tips in exchange for favours and considerations. One of these was the now mysterious Tahir who had contacted the officer in early September and provided him with some juicy information. A Malaysian drug syndicate, mainly ethnic Indians, had a sizeable amount of heroin to move. They were looking to sell it in booming Singapore where it attracted much higher prices than in Malaysia. Rajkumar quickly sprung into action. He told Tahir to try to set up a deal with this syndicate and he would pose as a very interested, potential buyer. He provided the informer with a mobile phone number so that the Malaysian dealers could contact him directly if they wished. In Rajkumar's account of events presented at the trials of Vignes Mourthi and Angappan, the first call came only at 11 a.m. on Thursday 20 September. The syndicate had a pound of heroin and ready to deal. The officer said he was very interested and immediately set up the sting operation with a nine-man team. According to court records, when he was completing the transaction with Vignes Mourthi using the name 'Segar', Rajkumar said the young man 'brusquely' asked him where the money was. He said it was in the car with his partner and Rajkumar then demanded: 'Where's the stuff?' Vignes Mourthi replied that it was hidden somewhere near the mosque. He told him to get the money then follow him towards the mosque. He also asked the officer if he could trust the Chinese man in the car. 'Segar' told him not to worry, the man was his 'financier' and that 'without him, I cannot deal'. The

officer had one more ploy after the exchange took place to seal the sting and have Vignes Mourthi firmly in the trap. When he asked if the 'stuff' was good, Vignes Mourthi proudly replied, 'Its very good. Watch and see. You are sure to come back to deal with me again'. At that point, Rajkumar gave the thumbs up signal.

It was a case that was riddled with controversy. Vignes Mourthi, only 21, denied to the bitter end that he knew he was carrying heroin and insisted that Angappan told him the packets contained incense stones. He had been duped by Angappan. Angappan insisted he had been betrayed by Vignes Mourthi to save himself. The two were tried together in the High Court and the case, which spread over a five- month period, ended in August 2002. They were seated side by side in the defendant's dock throughout and the hatred that developed between the two former friends was obvious to everyone in the courtroom. One observer wrote: 'At times, it almost seemed as if the state could save itself the costs of both trial and executions by simply leaving the two alone in a darkened room for ten minutes, allowing them the opportunity to strangle each other to death'. They were represented by two different counsels - Vignes Mourthi by Phillip Lum and Moorthy Angappan by Lee Teck Leng. In the end Vignes Mourthi was found guilty of trafficking not less than 27.65 grams of heroin while Angappan was found guilty of abetting the offence and sentenced to death. Vignes Mourthi's conviction seemed to have been based largely on a handwritten record of an incriminating conversation, which allegedly took place between him and Rajkumar, when he was asked if the 'stuff' was good.

Evidence by Angappan's relatives that he was with them at a birthday party the evening Vignes Mourthi claimed he visited him and later dropped off the packets was rejected by the trial judge, Tay Yong Kwang. The appeal against Tay's verdict began on 25 November 2005. It was heard by a three-judge coram, Chief Justice Yong Pung How, Judge of Appeal Chao Hick Tin and Justice Judith Prakash. For this important appeal Angappan was again represented by Lee Tech Leng assisted by Michael Soo Chia. Vignes Mourthi had new counsel, Subhas Anandan. Anandan is one of the most high profile criminal defence lawyers in Singapore and Vignes Mourthi was told he was in the best possible hands. According to court records he argued that the trial judge erred

in not giving this naive young man' the benefit of the doubt. He was just another innocent dupe taken advantage of by a more sophisticated adult. In particular he challenged a controversial piece of prosecution evidence which recorded elements of their conversation alleging that Vignes Mourthi knew exactly what was in the packets he gave to him in exchange for S\$8,000. This crucial information may have been recorded much later, perhaps more than two months after the sting, making its reliability open to question. He implied that the narcotics police, having realised that their case may not have been as rock solid as they first thought, decided to bolster their case by squeezing in a few more piquant details. The record of the conversation was not signed or dated and Anandan maintained that considering Vignes Mourthis life hung in the balance, these facts presented a reasonable doubt as to his guilt.

On 22 January 2003 the Court of Appeal rejected both Vignes Mourthis and Angappan's appeals, spurning all pleas to entertain reasonable doubt in favour of supporting the trial judge's decision. They were on their way to the gallows and would be hung together at dawn one Friday at the convenience of the justice system. Their only hope now was a presidential clemency, a rare event in Singapore's legal history. Human rights activist and lawyer, M. Ravi, entered the fray at this stage on behalf of Vignes Mourthi. He had been approached by the condemned man's desperate family who by then had become totally impoverished by the court costs that had cleaned them out to the tune of \$47,000 for Anandan's services alone, according to Vasu Mourthi. Although Vignes's father, Vasu, offered him \$3,000, Ravi refused and agreed to do what he could *pro bono*. He studied the case, recruited the help of a renowned lawyer, the late J.B. Jeyaretnam, and embarked on three special motions requesting a retrial on the grounds that there had been a miscarriage of justice. This again centred on that conversation which Rajkumar put in evidence that showed Vignes Mourthi knew he was handling drugs and not incense stones as he claimed and which the accused maintained never took place. The note produced in evidence recording the conversation bore no date and could have been written up at any time.

Neither Vignes Mourthi nor the defence lawyers at the original trial were aware that such a document existed before it was produced in court. He said the trial judge relied heavily on it to convict his client.

He also questioned the fact that the mysterious informant, Tahir, was never produced as a witness and had apparently vanished. On 25 September 2003, the then Chief Justice Yong Pung How, who had already been party to denying Vignes Mourthi's appeal, ruled that the case could not be reopened, as it had already gone through the courts. At this final appeal hearing Ravi asked whether 'the Deputy Public Prosecutor is still maintaining that an innocent man can be hanged due to procedural matters'. The DPP, Bala Reddy, refused to reply, but Ravi instead got a quick response from the Chief Justice Yong himself, who said: 'Yes, the answer is yes'. At the end of this hearing the accused rose and addressed the bench. He said that he was not afraid to die, but if he was going to die the next morning, he wanted to know the reasons for his execution. The Chief Justice said the decision would be published in due course and everyone could find the reasons there. It was the third time in three weeks that Ravi had appeared in court to stop Vignes Mourthi from being executed, only to be told he had no case. The Chief Justice told him brusquely: 'As far as the law is concerned he has been found guilty and convicted. Not much point for you to go on'. But Ravi wanted his client to be acquitted, or at least retried, and spent almost three hours trying to persuade Yong, Chao and Tan. Thanking him at the end, the Chief Justice said: 'It has crystallised our thinking ... that you have no case'. His decision especially emphasised Ravi's conviction that it was unfair for Yong and Chao to be called upon to issue a judgement against their decision. Given this double bind, Ravi asked, could it really be claimed that his client had been given a fair hearing earlier that day? This plea was also made against the Chief Justice's remark that an innocent may be hanged for procedural reasons.

It was the end of Ravi's unusual appearances in court, and Vignes Mourthi was expected to hang the very next morning. The Chief Justice ended the proceedings with the words: 'You can say he is innocent but as far as the law is concerned, he has been found guilty and convicted. You had better say goodbye to him, that's all you can do'. Ravi quickly drafted another appeal to the President which he sent via email at 9 p.m. that same day. In this letter, a longish plea to the President in his capacity as 'guardian of the Constitution of the Republic of Singapore', he implored him to reconsider the unusual situation and at least issue a stay of execution. That final attempt to save Vignes Mourthi's life

again fell on deaf ears. In mid-October 2003, just three weeks after the executions, the Court of Appeal released its reason for having denied that final appeal a matter of hours before the execution. Once a criminal appeal has been dealt with, it explained and as related to me by Ravi, neither the Court of Appeal nor the High Court can re-open the case. Chief Justice Yong cited three precedents in rendering this decision. In one of these cases, *Lim Choon Chye vs Public Prosecutor*, the appeal was dismissed even though the applicant asserted that fresh evidence proving innocent had turned up since the earlier denial of an appeal. In this case, the former Judge of Appeal, M. Karthigesu, had stated that it was not the Singapore parliaments intention to allow appellants an 'indefinitely extended right of appeal'. Therefore, a second appeal could not be allowed in any case where an appeal had already been heard and dismissed. Even if that case involved the death penalty and an irreversible error may have been made. Said Ravi: "The October 13 2003 decision of the court was fairly short and sweet, written in clear and compelling language. I can only hope that on the day of its release, Vignes Mourthi, wherever he was, could finally appreciate the reasons why he was hanged, especially when he had personally made that request to see the written judgment'.

But if ever there was good cause for Singapore to abolish capital punishment this must be the one. In any other country with a free press and independent judiciary, with fearless investigative journalists raking through the muck, what had been happening secretly behind the scenes almost from the moment Vignes Mourthy was arrested would have created such uproar there would be demands for heads to roll in the highest places. Similar examples of catastrophic failures of the justice system in Britain more than 50 years ago contributed to the death penalty finally being abolished there. But this one in Singapore - had it become known - might also have finally awakened its citizens to stand up and question what goes on in their name in the courts and on any Friday morning at dawn. That's when they hang people convicted of capital crimes such as drug trafficking or murder. But in Singapore - ranked 133rd in the Press Freedom Index 2009 by Reporters Without Borders - this scandal could not possibly have made the kind of screaming headlines in the pages of the government-controlled *Straits Times*, *The New Paper* or *Today* it deserved. Had this shameful episode

been exposed, a precious life might well have been saved. For it is clear from what happened after his arrest that Vignes Mourthi was possibly hanged on false evidence - evidence that may have been concocted by a corrupt cop to ensure his conviction and execution. It was only by chance during my investigations that I discovered from unpublished legal documents the complete ghastly events that went on in secret after Vignes Mourthi's arrest, trial and execution.

This case is arguably one of the most appalling miscarriages of justice in Singapore's history, made worse by the fact that top lawyers and perhaps the Justice Minister himself knew yet did nothing. The story concerns Sgt S. Rajkumar, a senior officer with the Central Narcotics Bureau and the prosecution's most valuable witness in Vignes Mourthi's trial. But what was never revealed at any time until *after* he was hanged, was the fact that while Rajkumar was helping to send him to the gallows, he was being investigated by officers of the Criminal Investigation Department for the alleged rape and sodomy of a young woman and subsequent attempts to bribe her to drop the charges. It was his sworn testimony that sealed Vignes Mourthi's fate - the controversial piece of evidence, added perhaps months later, when he was alleged to have said: 'It's very good You are sure to come back to deal with me again'. Vignes Mourthi always denied he ever said this or that he even knew he was carrying drugs. It was the contention of the defence that this statement was entered into Rajkumar's field book and added undated and not signed by Vignes Mourthi on a separate sheet of paper some time after the arrest to ensure a watertight case. But no one on the defence team, or so it appears, had any notion at this time that Rajkumar himself was under investigation for corruption and the rape of the young woman he'd handcuffed in a friend's flat the very day after he arrested Vignes Mourthi. And it wasn't until *after* his execution and the eventual trial and jailing of Rajkumar and another police officer that I came across the full damning evidence and the possible consequences of this CNB officers own criminal activities.

It revealed that between those two dates - Vignes Mourthi's arrest for drug trafficking on 20 September 2001 and the allegations made against Rajkumar the following day - that this trusted officer had committed several heinous crimes. The accusation was that Rajkumar had taken a young woman of his acquaintance to a friend's apartment

where he handcuffed, raped and sodomised her before returning home to his wife who at that time was three months pregnant. The next day the woman filed charges against Rajkumar. Sodomy in Singapore is defined as anal sex, and is a criminal offence even between consenting adults. Rajkumar was arrested on September 23 - two days after he arrested Vignes Mourthi - avowed his innocence and released on bail. Instead of being suspended from duty until the allegations were resolved either way, he was allowed to continue building the case against Vignes Mourthi and to set about attempting to get the young woman to drop the charges first with money then, just as appallingly, appealing to her humanity! Police colleagues of Rajkumar rallied round him offering the young woman bribes starting at \$10,000 and with an arrogant warning that the publicity would bring great shame on her. Although the case against Rajkumar eventually went ahead, it was put on the backburner while the trial of Vignes Mourthi continued to its barbaric, grisly end on the gallows on 26 September 2003. A string of witnesses on both sides took the stand in Rajkumar's trial the following year. Both he and one of his friends, police officer Balbir Singh, were found guilty of corruption. District Court Judge Sia Aik Kor sentenced Rajkumar to 15 months in prison and Singh to six months. No mention was made of the rape and sodomy charges against Rajkumar possibly because the hapless young woman finally withdrew the allegations, not for money but because of sympathy for her attacker's family.

Ironically, Balbir Singh, a police officer for seven years, complained of the methods used during his interrogation by the officers of the CID. He claimed his first signed statement was only inked after he had been forced to go almost two days without sleep, had been interrogated in an exceedingly cold room and that they slipped in an extra statement page which he signed without reading. These claims echoed the defense presented by Vignes Mourthi's trial lawyers, that he signed certain incriminating statements when he was worn-out after gruelling interrogations and was unable to pay full attention to every single point he was admitting to. But what is even more extraordinary is that the trial of Vignes Mourthi was not delayed until *after* the case against Rajkumar was thoroughly investigated and his trial completed. If found guilty of corruption, the courts would have known exactly what kind of man Rajkumar really was and would have had the chance to prevent

a potential travesty taking place. It would have shown that Rajkumar was a bad, corrupt cop and that the questionable evidence he brought against Vignes Mourthi would have had to be thrown out. It would have justifiably given Vignes Mourthi the benefit of the doubt that he - not his accuser - was telling the truth. And if this officer's evil wasn't known at the highest judicial level, it should have been. The Public Prosecutor, Bala Reddy, who led the prosecution team against Vignes Mourthi should have been aware of the investigation involving Rajkumar's alleged criminality, and should therefore have demanded a postponement of the trial.

Just as astonishing, I also discovered, is the fact that the very lawyer who defended Vignes Mourthi at his appeal against the death penalty was none other than the highly esteemed criminal defence lawyer Subhas Anandan whom Rajkumar consulted when he was under investigation for rape and sodomy. According to statements Anandan made during the investigation of Rajkumar, which I also found on Lawnet.com, the officer said his accuser was a woman of loose morals. Anandan replied that the moral character of the woman was quite important and told him not to worry as the prosecution would find it difficult to prove a case of rape against him. The lawyer also told Rajkumar that rape was a serious offence and he should not take matters lightly even though he had a good defence. He told Rajkumar to go to his office the next day to sign a warrant to act and pay a retainer. Following the bedside hospital consultation, Rajkumar met Anandan in his office to give him written instructions. According to the lawyer the officer was quite confident about his defence but was told that just because a woman is of loose character does not mean that she has consented. But Anandan told him not to worry, assuring him he could 'break' his accuser in court. Anandan then told Rajkumar to go to his office the next day to meet his associate Anand, and pay a deposit. Before he left Rajkumar revealed that his entire family - his parents, brother, sister and wife - already knew about the rape allegation. He had a talk with his father, he said, and told his wife he was sorry for cheating on her. He also said he was 'very relieved' by the assurances he obtained from Anandan and had no reason to contact 'J' for any reason. He had already made up his mind to 'see her in court if the need arises'.

At the same time intense efforts were being made by Rajkumar's many friends in the CNB and police to persuade 'J' to withdraw her statement with bribes involving large sums of money, which she refused. When this didn't work they even appealed to her humanity. Balbir Singh, a second officer convicted of corruption, told 'J' that Rajkumar was afraid his wife would have a miscarriage, his mother would commit suicide and his father have a heart attack. He also told her to think carefully before proceeding with the case. It would be embarrassing for her and her family as her name and picture would be published in the newspapers. None of this, of course, was true. His family was physically and mentally well and it would be illegal for the name and photo of a rape victim to be published in any newspaper. There were frantic, secret meetings between Rajkumar, his police officer friends and his accuser in shopping malls and fast-food outlets during which he, his family and friends offered large sums of money in exchange for withdrawing her allegations. All this intrigue was going on while Rajkumar was busy getting enough evidence together to ensure Vignes Mourthi would be found guilty and hanged. So the question that must now be asked, however belatedly, is: Why didn't Anandan, who claims in his memoirs *The Best I Could* that he has always fought for justice and for the underdog, at least inform the authorities that a gross miscarriage of justice might be about to take place? In 2001 he was honoured with the Legal Eagle Award by the Law Society of Singapore and being so highly respected by his peers such a move would have been admired. For it would have been prudent as well as just for the case against Rajkumar to have been resolved first and if he were found guilty of rape, sodomy and corruption and jailed, then so be it.

As was always said by anti-death penalty campaigners in Britain and other abolitionist nations it is better for a guilty man to go free than an innocent man to be hanged. Having proof that he was a corrupt cop, Rajkumar's evidence against Vignes Mourthi could have been more wisely considered by his trial judges. But it was not until Vignes Mourthi was hanged that Rajkumar's trial began. When Rajkumar, whose contested testimony had sent Vignes Mourthi to the gallows, was sentenced, Judge Sia Aik Kor described his actions as 'so obviously corrupt by the ordinary and objective standard that he must

know his conduct is corrupt'. The judge also cited a precedent which found actions to be 'akin to an attempt to subvert the course of justice'. So if he could subvert the course of justice to save himself from a long prison term, was he also capable of inventing those damning words that confirmed, in the eyes of the trial judges, that Vignes Mourthi knew what he was doing? Although Anandan did not defend Rajkumar at his corruption trial or appeal, he was well aware of the damning rape and sodomy charges against him - albeit at that stage only allegations - when he was defending Vignes Mourthi at his appeal against the death penalty! Vignes's father, Vasu, thought his son was in the best possible hands at the appeal. So much so, he told me, that he handed over \$47,000 in legal fees. According to court records he even argued that the trial judges erred in not giving this 'naive young man the benefit of the doubt. He was just another innocent dupe taken advantage of by a more sophisticated adult. He also repeated the question made by Vignes Mourthi's trial lawyers concerning the vital incriminating statement he added on a separate sheet of paper which was undated and unsigned by him when it was presented to the trial court as part of his alleged confession. It was implied that having realised their case may not have been as rock solid as they first thought, Rajkumar decided to bolster their case by squeezing in a few more piquant details. The record of the conversation was not signed or dated and Anandan maintained that considering Vignes Mourthi's life hung in the balance, these facts presented a reasonable doubt as to his guilt.

But why on earth didn't Anandan go further and reveal in the appeals court, or much, much earlier before his trial began even, the pending charges against this then alleged corrupt police officer? Why didn't he stick his neck out and at worst risk a judicial slap on the wrist for breaking the client-lawyer confidentiality rule instead of letting the system stick Vignes Mourthi's neck in the noose that was waiting for him? Or better still, why not send a confidential report to the Justice Minister with a suggestion that the trial of Vignes Mourthi be held up until the allegations against his former client, Rajkumar, be resolved first. No doubt many members of Singapore's judiciary were also aware of what was going on behind the scenes concerning the rape, sodomy and corruption charges hanging over Rajkumar, yet not one of them had the guts to speak out in protest.

In the event, District Court Judge Sia Aik Kor sentenced Rajkumar to 15 months in prison and Singh to six months. It might have also been important to thoroughly investigate Rajkumar's record in the arrests and prosecution of other drug traffickers languishing in Changi Prison or ending up on Darshan Singh's gallows. But by 22 January 2003 the Court of Appeal had already rejected Vignes Mourthi's appeal, spurning all pleas to entertain reasonable doubt in favour of supporting the trial judge's decision. He was on his way to the gallows and would be hanged together with his alleged accomplice, Angappan, at the convenience of the justice system.

In his memoirs, *The Best I Could*, Anandan writes about former Chief Justice Yong Pung How's demands to get things done quickly. 'He did not want justice to be delayed, always saying that justice delayed is justice denied. He wanted the law to be swift but in his enthusiasm he did not take into consideration the practical problems lawyers faced. No quarter was given. It was getting to be a very serious problem'. Anandan then recalls an annual dinner in which the then President of the Law Society, Chelva Rajah, made a speech in which he took at dig at Yong: 'When we talk about justice delayed being justice denied, we must also remember that justice hurried is justice buried'. Rajah got a near-standing ovation, according to Anandan. But I wonder what kind of ovation he would have got had he stood up and made a heroic attempt to save the life of the young Vignes Mourthi by revealing the evil of his crooked accuser? But I can reveal, following intensive inquiries and talking in confidence to several lawyers on condition that I would not expose them to the authorities in any way, that the high echelons of the judiciary and prosecution from the Attorney General down knew all about Rajkumar and were intent on keeping his evil, corrupt deeds under wraps until Vignes Mourthi was hanged. 'They were all terrified that it might be revealed at a very inopportune time', one told me. 'It would have thrown a very interesting spotlight on our justice system'.

And in a remarkable, candid and taped interview with Anandan, he said there was bad blood between Vignes Mourthi and Angappan from the moment of their arrests. They were both in the trap together, put there by an informer. Informers get paid well and the CNB protect them well also. Anandan said he was Rajkumar's first counsel.

He came to see me when I was in hospital recovering from a kidney operation. He came with two people and saw him again in my office. Subsequently, I found out that they were prosecution witnesses but at that time they were helping him when he was charged with rape. In the end they were all being investigated for helping him bribe the woman. When Rajkumar was tried I was called to give evidence - they wanted to know what was said at that time. I knew he was under investigation for the alleged rape and bribery attempts to get the woman to withdraw her complaint. Did the DPP and the Prosecutor know at Vignes's trial that their chief prosecution witness, Rajkumar, was under investigation? I do not know. They could have known.

Should they have known? Shouldn't they know who the witnesses really are, whether they are reliable and trustworthy and not given to fabrication or exaggeration? Anandan: 'I would say that even if I know that this guy is a tainted witness, I would still proceed with the case because the law says his evidence could still be believed. It would be up to the defence counsel who, if he had known, would have gone to town with it'. So why was Vignes tried first and hanged before Rajkumar was tried for corruption in the rape case? Anandan: 'If the cop had been tried first Vignes's trial lawyers would have gone to town with it'. So they wanted to get the Vignes case out of the way first? Anandan: 'I don't know if this was the strategy or whether they didn't know about the charges hanging over Rajkumar'. But they should have known? Anandan: 'I would think they should know. The DPP I think should know but maybe he didn't know'. Surely it's important to know that a senior officer giving evidence in a capital trial is under investigation for a serious offence such as rape and bribery? Anandan: 'I think Vignes would have got off because of the evidence of someone already convicted of corruption. The judge would have to think twice or three times before imposing a death sentence. When I came to defend Vignes at his appeal I didn't know whether or not Rajkumar had been charged with corruption. I know that when I was arguing the appeal I didn't know about it. I can't remember all the facts but when I was arguing the appeal for Vignes I didn't raise the issues concerning the charges against Rajkumar because I don't think I knew. He wasn't charged at the time of the complaint. He was only picked up by the police and released on police bail. I didn't know. He was charged very much later. They made sure the investigation was completed after the Vignes case

was over and he was hanged. They made sure, they dragged it on. If you look at the date of the conviction of Rajkumar, it was two years after Vignes was hanged'. So why did they let it drag on so long? Anandan replied: Ask them!' He added: 'This kind of thing is very unsatisfactory in the system. It's very unhealthy and they know about it. I speak out often against this. Sometimes they wait for four years before charging someone, and then suddenly charge them. I'm not afraid to speak out against this kind of thing'.

Here the words of the Nobel laureate, Amartya Sen, seem the most appropriate postscript to the sordid tale of the death of Vignes Mouri:

The heart of democracy beats only with the participation of all citizens in exercising their right - first for inclusion in the political agenda issues of concern to them and second in the political process. Democracy becomes dysfunctional when the bureaucracy, the judiciary, the legislature, the private sector, the police and the military all use their power to enrich themselves and advance their own interests at the expense of civil society. Laws notwithstanding, corruption undermines the rule of law.

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Hero Hanged

Shanmugam Murugesu hanging in May 2005 sparked unprecedented public discussion in Singapore. From April to August that year, local activists organised a public forum, petitions, vigils and other events to campaign against the death penalty. But it wasn't easy. The authorities, using undercover police, did everything they could to thwart the campaign's vain bid to save the young man's life. Amnesty International sent a special representative to address the public forum. A worried government prevented him from speaking and banned the use of the condemned man's face on posters on the grounds that it would 'glorify' an executed convict. Shanmugam was convicted of trafficking 1.03 kilograms of cannabis. A former jet ski champion and army regular, he was a struggling divorced father of twin teenage sons. His sons pleaded for him in leaflets they distributed in a first-ever public appeal in a capital crime. His mother made a tearful plea for him at the forum in heartbreaking poignancy which stunned forum participants. She also made an appeal that was captured on video.

Before he was sentenced to death in the High Court, Shanmugam pleaded for clemency saying he 'was in desperate financial circumstances, which led me to commit the offence which I wholeheartedly regret. The financial burdens on me were heavy as I had to look after my sons, my nieces, nephews and my mother who is in poor health and unable to work'. His statement of regret proved futile. Enter again Ravi, who was still recovering emotionally, physically and financially following the Vignes Mourthi case. He did not charge the family a cent for his service and was still repaying \$7,000 for the funeral

expenses. His efforts did not make him popular with the Singapore government either. He had brought much foreign media attention while valiantly fighting to save the life of Vignes Mourthi, the kind of critical attention the government does not like. It made them look bad again in the eyes of other countries. As a result, Ravi also saw some of his longtime, very well-paying clients drop him as their solicitor because they feared that he was now viewed as an 'anti-establishment figure' who would reflect negatively on them. The Vignes Mourthi case was the first of its kind for Ravi. He normally dealt in areas of the law which paid well - civil litigation and intellectual property matters. And it made him reflect on what had really been accomplished. 'I hoped to get the people of Singapore thinking about the critical issues in the case', he said, 'to widen public awareness of how the judicial system here worked and also to get large numbers of Singaporeans asking if this was indeed a system that needs no reforms or refinements. The whole question of executions was of major importance to me as was the question of who gets executed here and why'. He was warmed one day by the visit of an Indian woman who had read of the Vignes Mourthi case and came to see him to express her concern that someone might be hanged wrongly and give some comfort and support to his distraught family. There was another person who had read of the Vignes Mourthi case. His name was Shanmugam Murugesu and he wanted to speak to Ravi.

Shanmugam, a Singaporean, was in custody. He was facing the death penalty, too, having been arrested on 30 August 2003, just four weeks before Vignes Mourthi was executed. Shanmugam had been arrested at the Tuas Checkpoint known as the second link joining Singapore to Malaysia with six packets of cannabis weighing 1,029 grams and 880 grams of cannabis mixture, over double the legal limit for mere possession in Singapore. He admitted he was a small time dealer but vehemently denied that he was transporting anywhere near the amount they found tucked away on his motorcycle. According to court records of his statements he maintained that he had brought only one packet of cannabis into Singapore weighing only 237 grams. He was not a stupid man and was aware of the consequences of being found in possession of more than that amount. He revealed his Malaysian supplier as an ethnic Chinese man named Mok who often encouraged him to traffic more despite his constant refusals. He

believed that the other five packets had been hidden in his bike by Mok without his knowledge. To support his claim he even gave police the name and telephone number of Mok hoping they would investigate him. But all they did was to call the number and accept Mok's word that he had never even heard of Shanmugam. He gave police all other kinds of information but they seemingly did not believe his story, especially that he had always dealt in small amounts of cannabis and that Mok always tried to get him to take on bigger assignments. As Mok was apparently never found let alone being charged as an accomplice, I was drawn to this issue again following my secret meeting with a former Central Narcotics Bureau officer. This man revealed to me that one of their practices, as undercover agents, was to encourage small time dealers to traffic much more than they wanted to, thus ending up on the gallows. So was 'Mok' an undercover agent and if so did he deliberately act to send Shanmugam to the gallows? It was while he was in a cell in Queenstown Remand Prison that Shanmugam heard about Ravi's valiant though futile fight to save Vignes Mourthi's life.

Until his world began falling apart, resulting in his arrest, Shanmugam was something of a local hero. He had grown up in poverty, the eldest of a struggling Indian Singaporean family. Shanmugam was determined to make something of himself. But he was not a good scholar, failed secondary school and began falling into bad company. His mother, Letchumi, a traditional conservative Tamil mother, took charge of his life and persuaded him to start over. He went back to school, his grades improved and eventually was accepted into Boys' School, something like the equivalent of a military academy. It was a fast track to the army which is where Shanmugam ended up four years later. He had a solid record in his near ten years on active service ended up with the rank of sergeant and seemed destined for the officers' ranks and a long career in the military. However, his marriage at the age of 21 served as a brake to his advancement in the army. Then he found himself the father to twin sons. The demands on his time in the military were not good for a man with a family of four. After eight years in the army as a combat engineer, Shanmugam made an even more admired career move. He became a sports star. He had always shone in his athletic pursuits but what he loved most was water jet skiing. He was so skilled and daring that he even represented Singapore

in the 1995 World Championship Jet Ski Finals in Lake Havasu, Arizona, USA, bringing home a medal, giving a huge and much-needed boost to Singapore's international image as a sports nation. He was also involved in motorbike racing, deep-sea diving, boating and rope climbing, all of them risky pursuits. As a result Shanmugam had many female admirers and friends but he never broke his wedding vows. His clean reputation also resulted in him being appointed to the prestigious Singapore Sports Council where he served for four years.

One of Shanmugam's sideline businesses was repairing all kinds of motorised land or sea vehicles which kept him very busy. On the surface all seemed well but trouble was brewing in his marriage. It was an arranged union to a first cousin on his mothers side from India and it never became one of wedded bliss. He discovered that his wife was not as faithful as he was and on one occasion caught her 'entertaining' a boyfriend. He divorced his wife, won custody of the twin boys, then 12 years-old. His mother helped look after them. Other things began to go wrong in his life and he lost interest in his sports activities. His mother fell ill and he found himself being the sole breadwinner for her and his unmarried sister. A new promising relationship with an attractive American woman also suddenly came to an abrupt end. She had second thoughts about becoming a mother to his sons and decided to return to the US. All this made him extremely depressed and he tried to escape in the haze of cannabis smoke. Shanmugam took jobs as a taxi driver and part-time window cleaner and sometimes repaired boats in Johor Bahru, the town where Vignes Mourthi had lived until his arrest. Occasionally Shanmugam would meet up privately with friends in Johor to smoke some weed, throwing in \$20 each to purchase what they needed. One of them, a Chinese man named Ah Seng, linked him up with Mok who was to become the shadowy figure in his eventual demise. He had a motorbike and a boat with problems and Shanmugam was the man to fix them. He also joined Shanmugam in smoking weed with his other friends which appeared to seal their friendship. Shanmugam also had a reputation of being too trusting, even gullible. What happened next should have been a warning to him.

By this time Shanmugam was now supporting not only his own family including his frail mother, but also a sister, Mahes, who had separated from her husband and her two sons. The burdens on his

shoulders, however broad and willing, were becoming too much for him. By a strange coincidence, his younger brother, Kuben, was a police officer and at one time was seconded to the Central Narcotics Bureau but at this time was a member of the marine police. Except for a minor traffic offence, Shanmugam did not have a single previous conviction before that fatal day, 30 August 2003. He had decided, with Mok as his supplier, to help solve his financial problems, to take small amounts of cannabis into Singapore and sell it. He was always sure never to carry an amount weighing more than 500 grams that would lead to the gallows and he only handled cannabis. He may have been too trusting of some people but he was not an idiot.

Instead of being able to contact Ravi to take on his case, he was represented by two court-appointed counsels, Ganesan and Rajah Retnam. His trial was in total contrast to the action-packed trial of Vignes Mourthi and Moorthy Angappan which dragged on full of suspense for almost five months. Shanmugam's trial lasted exactly four days. The only witnesses called were the defendant himself, arresting and interrogating officers, police recorders - outnumbering him 23 to one - and a Tamil-language interpreter. "The same evidence against him was repeated over and over like layers of cement preventing any mental daylight to creep in", Ravi told me later after examining the case.

Shanmugam could only repeat that the other five packets totaling 1,880 grams of cannabis and mixed cannabis had been secreted into cavities in his motorcycle by someone else, mostly likely the now mysterious Mok who had been encouraging him to trade higher but without success for months. He maintained that he knowingly had just under 300 grams in his possession - not a hanging offence. One of the issues against Shanmugam was that he was slow in naming Mok as his supplier. His answer was that he did not want to get this man, whom he regarded as a friend, into trouble. But as time went on, especially after revealing all he knew about him, he was certain he was the one who landed him in all this trouble, and quite deliberately. The trial began on 19 April 2004 and was all over four days later. Judge Tay Yong Kwang decided that Shanmugam's account was 'highly unlikely to be true'. Shanmugam also claimed he had been 'severely intimidated' during his interrogation with officers shouting at him, even slapping him on the side of his head several times. In Singapore suspects have no right to

legal counsel during interrogations and very rarely do any lawyers even get to see their clients during the early stages of their confinement. The prosecution denied all these allegations, however, and persuaded the court that it was Shanmugam's intention to smuggle a larger amount of cannabis was purely to make a larger amount of money. At 11.46 a.m. on 23 April Judge Tay adjourned to his chambers to consider his verdict. He must have already made up his mind. He was back at 11.59 a.m. The sentence was death. At his flat in Woodlands, Darshan Singh checked his diary. He knew he would be making a special entry very soon and he wanted to know what else he would be doing over the next few months.

Shanmugam arrived on death row that evening and Darshan Singh would soon be busy weighing and measuring this very fit young man noting his muscularity which he would have to take into account when calculating the drop so to ensure a humane execution. But first the routine appeals stage had to be gone through. Shanmugam's second lawyer was Peter Fernando, who had handled many drug cases over a long career with an enviable record of successful defences - but not necessarily capital offences. His appeal, filed on 25 October 2004, was again heard before Chief Justice Yong Pung How with Judge Chow Hick Tin and Kan Ting Chiu. It was just routine with both sides repeating what had already been said at the original trial. The appeal was, predictably, dismissed. All Shanmugam could do now was to sit on death row and pray for a presidential clemency. The chances were grim. Only six had been granted in the 40-year history of the Republic. Perhaps a miracle in that case would be more likely. But if the Government was angry with attorney and human rights activist M. Ravi exposing the dark side of Singapore coldly efficient justice system in the Vignes Mourthi case, they were in for a bigger surprise this time. The zealous lawyer took up the cause before the President's clemency ruling was issued, realising that the odds were against getting a clemency ruling. This time he took a different tack, a new strategy. He decided to take the battle to the court of public opinion as well. His ideas soon won the approval of Shanmugam's family, including his police officer brother, Kuben. In the petition to the President which his appeal lawyers had prepared, the team cited six cases from just the previous two years in which individuals had been arrested for

possession of cannabis wherein the amount was officially reduced to 499 grams, allowing the defendant to escape the death penalty. In five of the cases the original amounts of cannabis had been higher than what Shanmugam himself was caught with. The plea also mentioned he had been ready to cut such a deal with the prosecuting attorneys but found his offer spurned, with no reason given. The petition also included letters attesting to his character from his two sons, both his parents, his former girlfriend now living back in America and his brother, Kuben, the Singapore policeman. The case for clemency looked good but Ravi felt it needed something more. And there wasn't much time before the President made his decision.

He decided on launching a public relations campaign: printing up hundreds of flyers on the case and distributing them. These flyers were handed out primarily at Centrepont, a popular shopping and dining complex along Singapore's Orchard Road. While his sons played the major role in the distribution, other volunteers also came forward to help out. Unusually, the local press took notice of this action and gave the story some valuable space. Photos of the twins offering flyers to passers-by made for good attention grabbers in the papers. The effect was promising in attracting the attention and support of many, including some opposition political figures, such as Dr Chee Soon Juan, the head of Singapore's Democratic Party and a long time campaigner for civil rights. Chee and Ravi then organised a special forum on the death penalty itself, printing more flyers and booking a meeting hall at the Asia Hotel. They had expected about 70 to turn up but they totaled almost 200. This number included me and several plainclothes police officers from the much-feared Internal Security Department. Talks on the death penalty were given by the condemned man's lawyers and Dr Chee. The emotional high point was a plea by Letchumi Amah for her son's life. This brief appeal, delivered in Tamil, then translated into English by Ravi, came at the end and stirred almost everyone in the room bringing tears to the eyes of many.

Tim Parritt from Amnesty International had been invited to speak at the forum. He flew in from Kuala Lumpur specifically for the event. However, the day before he was informed by the Singapore government that he would not be permitted to speak. He was free to come in but if he opened his mouth he would most likely be arrested. Parritt naturally

wished to show his solidarity with the cause, so he took his assigned place of honour, then sat silent on the stage with the other scheduled speakers while his prepared speech was read out by the event's moderator, Saliah Ahmad. She was then approached by two plainclothes officers who questioned her and demanded to see her passport proving she was a Singapore citizen. There was nothing more they could do but their action put a damper on the event and the forum was shortly brought to a close. But the forum's impact created quite a stir locally and internationally. Many people from the local arts community put together a three-hour vigil with music, poetry, dance and theatre to energise everyone on this issue. Reporters and photographers from the Associated Press, Agence France Presse and Reuters turned up in full force. Even *The Straits Times* relaxed its straitjacket buttons just a tad and sent a reporter to record the goings on. Later a dedicated group of 30 headed off to the Istana, the Presidents palace, to make yet another personal appeal to the President to grant clemency. They were bent on making this appeal as effective as possible. In at least one regard, it produced undeniable effect. Observers noted that there were probably more police than petitioners there, many of them Internal Security Department officers. So that they would not get arrested for 'unlawful assembly' the demonstrators split into groups of four - otherwise they would have been carted off in black marios to spend the night in a detention centre on a cold concrete block of a bed with only a smelly, bug-infested blanket to keep them warm. Then hauled before a court the next morning and fined.

The most dramatic moment in the impromptu demonstration came when Shanmugam's mother and both sons knelt down before the Istana's gates and implored the president to grant the convicted man a reprieve from the death sentence. A Reuters's photographer had gone with the group to shoot photos of such spontaneous protests. Over the next few days dramatic photos of Letchumi and the boys were flashed around the world. The impact was stunning. Never before in the history of the city state had an impending presidential clemency ruling drawn such widespread attention. Less than a week later, President Nathan issued his ruling. Despite all the activities of the previous few weeks, the appeal was rejected. Was this just a demonstration to the world that Singapore's rulers would not be moved and by such protests and react

in a humane manner? Just consider the difference in the treatment serial drug trafficker Julia Bohl received when the German government stepped in and saved her life. Had Shanmugam's name been Schonfeld and had he been born in Dortmund, the outcome would have been entirely different. He had no valuable currency, no huge trade deal to offer. He was dead meat. Ravi, a man I am proud to know, felt sick when he read the President's decision which was sent straight to his office. He shook his head. 'I really couldn't understand this president, denying clemency to a man who seemed to be a perfect candidate for such a show of mercy', he told me later. 'What had gone through the Head of State's head as he weighed all the factors in coming to this decision?' Ravi said he then had the awful duty to tell Shanmugam's family. When he arrived at their home, a housing development flat in Jurong West district, only his mother, Letchumi, and her elderly aunt were at home. What happened next is something he will never erase from his memory bank. 'For a few minutes', he said, 'she just stood there, numb with shock'. Then, as the shock wore off, he recalled, she first started beating her own face with her fists, then dropped her hands and started drumming hard on her chest. Finally, she screamed and almost collapsed on the floor in grief. Well aware of her poor physical health, Ravi said he was afraid she was about to have a stroke, or maybe already in the throes of one. Then tensions and pain in her body, he said, seemed to have taken on an intense weight of their own.

Ravi had never been the recipient of such a notification from the President before and said he was 'surprised' at the rather cold handling of this matter. The letter from Nathan was sent by regular mail and took four days to reach his office. 'I thought that the head of state, generally known for his courtesy and congeniality, could have accorded this one small courtesy to the family of a condemned man'. And just as bizarrely, Ravi revealed, Shanmugam received a medal for his achievements as an army reservist, which was presented to him around the time of the clemency decision! Obviously, he pointed out, the clemency committee had not allowed this honour, or any of the previous honours, to influence them in their deliberations.

Ravi and his supporters lined up one more major event before the scheduled execution. It was a vigil planned by Lee Weng Choy of the Substation Arts Complex and Lucy Davis, along with Samydorai

Sinapan, head of the IthinkCentre. The Substation offered a large garden performance area at the rear of the complex that would have been ideal for such an event. The various acts could perform in the open air with a large open stage. Moreover, a candlelight vigil for the condemned man could be held there with no fear of violating fire laws or endangering participants. The police got wind of their plans and banned the event on the grounds that as it was in an open space things could get out of control. The group then approached the Golden Landmark Hotel on Beach Road and booked a reception room appropriate for their needs. Samydorai Sinapan was the official organiser booking the room. Just three days before the event, he received a call from the hotel with some bad news. There was a leak in the roof and they had to cancel the booking. 'It was more likely a leak to the police', said Ravi. 'We speculated that pressure had been put on the hotel to prevent the vigil'. With total secrecy Ravi then booked a room at the Furama Hotel near Chinatown and the vigil went ahead more or less as planned. It was held in the Canton Meeting Room and lasted more than three hours. There were bands, solo musicians, an *a cappella* singer and poetry readings. Ravi got up to talk about Shanmugam's demise and the death penalty. Others followed him. But not everyone wanted to speak, read, play or sing in protest at the pending execution. Members of Singapore police department in plainclothes happened to drop by. And when anyone not listed to speak were invited to, the police stepped forward and stopped them, threatening arrest if they continued to defy the law. One of these was V.A. Sivakumar of the Vallalar organisation, a Hindu group opposed to all killing for any reason. He was stopped from talking immediately, his name and address taken down by two police officers at first pretending not to be. Shanmugam's mother and his sons were also present and all this only added to their misery.

An article about the vigil appeared in *The Guardian*, one of Britain's most respected newspapers, the next day. Headed 'Singapore Finally Finds A Voice In Death Row Protest' the article proclaimed that history had been made at the Furama Hotel where 'an unprecedented event for the tightly controlled island republic' had been held. Then a renowned journalist from *The Guardian/Observer*, John Aglionby, was sent from Jakarta to cover this groundbreaking event. The headline on Aglionby's article, which appeared in that Sunday's *Observer* read:

'A Silence Broken'. And there was indeed, said Ravi, an invigorating sense of silence being broken. Sadly, whatever this vigil did accomplish, reminisced Ravi, it did not increase Shanmugam's chances of escaping the noose. The execution date was immediately after the vigil: Friday 13 May 2004. Meanwhile, Julia Bohl, drug trafficker, dealer, party hostess extraordinaire from Germany, was busy swotting in her cell in preparation for a distance study course examination with the London School of Economics. She served three years of her five-year sentence and flew back to Europe. The Changi Prison motto: 'Rehab, Renew, Restart' worked for her!

20

Don't Let Them Kill Me!

'Please don't let them kill me. I don't understand why they have to kill somebody for something like this'. This haunting cry from a terrified young man was ringing in lawyer M. Ravi's ears as he walked through the gates of Changi Prison into the sunlight. He had just said his final farewell to his client Amara Tochi who was due to hang at dawn the following day. It was a tearful moment for them. Ravi had worked himself to exhaustion to prevent the killing of this likeable, handsome young man, a talented footballer who had come to Singapore to fulfil a dream. For the 21 year-old kid from a dirt poor village in Nigeria, Ravi was his last hope. He knew he would be dead the next day - hung by the neck by Singapore's official grim reaper, Darshan Singh. Earlier that morning, the Court of Appeal refused to commute the death sentences on Tochi and his alleged accomplice Okele Nelson Malachy, a 33 year-old South African for trafficking 727.02 grams of heroin into the country. Ravi had worked ceaselessly day and night to save Tochi, first in the Appeal Court then, as a last resort, a desperate plea for clemency from President S.R. Nathan. Tochi said he thought he was carrying African herbs which tasted like chocolate, and even ate one capsule, according to the evidence, to show the police it was 'safe', a gesture suggesting either complete ignorance or naivete. The court delivered the death sentence after a 13-day trial during which even Judge Kan Ting Chin himself raised reasonable doubts about the alleged crime before he sentenced him to death. Judge Kan wrote at paragraph 42 of his judgement. "There was no direct evidence that he knew the capsules contained diamorphine - or heroin'.

Tochi had left his poverty-stricken village in Nigeria three years earlier and headed for Dubai hoping to find a football club willing to give him a chance to achieve fame and fortune. He had just turned 18 with little education having dropped out of school at 14 but his skill as a player was impressive. He was such a promising player he went to Senegal to join Njambi Football Club where he so impressed his mentors he was picked to play for Nigeria in the quarter-final in the West African Coca-Cola Cup. Tochi returned to his village to plan another career move. He wanted to widen his experience and become a world class player - and above all help his family get out of its poverty cycle. A football coach told him there were opportunities in Dubai for talented, determined young African players like him. With only a few hundred dollars in his pocket he travelled by plane and train to Islamabad in Pakistan to obtain a visa for the Arab emirate. There his plans began to go awry. His visa application was refused. He did not have enough documentation and the little money he had was running out. He was stranded and alone in a strange country. 'I was in total despair', he wrote in his diary in his cell on death row in Changi Prison on 4 August 2006, six months before he was hanged. 'No accommodation, no food and little money'. He went to St Andrew's Church in Islamabad for help. 'Pastor Andy was very kind to allow me to stay', he wrote.

It was during a Sunday service at St. Andrews that Tochi met 'Mr Smith', another African from the same Igbo-speaking ethnic group. He told Tochi he was an engineer and even recognised him as the player who missed a penalty that cost his team the match. 'It was a state league match in Nigeria in 2003', wrote Tochi.

I represented United FC. I felt shy about the missed penalty but later summoned enough courage and admitted to Mr Smith I was the one. He said they play only cricket in Pakistan, not football. Then I told him my story. From time to time he used to give me money for my survival and buy me food. I met him again in a restaurant when he told me he could help me get a visa to enter Dubai. He said there was a Dubai Embassy in Afghanistan. He took my passport and we went there together by plane.

Tochi's visa application was again refused. He needed much more documentation from his homeland to prove who he was. Smith

assured him all would be well. 'Not to worry', Smith kept assuring the youngster. 'He said he would take care of me', continued Tochi in his diary. It was clear that he did not fully realise that he was now in the hands of this hitherto unknown and mysterious 'Mr Smith'. Tochi then described being flown back to Dubai to catch a connecting flight to Singapore where, Smith assured him, he would be able to apply for trials with the football federation. Smith would pay for the flight and his basic expenses. And, as a favour, would he take some special African herbs for his best friend, a 'Mr Marshall'? He was also African and was sick with a serious stomach ailment and needed them desperately. In return 'Mr Marshall' would give him US\$2,000 to enable him to enter Singapore on a 30-day visa - enough time and money to obtain a long-term work pass and achieve his football dream. When Tochi arrived at Terminal 2's transit lounge there was no sign of Marshall, a man he had never heard of before. He should have been at the pre-arranged meeting point, a ubiquitous Coffee Bean and Tea Leaf cafe. After six hours with no sign of Marshall, he called Smith who was by then back in Pakistan. He was worried and would be stranded again if Marshall did not turn up with the promised money in exchange for the herbs. Without it, he would be sent back to Dubai, a country that would not let him enter either. His future seemed very dire indeed. But he was assured that Marshall would turn up soon. Exhausted by the wait and travel, Tochi decided to check into the airport's Ambassador Hotel and get some rest. The receptionist noticed he did not have a visa and advised him that he would be sent back to Dubai the next day without one. Tochi explained he was waiting for his friend to arrive with enough money for him to enter Singapore. The receptionist told him she was duty bound to inform the airport police. Twenty minutes passed before the police turned up. While he was waiting for them, Tochi strolled around the transit lounge unconcerned by the fact that the police would want to know all about him and the 'African herbs' he had in his bag. The police came, questioned him and looked in his bag. Tochi's football dreams had come to an abrupt end. He was now in a nightmare.

After the 13-day trial in the High Court ended on 22 December 2005, Tochi was found guilty and sentenced to death. Marshall's real name turned out to be Okele Nelson Malachy and his true nationality was never determined. He was described as a stateless African who had

arrived in Singapore using a forged passport. He was also sentenced to death for trafficking the same 727.02 grams of diamorphine (or heroin) into Singapore even though he never took possession of the capsules. M. Ravi, a human rights activist and Tochi's second lawyer, fought a losing battle in a frantic bid to save him. He appealed against the sentence and asked for a retrial. This was denied. Then he made a desperate plea for clemency from President S.R. Nathan. 'It is disturbing to note', Ravi told me after Tochi was hanged, 'that the learned trial judge himself raised reasonable doubts as to his guilt. Yet he proceeded to convict both men and sentenced them to death'. Against Tochi the trial judge Kan Ting Chiu made the following finding at paragraph 42 of his judgement: "There was no direct evidence that he knew the capsules contained diamorphine. There was nothing to suggest that Smith had told him they contained diamorphine, or that he had found that out of his own'. Against Malachy, he said: 'Although there was no direct evidence that the accused knew that the capsules contained drugs, and there is no presumption of such knowledge raised against him'.

Ravi maintains that criminal laws of Singapore are unjust.

They are completely weighted against the accused. For example, confession alone can be relied upon in sentencing a person to death. Also there is no right to pre-trial discovery on accused statements or admissions. It is almost impossible to rebut the presumption where the burden is reversed on the accused to prove his innocence. Further, an accused person can be convicted solely on the uncorroborated and unsupported evidence of a co-accused. The courts here have moreover declared they have no jurisdiction or powers to reopen a case even if there is fresh evidence adduced before execution. In one case, which I argued on the eve of the execution asking for a retrial, the then Chief Justice who presided over the case maintained that an innocent man can be hanged in Singapore due to procedural matters. Singapore practices the mandatory death penalty in that it takes away the discretionary powers from the judges in precluding them from looking into extenuating and particular circumstances of the individual cases. Once the accused is convicted of trafficking, e.g. 15 grams of heroin, the death sentence is mandated.

The night before Tochi and Malachy were hanged, I joined a candlelight vigil outside Changi Prison which was attended by barely a dozen

Singaporeans, testament to the secrecy the government maintains. At the vigil prominent Singapore-based art critic Lee Weng Choy, said he disagreed with Singapore's mandatory death sentence, which he said takes away the discretionary power of the judiciary. 'I also disagree with its justification as a deterrent. The reality is that drug trafficking has not been reduced to zero, neither has drug use', he said. The execution of Tochi was carried out despite an appeal by Nigerian President Olesegun Obasanjo, who asked Singapore Prime Minister Lee Hsien Loong to commute the death sentence. Lee maintained that Tochi had committed a serious offence under Singapore law and had exhausted all legal options. 'We did not take the decision lightly', Lee wrote in a letter. 'I realise that Mr Tochi's family will find Singapore's position difficult to accept, but we have a duty to safeguard the interests of Singaporeans, and protect the many lives that would otherwise be ruined by the drug syndicates'.

Ravi believes African nationals in particular caught trafficking drugs in Asia get different treatment. He cited a spate of executions which had largely gone unnoticed. 'German national Julia Bohl who was convicted for possession and was a known sophisticated trafficker in Singapore escaped the gallows. Mike McCrea, a Briton, had two murder charges against him reduced to culpable homicide even before the trial began. It's clear', he said, 'that Africans are treated in a discriminatory manner and their cases rarely get the attention of the international or local media. Many young African males are lured to Asia by attractive sports and athletic deals but end up being exploited as petty drug traffickers'.

Ravi said the mandatory death sentence in Singapore was declared unlawful by the United Nations in November 2005. Ravi flew to Lagos to lend his assistance to Nigeria and South Africa to refer the matter to the International Court of Justice and to argue the case. He also lobbied international organisations like the American Bar Association, Amnesty International, the Australian Coalition against Death Penalty and carried his campaign across Europe to highlight this grave situation. Ravi vows that he will spend the rest of his life, if necessary, to abolish the mandatory death sentence in Singapore if not the death penalty in totality. The campaigners outside Changi Prison were obliged to gather in groups of no more than four otherwise they would have been arrested for 'unlawful assembly'. Tochi's red football jersey, which was given to Ravi by Tochi as a farewell present, was hung on the prison fence with many candles lit around it. As the time of the

hanging approached, many people gathered outside prison sat down quietly, bowed their heads and to say their silent goodbyes to the young Nigerian. 'There was no need to kill him', said Ravi angrily. 'Even if he had some idea that what he was doing was wrong, was it worth snuffing out such a promising young life?'

At dawn on Friday 26 January 2007 these two African men who had never met before their arrests in the airport transit lounge were hanged simultaneously in Changi Prison. The executions received scant attention in the local and world media. The news was announced in a brief statement by assistant superintendent at Singapore's Central Narcotics Bureau. Tochi's family had not travelled to Singapore to see him because they could not afford the journey, according to an official at the Nigerian embassy. A lawyer representing the family flew to Singapore hoping to pass on personal messages of love from his parents and other family members but even he was denied permission to see Tochi before he was hanged.

I have written very little about Nelson Malachy, the man Tochi was destined to meet at a table in the Coffee Bean & Tea Leaf. Tochi knew him only as 'Marshall' and he had never heard of him until he arrived in Singapore from Dubai courtesy of Smith, an equally mysterious figure the naive Tochi met by chance, or so it appears, during a service one Sunday afternoon in St Andrew's Church, Islamabad. While investigating all these characters I began wondering who 'Mr Smith' really was. And did he matter to the Central Narcotics Bureau who prosecuted Tochi and Malachy on behalf of the Singapore government? And did Malachy matter to the judge who heard his trial and sentenced him to death? According to court records Malachy was a stateless person, sometimes described as a South African. But there was no one in the court to speak up for him. No diplomat from the High Commission, no one from his family. As far as everyone was concerned he did not have one. Malachy was defenceless in his anonymity. He was nobody. Just another black man. He did not exist. And he, too, was easy meat for Singapore's killing machine. But more importantly, there was no campaigning newspaper in Singapore carefully following the trials of these men which might have sounded the alarm bells that yet another miscarriage of justice might be taking place, especially in the case of Amara Tochi, who might well have turned out to become a world famous football star.

21

A Woman of No Importance

With Singapore's much-vaunted recovery programme for drug addicts and Changi Prison's proud motto 'Captains of Lives: Rehab, Renew, Restart' one would have thought 37 year-old hairdresser Yen May Woen would have been in safe, caring hands. As a serious heroin addict, she would definitely have qualified for special treatment in a bid to return her to normality. Yen May, a Singaporean, was a victim of a broken home who could not handle her parents divorce and her mother's subsequent wayward life of fleeting affairs with many men. During her teen years, she dreamed one day of finding a good man to marry and raise a family. Her special wish was to be given away wearing a beautiful white wedding dress by her father. After her parents divorce her life spun out of control. She began using drugs to ease the pain and mixed with the wrong company. As the years passed she found it difficult to hold down a well paying job and then she gravitated to heroin and ice instead of marijuana. As so often happens her circle of friends was targeted by the narcotics police after a tip-off and an undercover agent joined in, carefully taking note of what she and everyone was doing. To fund her habit and unable to find regular employment she began trafficking the drug.

She was charged with trafficking in not less than 30.16 grams of diamorphine, or heroin, on 8 May 2002. A team of officers of the CNB was instructed to look for her near a taxi stand at Block 179 Toa Payoh Central. They saw her arrive in a taxi which stopped a short distance from the taxi stand. 'She alighted', one of the officers recorded, 'and brought a black sling bag to the boot of the taxi and closed the boot.

She then went to meet a male Chinese near the taxi stand while the taxi remained where it had stopped'. The officers moved in and arrested Yen May, the man and the driver of the taxi. It was obvious the officers knew what they were doing. The boot of the taxi was opened in her presence. Once of the officers, Senior Staff Sergeant Tan Yian Chye saw the sling bag and questioned her in Hokkien. The English translation of the exchange, according to court records, reads: 'Q: This bag, does it belong to you? A: Accused nods her head. Q: What is inside the bag? A: Inside the bag contained more than 30 packets of heroin'. Later, still at the scene of the bust, another officer, Station Inspector Ronnie See Su Khoon, arrived to take over the investigation. His recorded statement reads: 'Q: This black colour bag belongs to whom? A: It's mine. Q: What is inside? A: Heroin. Q: What are this heroin meant for? A: Consume. Q: Whom you obtain the heroin from? Accused shook her head. Q: Do you have anything else to say? Accused shook her head'. She was taken to CNB headquarters at the Police Cantonment Complex and charged with trafficking in the 120 sachets of diamorphine. Woman Inspector Neo Ling Sim recorded her one-line response: 'I did not know there was so much heroin'. Subsequently, according to court records, a series of five investigation statements were recorded from her between 10 May and 20 August 2002. These revealed that on the day of her arrest, a friend 'Tua Kang' telephoned her and arranged to return to her some cash and a cheque arising from a football bet; she called her drug supplier 'Jack' and ordered a week's supply of 20-30 sachets of heroin and some 'ice' from him, and collected and paid for the drugs at Thomson Place. That was when the police pounced. May Yen said she was 'high' at the time of her arrest and was in a state of fatigue. She also said she was very frightened and at a loss when she realised that there was so much heroin in the bag. She felt that she would not be believed if she said the heroin did not belong to her, and thought that if she admitted that 20-30 sachets belonged to her she would evade the death penalty. She also claimed that when she made those statements 'I did not take heroin for a few days and I felt very lousy'. There was no plea bargaining for her in which the mandatory death penalty is put in temporary suspension while a deal is worked out. She was found guilty as a matter of course. Judge Boo Bih Li said she had not rebutted the presumption under the Misuse of Drugs Act that she was in possession of the heroin for the purpose of trafficking.

Very little was said in court about Yen Mays background and how she came to such a dire end. The Government-controlled media gave very little ink or air time to the case, merely reporting the basic details. No mass media coverage for her, no powerful country or organisation using its muscle to try to prevent yet another judicial hanging of this virtually defenceless young woman - only a court-appointed lawyer. There were no anti-death penalty demonstrations outside the court when the verdict was announced. Yen May didn't stand a chance even in her country and surrounded by millions of fellow citizens who would be too scared, gutless or disinterested to say boo to the system, even if they really knew what goes on under their noses. While the authorities often bend over backwards to avoid hanging anyone if vital economic or strategic interests with foreign powers are involved, this pathetic woman from a broken home died on the gallows with hardly anyone knowing let alone lifting a finger to help her. She was not a foreigner from a country prepared to use its economic muscle to protect her; she was not one of those they do not hang or give impossibly long jail sentences to or thrash with the rattan; she did not come from the higher echelons of society and live in the nicest parts of the city.

It was unfortunate for Yen May that she was born to a poor family in a less salubrious neighborhood - a million miles from the likes of Sentosa, Goodwood Park and Balmoral Park. She needed the money only to fund her habit and was arrested on a dark street trafficking in not less than 30.16 grams of heroin. She and two co-conspirators had been under surveillance. Undercover officers were watching their every move, waiting for the right time to strike. An undercover agent was in the mix providing vital information about their activities, just a mobile phone call away. She was quickly tried, sentenced to death and was hanged soon afterwards with hardly anyone in Singapore knowing anything about her plight. And as ever, there were no campaigning journalists at *The Straits Times*, *The New Paper* or *Today* demanding a better deal for her. No sympathetic commentary from *The Straits Times* commentator Ken Kwek who, at the time Nguyen was hanged, argued that the mandatory death penalty should be reassessed while not abolishing capital punishment in its entirety. 'Perhaps in the months ahead, when emotions have died down, the mandatory death penalty - meaning its case-by-case, crime-by-crime application - should be reassessed by lawyers, officials and citizens alike. If that

happens, we should all focus on the specific - how the mandatory death penalty might be removed for certain crimes - rather than fall for the broadbrush rhetoric calling for its complete and unconditional abolition'. Yen May's case was reported only briefly in the local press and there was no official general discussion about the merits of capital punishment or comparisons to the way others, more fortunately placed in society, had been treated. It would have been ideal topic for one of those late evening or Sunday afternoon roundtable television discussions with a variety of ordinary people saying their piece. Or even a debate on whether women should be put to death at all for any type of crime. There was no top-level wheeling and dealing with high-powered lawyers to save her young life - no chance of 'Rehab, Renew, Restart' for her.

'Yen May's life was tragic in so many ways but I don't believe enough was done for her to give her another chance in life', said a friend of the condemned woman. 'She may have been a difficult case when attempts were made to rehabilitate her, and there were some when she was younger, but the authorities gave up on her too soon. She was disposed of like a piece of garbage. The break-up of her family devastated her and she turned to drugs to escape from reality. She was not a major trafficker, either, and the profit from what she sold was only to fund her own cravings, not out of greed to enable a super luxury life like the drug barons are able to lead unmolested by the law'. But there was at least one happy moment she experienced shortly before she was hanged. She made her only sister promise to make a white wedding gown which she always dreamed of having as a young girl and dress her in it before placing her body in her coffin. She got her wish. 'She looked beautiful', said the friend who promised to attend her funeral - and, with tears streaming down her face, helped push her coffin into the furnace.

22

The Tourist From Hell

Exactly two days after Filipina maid Flor Contemplacion was hanged for murder in Singapore amid massive local and international protests, one of most Britain's most notorious serial killers, John Martin Scripps (aka John Martin) was arrested at Changi airport. Dubbed the 'tourist from hell' and wanted by homicide police in several countries, Martin was being interrogated by detectives about the murder of South African Gerard Lowe whose chopped-up remains were found floating in black plastic bags just off Clifford Pier. Detectives soon identified the man and connected his death to Martin who had shared a hotel room with him on Sentosa several weeks earlier. Then Martin moved on to Phuket where he befriended two Canadian tourists and then killed them in similar fashion before dumping their remains down a mineshaft. Why he returned to Singapore from where a warrant for his arrest had been sent to Interpol baffled everyone. While he was being questioned about Lowe's death, he suddenly grabbed a glass and tried to slash his wrists screaming, 'You are not going to hang me like Flor Contemplacion. Martin was to become the first Briton and only the second European to be hanged in Singapore since independence when he was found guilty of Lowe's murder. And he was one of several who ended up on the gallows in Changi Prison that his executioner, Darshan Singh, told me he thought thoroughly deserved to die. The trial began on 2 October 1995 almost a year after Dutch-born Johannes van Damme was executed for drug trafficking. Only Martin's mother spoke out against the execution of her only son. Even the British government and anti- capital punishment activists in Britain remained silent. To everyone

else, it seemed, Martin deserved to be put to death.

Martin fled from Britain while on parole and went on a murderous world tour killing Canadian tourists Sheila Damude and her son, Darin, on the Thai paradise island of Phuket, and others in San Francisco, Mexico and Belize. When arrested at Changi airport on 19 March 1995, Martin was carrying more than US\$40,000 in cash and travellers' cheques and the passports, credit cards and other belongings of Lowe and the Damudes. He also had a stun-device, handcuffs and a spray can of mace, a hammer and several knives in his suitcase. Swabs from the hammer matched bloodstains across the carpet of the Damudes's hotel room. According to newspaper reports and court records as many as 77 witnesses for the prosecution gave evidence against him. He also faced 11 other charges ranging from forgery, vandalism, cheating, possession of weapons and small quantities of controlled drugs. His defence lawyer was Joseph Theseira who was to help defend the doomed Australian drug trafficker, Van Tuong Nguyen, almost ten years later. As in Nguyen's case there was little he could do to save Martin. He was able only to object to the introduction of evidence in the Lowe case linking Martin to the other killings including those in Phuket.

Martin first arrived in Singapore on 8 March 1995 from San Francisco and left for the holiday island three days later. The investigation into Lowe's murder began almost immediately. A black plastic bin bag containing a pair of legs was fished out of the water at Clifford Pier. A few days later, another bag containing thighs and a naked, headless torso turned up. The court was told that the skulls, torsos and several limbs belonging to the bodies of the Damudes were found in a deserted tin mine on Phuket between 19 and 25 March. It was discovered that the Damudes had travelled on the same plane to Phuket as Martin and checked into a room close to his in the same hotel.

The Royal Canadian Mounted Police helped coordinate the Singapore and Thai murder investigations also filed murder charges against Martin when forensics were completed. The trial began in October 1995 with Martin entering no plea but claiming 'trial' which, under Singapore law, means he was contesting the charges. Evidence of how Lowe's body was skilfully cut up and wrapped in black plastic bin bags before being thrown into the Singapore river was presented to the court. James Quigley, a prison officer at Albany Prison on the

Isle of Wight, England, told the court that while in prison he had taught Martin how to dismember and bone slaughtered animals. 'He was instructed in butchery over a six-week period in March and April 1993', Quigley told the court. 'He was trained to bone out forequarters and hindquarters of beef, sides of bacon, carcasses of pork, and how to portion chicken', Quigley said, and added that Martin, then serving a 13-year jail term for drug-related offences, had been a quick learner. Chao Tzee Cheng, a government pathologist, testified that the manner in which Lowe's body was cut up indicated that only a doctor, a veterinarian or a butcher could have dismembered it. Throughout the trial, Martin sat between two uniformed armed police officers in a glass and metal cage, his legs in irons. He was allowed to speak briefly to his mother and sister before and after the proceedings.

The prosecution produced records showing that Martin, using a false name, had checked into the same Singapore hotel room as Lowe on 8 March and checked out exactly one week later. Martin flew to the Thai island resort of Phuket the same day on 15 March, spent four days in Phuket before returning to Changi airport four days later where he was arrested. He was wearing a money belt containing four different passports, each with different names but all with his photograph, and that only one of the passports actually belonged to him. The others belonged to Lowe and the Damudes. Thai police had issued a warrant for Martin's arrest in connection with those murders and he was arrested as soon as he arrived back in Singapore - much to the amazement of airport police. In a confession made public when it was admitted as evidence, Martin told the court he met Lowe at Changi airport on 8 March and they agreed to share a hotel room. He admitted killing him after he was awakened by a smiling, half-naked Lowe, who was fondling his buttocks. 'I am not a homosexual and at that time it appeared to me Mr Lowe was a homosexual. I freaked out, I kicked out and started swearing. I had experience of such things in the past and I was very frightened'. Martin said he used a three-pound camping hammer 'to hit Lowe several times on the head until he collapsed on the carpeted floor. My right hand was covered with blood. Everything happened so quickly', his statement continued.

After realising Lowe was dead, Martin said he sought the help of a British friend, whom he refused to name. The friend disposed of the

body without telling him how. Martin denied that it was he who cut up Lowe's body however. The defence tried to show Martin killed Lowe accidentally and the murder charge be reduced to culpable homicide - or manslaughter - which carried a maximum penalty of life in prison. The prosecution maintained that Martin committed premeditated murder with the intent to rob Lowe. On the fourth day of the trial, prosecutor Jennifer Marie said Martin had practised forging Lowe's signature, suggesting he had planned the killing. She showed the court items seized from Martin's luggage, including a notebook and tracing paper filled with practice signatures of Lowe's name. Marie also produced credit cards, passports and other documents she alleged had been tampered with. Defence lawyer Pereira questioned two police officers, trying to show they conducted an inadequate search for blood traces next to the hotel room bed where Martin claimed that Lowe had fallen and bled to death. Police witnesses said there were no traces of blood in the carpet, only in the bathroom. That, the prosecution argued, was further evidence that the killing was premeditated. The prosecution also showed that Martin used Lowe's credit card for a shopping spree and to attend a classical music concert soon after the killing. This undermined his defence that he was 'dazed and confused' at the time of the killing. 'You were not dazed enough, to think of all this', Jennifer Marie told Martin during her cross examination. She then cited documents showing that he used Lowe's credit card to withdraw S\$8,400 in cash from a local bank soon after the killing. He used the same card to buy a videocassette recorder, hi-fi stereo speakers, and running shoes on 9 March. The next day he used it to buy a S\$30 ticket to attend the Singapore Symphony Orchestra, where he heard a programme of Brahms and Tchaikovsky.

The used concert ticket and symphony programme were among the items seized after his arrest. 'You're not telling us the truth when you say you were walking in a dream world after killing Lowe', said Marie. 'On the contrary, you were clear in your mind what you were doing'. Martin said that he did not remember buying the concert ticket and that he did not attend the performance. He told the court he went drinking with a British friend that night. Pressed by the prosecution about his movements between 8 and 11 March, Martin said his memory was hopeless. 'You've got a good memory I haven't', he said. 'I'm dyslexic. I get things mixed up'.

Martin later told the court he had tried to commit suicide by slitting his wrists to escape being hanged. 'I believed I was going to be hung', he said on his fifth day in the witness box. 'I kept thinking about Lowe and the Filipino lady that got hanged'. Marie told the court Martin tried to cut his wrist with a small, sharp piece of glass in police custody shortly after he was arrested. The prosecution depicted Martin as a cool, methodical criminal who murdered tourists to steal from them. Martin even agreed with a suggestion by Judge T.S. Sinnathuray that it would take about five minutes for a skilled butcher to dismember an animal. Asked by the prosecution whether the same skills could be used to dismember a human, he said: 'The bones look similar'. But asked whether he dismembered Lowe, he replied: 'No, I don't have all the skills you mentioned'. Martin disputed the prosecution's assertion that he had ample time and opportunity to chop up Lowe's body, pack the parts in a suitcase covered with plastic bags, and throw them in the river. He said he did not report killing Lowe because he feared he would be automatically hanged under Singapore's tough laws.

On his sixth day on the witness stand Martin was asked by Marie why he did not immediately call a doctor or hotel staff after Lowe collapsed in their room. 'Because this man died at my hands, and under Singapore law that is an automatic death sentence', he replied. 'That's what I understood at the time'. Martin had earlier alleged that a British friend staying at a hotel on the nearby resort island of Sentosa, connected to Singapore by a causeway, disposed of Lowe's body. He said he fled to the friend's hotel while the body was being disposed of. He said he had known this man for eight to 10 years and remembered that he once worked at an abattoir. He refused to name the friend, whom he described as a dangerous man, or describe the hotel in further detail because he said he feared retaliation against his family. Martin was cautioned by the judge that his reluctance to give basic information on the friend could harm his defence. 'Here you are facing a murder charge, which carries a death penalty in this country'. 'I have to ask myself, at the end of the day, this question: Did the accused, John Martin, go to a hotel on Sentosa?' Martin still declined to describe the hotel. Prosecutors alleged that Martin's story of the friend was a complete fabrication. They also tried to point out discrepancies between his earlier statements to police and his testimony on the witness stand. Marie said Martin's statement to the police on 29 April

made no mention of attempted homosexual assaults he later told the court he suffered while in prison in 1978 and 1994. 'I'm suggesting that this (1994) incident never occurred', said Marie. 'It's yet another fabrication of yours'. Martin countered that the assault really happened but he did not report it to the British prison authorities.

In her closing arguments, Marie said: 'The conduct of the accused after the killings suggested that he was cold, callous and calculating a far cry from the confused, dazed man walking in a dream world, the picture he gave of himself'. Martin was 'a man very much in control of his faculties' when he embarked on a shopping spree using Lowe's credit card, buying a pair of fancy running shoes, a video cassette recorder and a ticket to a symphony orchestra concert. 'He is a man who has no qualms about lying continuously, consistently and even in this court, in any and every matter', she said. Concluding her case, Marie said the excuse that Martin killed Lowe because of a homosexual advance was just one of a 'string of lies' to mask a premeditated murder by a greedy serial killer 'who preyed on tourists'. Lowe's widow testified that her husband, who had gone to Singapore on a shopping holiday, was not a homosexual. In his closing statement for the defence Pereira said 'we urge this court to come to a finding that the accused is not guilty of murder, but is guilty of culpable homicide not amounting to murder. The killing occurred in a sudden fight in the heat of passion upon a sudden quarrel', he said. 'He is not a man prone to violence'. Pereira also urged the judge to ignore information from Thailand. There is no evidence to suggest that the accused is responsible for the deaths of the two Canadians', he said, calling the Thai information 'nothing more than circumstantial' and 'prejudicial'.

The trial, which had lasted a month, was adjourned for the judge to consider his verdict. On 10 November 1995, Martin, dressed in khaki with a prison-style crew-cut and standing in a glass cage, was said to be laughing and joking with his guards just minutes before the verdict. As he awaited the sentence, he said: 'Karma is karma. It's in God's hands now'. Judge Sinnathuray told a packed courtroom: 'I'm satisfied beyond a reasonable doubt that Martin had intentionally killed Lowe. After that, he dismembered Lowe's body into separate parts, and it was he who subsequently disposed of the body parts by throwing them into the river behind the hotel'. Having announced the guilty verdict he

sentenced Martin to death by hanging. Martin, seemingly resigned to his fate, showed no emotion as the verdict was read. His mother, Jean Scripps, and sister, who attended the trials early days, were not in court to hear the verdict. Back at her home in Sandown, Isle of Wight, Mrs Scripps reportedly said: 'I brought John into this world. I am the only person who has the right to take him out of it. I cannot believe how my boy could have changed from a kind, human being into the monster described in court'.

The judge said he was convinced that Martin killed and dismembered the Damudes but added that he decided Martin's guilt independently of the Thai evidence. 'On the evidence, I had no difficulty to find that it was Martin who was concerned with the deaths of Sheila and Darin and for the disposal of their body parts found in different sites in Phuket. The disarticulation of the body parts of Lowe, Sheila and Darin have the hallmark signs of having been done by the same person'. The judge said the Thai evidence was 'materially relevant' because it rebutted Martin's defence that he killed Lowe unintentionally during a sudden fight.

On 4 January 1996 Martin withdrew his appeal which was scheduled to be heard on 8 January. Mr. Pereira declined to comment on why Martin had decided against appealing. 'He has written with his own hand to the prison authorities that he does not wish to pursue the appeal', he said. Pereira said Martin could still ask for clemency. 'It would appear to me that it's the last avenue open, but we have no instructions', he added. Pereira described Martin's mood as 'sad' during their last prison visit. 'We were talking about his concerns for his family. I can't say he's worried, because he would have known the consequences of not pursuing the appeal'. There was no outpouring of sympathy whatever from the British public or protests from anti-death penalty campaigners in Britain or Singapore when Martin was sentenced. Martin himself was said to be eager to die, according to a spokeswoman from the British High Commission in Singapore. 'He won't be putting in an appeal. He's eager to get it over and done with. He's just waiting for the day', she said. Martin was held in solitary confinement on death row at Changi and spent his last days watching television, a privilege given to condemned prisoners for the last few days of their lives. 'He's okay. He's generally well. He doesn't really want to see many people

at all', the British consular spokeswoman said. Martin declined seek a pardon from President Ong Teng Cheong, according to Singapore's *Sunday Times*. The newspaper quoted Pereira as saying he had received a letter from Martin during his last prison visit. 'His instruction to us was that he did not want to petition for clemency from the President', Pereira said. 'It was his wish to let the law take its course'. Martin was hanged at dawn on Friday 19 April 1996.

The British Foreign Office in London issued a statement to the press, adding that the British government had considered the case and had decided not to submit a plea for clemency. *The Straits Times* also revealed that while on death row, Martin had turned down a request from Scotland Yard to interview him. British police believe that he was linked to the disappearance of management consultant Timothy McDowell, 28, who went missing while holidaying in Belize in Central America. They suspected that McDowell was possibly murdered and his body, which was never found, dumped into a crocodile-infested river by Martin. They found a substantial amount of money transferred from McDowell's bank account to Martin's account in Britain after his arrest in Singapore. This sum of money was later moved to another account, also under Martin's name, in the US. It was reported that Martin spent his last days writing garbled love poems to his former Mexican wife - described as the one true love of his life - from his 8ft-by-6ft windowless cell, lit 24 hours with a camera monitoring him permanently. His mother and sister, Janet, returned to Singapore to say goodbye to him 12 hours before his execution. Under Singaporean law they were not allowed to be present at the hanging. Janet said: 'How do you say goodbye to your own brother like that? We didn't actually say the word. I just couldn't'. He told hangman, Darshan Singh that for last meal, he would like a pizza and a cup of hot chocolate.

Martin declined a request conveyed by Darshan Singh to donate his organs which would mean his own body would be dissected. Perhaps he could not bear the thought of being carved up the same way he dissected his victims? He was awoken by guards at 3.30 a.m. and escorted to a waiting room where he and the other two prisoners - two Singaporean drug traffickers - were being prepared to be executed. He was allowed to speak to a priest and a prison chaplain before the execution. After being left to hang until he was deemed officially dead

he was taken down and later released to his family. At about 10.30 a.m., Martin's body, wrapped in a white sheet, was taken in an undertaker's van for cremation. His ashes were taken back to Britain by his mother and sister. Martin left a final, rambling note which read: 'One day poor, one day rich. Money fills the pain of hunger but what will fill the emptiness inside? I know that love is beyond me. So do I give myself to God, the God that has betrayed me. You may take my life for what it is worth but grant those I love peace and happiness. Can I be a person again? Only time will tell me'.

One of the stories he wrote on death row graphically described a fantasy suicide hanging, but the hanging of which he dreamt was very different from the cold meticulous execution he experienced. In his fantasies he contemplated suicide at the end of a rope but he survived. He wrote, 'I tied the rope around my little neck before I got up on the old creaky chair. I reached down and picked up a handful of earth and put in my mouth. Then I crawled up to the old creaky chair and pulled the rope tighter and tighter still. I was tiptoe, just one more pull, then my feet left the chair knocking it over and darkness embraced me as the heavens opened. I woke up in darkness and felt a heavy weight on my chest. I cried out 'Mummy, I am here'.

His former wife, Mexican, Maria Arellanos, learnt for the first time that the death sentence had been carried out on the Friday he was executed. She had married Martin at 16 and separated in 1988 but they remained emotionally attached. She told an unnamed reporter: 'I knew this would happen to John but I didn't know it would hurt so much. The last memory I have of him is a message he sent promising we would meet in the next life and that he would never let me go again'. She said Martin was a deeply religious man who had become a devotee of the Virgin of Guadalupe, Mexico's patron saint. Although their relationship ended in recrimination over his criminal ways and his womanising he was never violent towards her and she remained in love with him.

A commentator said shortly after Martin was hanged:

One wonders whether Scripps [Martin] actually wanted to die for his crimes - few other countries nowadays would have obliged him in this relatively short timescale. It was clear from his own evidence that he knew the penalty for murder in Singapore. One wonders why he chose

to commit one of the murders there and then return a few days later. I am less surprised that he withdrew his appeal and decided not to ask for clemency - he knew that he would lose and that he would just be delaying the inevitable and living in miserable conditions on death row for many years to come. It is also interesting to note that the British government declined to get involved in Scripps case - possibly they felt that Singapore had done the rest of the world a favour. They are normally resolutely anti-death penalty. But what made a non-violent criminal suddenly turn into a serial killer? A question we will never know the answer now but still a very interesting question none the less. Unusually for a serial killer there appears to be no sexual motive behind the murders but merely greed and perhaps an enjoyment of killing.

But despite his life of depravity abolitionists will always say that Martin should never have been hanged. Here is Tim Parritt of Amnesty International, for example, speaking in general terms: "The death penalty is an inherently unjust and arbitrary punishment, however heinous the crime for which it is provided'.

23

Singapore's Golden Triangle

While Singapore regularly and mercilessly hangs pitiful drug mules and minor traffickers like Angel Mou Pui-Peng, Amara Tochi, Yen May Woen, Vignes Mourthi and Shanmugam Murugesu it has been one of the strongest backers of Burma - officially known as Myanmar - and the worlds second biggest producer and supplier of heroin. Most of the heroin trafficked into or through Singapore's shipping channels comes from its vast poppy fields. Despite the pariah status of the country as being continuously in breach of human rights and the engine room of the notorious opium 'Golden Triangle', Singapore has long been one of its key trading partners. In the 10 months to October 2005, Singapore - Myanmar's second biggest source of imports - shipped more than \$650 million worth of goods to the country. By comparison, Australia's exports to Burma in 2004 were valued at \$27 million or 0.01 per cent of total exports. And for more than a decade, the Singapore government has shrugged off evidence and international protests that some of its business backing has gone directly to drug kingpins, specifically the infamous heroin trafficker Lo Hsing Han. A substantial portion of Burma's heroin also finds its way directly to Australia. The Australian Institute of Criminology long ago cited the country as the chief source of Australia's supply of the drug.

As far back as 1997, a former US Assistant Secretary of State for the Bureau of International Narcotics and Law Enforcement Affairs, Robert Gelbard, said: 'Since 1988 over half of the US\$1 billion investments from Singapore have been tied to the family of narco- trafficker Lo Hsing Han'. Yet more than 20 years later, in September

2009, the US Secretary of State, Hilary Clinton, said Burma had 'failed demonstrably' to meet its counter narcotics obligations. Now in his eighties Lo reportedly started out as an opium-trafficking insurgent against the Burmese government in the 1950s. He spent time on death row in Rangoon, Burma's old capital, in the 1970s for treason before he bought his liberty and expanded his business into what was described as the most heavily armed and biggest heroin operation in Southeast Asia. In 1992, Lo founded one of Myanmar's largest conglomerates, the Asia World Company, which allegedly acts as an upmarket front and money launderer for the drug operation. It is believed he still rules as 'godfather' over a clan of traffickers in his country.

Lo's American-educated son, Tun Myint Naing, also known as Steven Law, who is married to a Singaporean woman, Cecilia Ng, is managing director of Asia World and runs three 'overseas branches' of the conglomerate from Singapore. But while Law may live the high life during his regular trips to his second home, he has been repeatedly declined a US visa due to his suspected links to the drug trade. In February 2008, the US government added more names to the targeted sanctions list of the Burmese junta's business cronies, including one of the country's richest businessmen long suspected of being involved in the drug trade. The then US President George W. Bush called on the junta to begin a genuine dialogue with opposition and ethnic minority groups. 'As one element of our policy to promote a genuine democratic transition, the US maintains targeted sanctions that focus on the assets of regime members and their cronies who grow rich while Myanmar's people suffer under their misrule', he said in the statement. Among the businessmen were Lo, his son Steven and Cecilia, who were included on the list along with their ten companies based in Singapore; four companies they control are based in Myanmar. 'The Department of the Treasury has applied financial sanctions against Steven Law, a regime crony also suspected of drug trafficking activities, and his financial network', said a White House statement. 'Today's actions add to the 33 individuals and 11 entities previously designated for sanctions'. Stuart Levy, the under secretary for terrorism and financial intelligence, said in a statement, 'Unless the ruling junta in Burma halts the violent oppression of its people, we will continue to target those like Steven Law who sustain it and who profit corruptly because of that support'.

Law's companies, Asia World Co Ltd, Asia World Port Management, Asia World Industries Ltd, and Asia World Light Ltd as well as Golden Aaron Pte Ltd, and another nine companies in Singapore managed by Cecilia Ng, were named in the sanctions. Golden Aaron Ltd is associated with a production sharing contract between Myanmar Oil and Gas Enterprise and a business group including the China National Offshore Oil Company Myanmar Ltd (CNOOC) to carry out oil and gas exploration in the Kyaunphyu Region of Arakan State. At the time of the Bush statement, an official of Asia World Co Ltd said Law and other executives were in Naypyidaw for a meeting.

Aung Din, the director of the US Campaign for Burma, said the junta continues human rights violations with the support of leading businessmen. "The cronies also monopolise the country's economy by using their connections with the ruling generals", he told *The Irrawaddy*, an online magazine based in Bangkok. 'One of the significant steps for political reform is sustained pressure from the international community. The language which the repressive regime understands is international pressure'. As for Australia, it appears that the Immigration Department has granted him the privilege of a visa whenever it is requested although, unlike the US, it says it cannot comment on whether Lo or Law has even applied for one on the grounds that this is a 'privacy' matter concerning these two individuals. After the 2007 crackdown, Australia was urged to blacklist Burma's State Oil and Gas Agency, one of the ruling junta's main business vehicle but has avoided being placed under Australian government sanctions, said Burma Campaign Australia. The appeal came from a human rights campaign group. 'Not only is Burma's oil and gas industry providing the regime with the financial resources to brutally oppress the population, it is also linked to human rights abuses', said the BMA in a statement released in December 2009. Australia has an embassy in Rangoon, where two Australian federal police officers are stationed to gather intelligence on drug trafficking activities.

Burma has long received support from the 'father' of Singapore, former Prime Minister Lee Kuan Yew, who appointed himself 'Minister Mentor' - a new title to ensure he remains in control for as long as he lives and perhaps from the grave as he once ominously promised in a speech. Lee is on record as a defender of the Burmese military

as the 'only instrument of government' in the country. Although the detained democracy campaigner and Nobel peace prize winner, Aung San Suu Kyi, was promised release from house arrest before the end of 2010, Lee has long said that she should stay 'behind the fence and be a symbol'. Lee also said she might not be able to rule her country without the power the military commanded. U Lwin, the secretary of her party, the National League for Democracy, said the Singapore government's decision to hang small time drug peddlers was extreme. 'Singapore is a democracy', he said. 'We here are living under a strict, harsh government, but we don't hang people in Myanmar'.

The links between Singapore and the drug lords began to surface in the 1990s and were highlighted by investigative journalists Leslie Kean and Dennis Bernstein in *Covert Action Quarterly*. In 1996, it emerged that the Government of Singapore Investment Corporation had coinvested with Lo in the Traders and Shangri-la hotels in Rangoon through its 21.5 per cent stake in the US\$39 million Myanmar Fund. Many Singapore companies are involved in Asia World and \$900 million-plus a year pours into Burma in private investment from Singapore. The contradiction of the Singapore government executing those caught with more than 15 grams of heroin while doing business with the drug masters is not lost on some in the island state. Kean and Bernstein's damning article, published in 1998, that went without challenge, was entitled 'Burma-Singapore Axis: Globalising The Heroin Trade'. Quoting Mya Maung, a Burmese economist based in Boston, they wrote: 'Singapore's economic linkage with Burma is one of the most vital factors for the survival of Burma's military regime. This link is also central to the expansion of the heroin trade'. Singapore has achieved the distinction of being the military junta's number one business partner - both largest trading partner and largest foreign investor. More than half these investments, upwards of \$1.3 billion, are in partnership with Lo who controls a substantial portion of the world's opium trade. The close political, economic and military relationship between the two countries facilitates the weaving of millions of narco- dollars into the legitimate world economy.

Singapore has become a major player in Asian commerce. According to Steven Green, a former US Ambassador to Singapore, free market policies have 'allowed this small country to develop one of the

world's most successful trading and investment economies'. Singapore also has a strong role in the powerful 153-member World Trade Organisation. Indeed, the tiny island is known far and wide as the blue chip of the region, a financial trading base and a route for the vast sums of money that flow in and out of Asia. If the brutal Burma dictatorship's international pariah status is of any concern to its more powerful partner, Singapore shows no sign of it. In March 1994 following a visit of Singapore's then Prime Minister Goh Chok Tong to Rangoon, a Singapore spokesperson proclaimed, 'Singapore and Myanmar should continue to explore areas where they can complement each other'. As both countries continue to celebrate their 'complementary' relationship, the international community must take note of the powerful support this relationship provides both to its illegitimate regime and to its booming billion dollar drug trade. The Burmese military dictatorship - known by the sinister-sounding acronym SLORC (State Law and Order Restoration Council) until it changed its name to the State Peace and Development Council (SPDC) in November 1997 - depends on the resources of Burma's drug barons for its financial survival. After the military seized power in 1988, opium production doubled by the mid-1990s, equalling all legal exports and making the country the world's biggest heroin supplier. At that time, Burma was supplying the US with 60 per cent of its heroin imports and soon after become a major regional producer of methamphetamines. With 50 per cent of the economy unaccounted for, drug traffickers, businessmen and government officials are able to integrate spectacular profits throughout Burma's permanent economy.

Both the Burmese generals and drug lords have been able to take advantage of Singapore's liberal banking laws and money laundering opportunities. In 1991, for example, the SLORC laundered \$400 million through a Singapore bank which it used as a down payment for Chinese arms. Despite the large sum, Myanmar's foreign exchange reserves registered no change either before or after the sale. With no laws to prevent money laundering, Singapore is widely reported to be a financial haven for Burma's elite, including Lo and Khun Sa, another drug trafficker, also known by his Chinese name Chang Qifu. After being given an alleged makeover deal to stay out of the drugs trade, Khun Sa became a 'commercial real estate agent' with a foot in Burma's

construction industry. Already long in control of a bus route into the northern poppy-growing region where the military has always been actively involved in the drug business, he later invested \$250 million in a new highway between Rangoon and Mandalay, an SPDC cabinet member confirmed. Banphot Piamdi, director of Thailand's Northern Region's Narcotics Suppression Center: "The government of Burma says one thing but does another. It claims to have subdued Khun Sa's group. However the fact is that the group came under the supervision of Khun Sa's son who has received permission from Rangoon to produce narcotics in the areas along the Thai-Burmese border'. Khun Sa's son is not the only trafficker reaping benefits in the Shan State area which borders Thailand and China and serves as Burma's primary poppy growing area.

Field intelligence and ethnic militia sources consistently reported a pattern of Burmese military involvement with drug production in these remote areas. Government troops offer protection to the heroin and amphetamine refineries in the area in exchange for payoffs and gifts, such as Toyota sedans, pistols and army uniforms. The only access to the refineries is through permits issued by military intelligence. Without them the heavily guarded areas surrounding the refineries are too dangerous to approach. The military is also involved in protecting the transport of narcotics throughout the region which the authorities have sealed off from the outside world. A 1998 US government narcotics report revealed: "There are persistent and reliable reports that officials, particularly army personnel posted in outlying areas, are involved in the drug business. Army personnel wield considerable political clout locally, and their involvement in trafficking is a significant problem'. Intelligence sources, working for ethnic leaders combating both the drug trade and the military dictatorship, reported many years ago that the pattern of government involvement extends all the way to the top - and still does to this day. The central government in Rangoon demands funds on a regular basis from regional commanders who, in turn, expect payoffs from the rank and file. The soldiers get the money any way they can - through smuggling, gambling or selling jade - with drugs being the most accessible source of revenue in Shan State. The officers in the field also 'tax' refineries, drug transporters and opium farmers. Those who can pay are allowed to run the heroin refineries.

Those who do not are arrested and physically punished with beatings. While the lower-ranked officers struggle to meet their quotas in the field, the highest levels of the government in the capital city strike deals with Burma's two top traffickers, one of whom is the prosperous partner of Singapore. With massive financial ties to Singapore, Lo is one of Burma's top investors. He, along with Khun Sa, a former 'king of opium' is a major player in the economy. In the early 1990s, Lo controlled the most heavily armed drug-trafficking organisation in Southeast Asia. He was arrested in 1973 and sentenced to death, but was freed under a general amnesty in 1980. Now, like Khun Sa, he wears the public persona of a successful businessman in Rangoon where no one does business without close government cooperation.

Although Singapore is proud of its mandatory death penalty for small-time narcotics smugglers and heroin addicts, both Lo and his son travel freely in and out of the friendly island nation. 'The family money is offshore', said a high level US narcotics official. 'The old man is a convicted drug trafficker, so his kid is handling the financial activities'. In 1996, when Law married his bride and business partner in a lavish, well-publicised Rangoon wedding, guests from Singapore were flown in on two chartered planes. According to a high-level US government official familiar with the situation, Law's wife Cecilia Ng operates an underground banking system, and 'is a contact for people in Burma to get their drug money into Singapore, because she has a connection to the government'. The official said that she spends half her time in Rangoon, half in Singapore; when in Rangoon, she is headquartered at Asia Lite, a subsidiary of Asia World. They are also sole officers and shareholders of Asia World subsidiary, Kokang Singapore Pte Ltd. Founded in Singapore in 1993 with \$4.6 million, the company 'engages in general trading activities in goods/products of all kinds/descriptions'. Singapore's ventures with Asia World include both government and private investments. Kuok Singapore Ltd, a partner with Asia World in many ventures, was Burma's largest single real estate investor as of late 1996, with over \$650 million invested.

Other Singaporean companies are mentioned in Asia Worlds company reports. Sinmardev, another major Singaporean project linked to Lo's company, is a \$207 million industrial park and port on the outskirts of Rangoon, which broke ground in 1997. Singaporean

entrepreneur Albert Hong, head of Sinmardev, described the project as the largest foreign investment in Burma outside the energy field. The Singaporean consortium leads the joint venture along with the Burmese junta, Los Asia World and a slew of international shareholders. Kuok Singapore Ltd, Lo Hsing Hans Asia World and the Burmese junta are also partners in the luxury Traders Hotel. The hotel's November 1996 opening ceremony was attended by the Singapore ambassador, the president of Kuok Singapore and briefly by Lo himself. The presiding Burmese minister publicly thanked Law and the government of Singapore 'without whose support and encouragement there would be very few Singaporean businessmen in our country'. While government and business connections in Burma and Singapore have boosted Asia World's prospects, other factors have contributed to the company's extraordinary growth. Asia World expanded from a modest trading company to become Burma's largest and fastest-growing private sector enterprise with interests in trading, manufacturing, property, industrial investment, development, construction, transportation, import and distribution, and infrastructure. 'How is it that a company that has a humble beginning trading beans and pulses is suddenly involved in \$200 million projects?', asked a US government official interviewed by Kean and Bernstein. 'Where did all that start-up capital come from?' The US government ventured a guess in 1996: it denied Law, Asia World's CEO, a visa to the US 'on suspicion of drug trafficking'. Asia World's operations now include a deepwater port in Rangoon, the Leo Express bus line into Northern Burma, and a \$33 million toll highway from the heart of Burma's poppy-growing region to the Chinese border. The conglomerate also operates a wharf with freight handling, storage, and a customs yard for ships carrying up to 15,000 tons. 'If you're in the dope business, these are the types of things that you've got to have to be able to move your product', said a high level US narcotics official told Kean and Bernstein. They have set up institutions to facilitate the movement of drugs. And in all probability, they are using laundered drug proceeds, or funds generated from investments of drug trafficking proceeds, to build this infrastructure', he added.

More than ten years ago, the activities of Los company Asia World triggered an international narcotics investigation led by Washington. US investigators alleged that Asia World's relationship to Singapore

paves the way for the narcotics trade to be woven into all legitimate investments between the two countries. 'Singapore's investments in Burma are opening doors for the drug traffickers, giving them access to banks and financial systems', one government official told Kean and Bernstein. But despite the investigation' life in the poppy fields today is as it has always been. The Burmese junta's control of its impoverished population through crude methods such as torture, forced labour and mass killings leaves it open to international condemnation.

In contrast, Singapore takes a more sophisticated approach to repression, both at home and abroad. While the island nation's citizens have material benefits and the appearance of rule of law, they live in fear of an Orwellian government that closely monitors every aspect of their lives. The ruling party in Singapore often sues those who dare to oppose it on trumped up defamation charges, forcing many into bankruptcy or exile. Singapore has been more than willing to share its expertise in intelligence with its Burmese counterparts. The Singapore-Myanmar Ministerial-Level Work Committee was set up in 1993 in Rangoon to 'forge mutual benefits in investment, trade and economic sectors'. The committee included a former intelligence chief, Lt Gen Khin Nyunt, and other top Burmese ministers and high-level Singaporean officials. At the 23 December meeting, Nyunt urged his ministers to give priority to projects arranged by the Singaporean government. 'Pilot projects are being implemented to transfer know-how to Myanmar', said Nyunt in his address. One such project was a state-of-the-art cyber-war centre in Rangoon which could intercept a range of incoming communications, including telephone calls, faxes, emails and computer data transmission, from 20 other countries. The centre was built by Singapore Technologies, the city state's largest industrial and technology conglomerate, comprising more than 100 companies. This government-owned company also provides on-site training at Burma's Defence Ministry complex, and reportedly passes on its 'sophisticated capability' to hundreds of Burma 'secret police' at an institution inside Singapore. Burma has no external enemies but the ruling junta goes to extremes to terrorise the population through its elaborate intelligence network. Intelligence officials have already used their newly-acquired talents from the cyber-war center to arrest pro-democracy activists, and it is well known that its feared military

intelligence often tortures its victims during lengthy interrogations.

Singaporean companies have also helped suppress dissent in Burma by supplying the military with arms to use against its own people. The first shipment of guns and ammunition was delivered on 6 October 1988. Throughout the month, hundreds of boxes of mortars, ammunition and other supplies marked 'Allied Ordnance, Singapore' were unloaded from vessels in Rangoon. Allied Ordnance is a subsidiary of Chartered Industries of Singapore, the arms branch of Singapore Technologies - the same government-owned company which built the cyber-war centre. The shipments also included rockets made by Chartered Industries of Singapore under license from a Swedish company and sold in violation of an agreement with Sweden requiring authorisation for re-exports. These shipments from Singapore arrived only weeks after the 1988 military takeover in Rangoon, in which the new leaders of the SLORC massacred hundreds of peaceful, pro-democracy demonstrators in the street. These killings followed another wave of government massacres earlier that summer when longtime dictator Ne Win struggled to keep power in the face of nationwide strikes and demonstrations for democracy. He eventually stepped down but, operating behind the scenes, installed the puppet SLORC. As the killings continued thousands of civilians fled the country fearing for their lives. When numerous countries responded by suspending aid, and with traditional suppliers cutting shipments the SLORC became desperate. Singapore was the first country to come to its rescue and its companies have continued to supply Burma's military, sometimes acting as middlemen for arms from other countries ever since. In 1989, Israel and Belgium delivered grenade launchers and anti-tank guns via Singapore. In 1992, Singapore violated the European Commission arms embargo by acting as a broker and arranging for a \$1.5 million shipment of mortars from Portugal. 'It is highly unlikely that any of these shipments to Myanmar could have been made without the knowledge and support of the Singapore Government', wrote William Ashton in *Jane's Intelligence Review*. 'By assisting with weapons sales, defence technology transfers, military training and intelligence cooperation, Singapore has been able to win a sympathetic hearing at the very heart of Myanmar's official councils'.

In November 1997, Singapore deployed its diplomatic arsenal to

defend Rangoon at the United Nations. Its representatives made an effort to water down the General Assembly resolution which castigated Burma for its harsh treatment of pro-democracy activists, widespread human rights violations, and nullification of free and fair elections that had voted it out of power. In an urgent letter to the Swedish mission, which was drafting the resolution, Singapore representative Bilahari Kausikan cited progress in Burma and said that 'the majority of your co-sponsors have little or no substantive interests in Myanmar. Our position is different. We have concrete and immediate stakes'. Objecting to parts of the resolution and attempting to soften the language, Singapore's representative circulated the letter to key members of the UN's Third Committee on Human Rights. 'The driving force was definitely its business connections', according to Dr Ihaung Htun, Representative for UN Affairs for Burma's government-in-exile. 'Singapore defended its investments at the diplomatic level, using its efforts at the UN to promote its business interests'. The protection of Singapore's 'concrete and immediate stakes' is essential to the ruling party's success in maintaining power and the basis of its support for Burma, said Case Western Reserve University economist Christopher Lingle. 'Singapore depends heavily upon its symbiotic relationship with crony capitalists and upon accommodating a high enough rate of return to keep the citizenry in line. Therefore its very survival is tied up with business and government investments'.

William Ashton, writing in *Jane's Intelligence Review*, suggested an additional incentive for Singapore's alliance with Burma. As Rangoon's major regional backer and strategic ally, China has provided much of the weaponry, training and financial assistance for the junta. China's expanding commercial and strategic interests in the Asia-Pacific region, coupled with its alliance with neighbouring Burma, is a source of great concern in Singapore. The desire to keep Burma from becoming Beijing's stalking horse in the region may provide another motivation for Singapore's wooing of Rangoon. The Singapore government has consistently disregarded the gross human rights violations, along with China and Russia. A US State Department country report for 1997 states that its 'longstanding severe repression of human rights continued during the year. Citizens continued to live subject at any time and without appeal to the arbitrary and sometimes brutal dictates

of the military dictatorship'. Amnesty International reports that there were well over 1,200 political prisoners languishing in Burma dungeons where torture is commonplace. This was nothing new. The country has been politically unstable since 1962.

In 2007 the military junta again began a crackdown on peaceful pro-democracy demonstrations, including a protest march led by Buddhist monks - once more boosting its prison population. The catalyst for that popular outburst was believed to be a huge increase in fuel costs that have begun to hurt the average citizen. But the protests were over more issues than just the price of petrol. It was all about freedom and democracy and human rights abuses. Images of bloodied monks were plastered all over the world. The US threatened stiffer sanctions, 27 members of the European Union also condemned the act, but only China and Russia stood in the way of a swift UN Security Council resolution to confront the military government over its actions. However, following a visit in October 2007 the Secretary-General's Special Adviser, Ibrahim Gambari, reported 'positive' human rights developments and an invitation from Burma government for him and UN Special Rapporteur for human rights, Paulo Sergio Pinheiro, to visit the country again in November 2007.

Pinheiro emphasised the 'importance of obtaining any information - even incomplete information - on the state of human rights in the country'. His trip to the country from 11 to 15 November was the first since 2003, when he was last allowed to visit on behalf of the United Nations. In his later address to the UN, Pinheiro emphasised the limitations of his visit. "This was not a full-fledged fact-finding mission", he said, citing the short time period, the lack of access to civilians and the government restrictions on his movement. 'My only moment where I was not with the government was when I met with certain UN dignitaries and interviewed prisoners and monks'. Despite these constraints, however, Pinheiro expressed his gratitude to the government for allowing him to return to the country 'It was a very unusual format that in normal circumstances I would not accept', he was reported to have said before adding, 'I'm not complaining'. During the visit, Pinheiro told the UN that he met with several groups, including the government's newly established human rights body, the police, 12 monks and administrators of the Yangon general hospital.

He also visited the infamous Insein prison where an estimated 1,200 political prisoners were held before the military crackdown began in September. There, he was able to conduct one-on-one meetings with five detainees. These interviews were unrecorded - as far as he knew. However, he is still unclear about his proposals for improved compliance with human rights legislation. He said: 'I need to report, I need to be public, but I must convince the authorities to comply with human rights laws'. While the government has provided detailed records in response to some of his requests for information, Pinheiro said: "There is a lot of information I cannot verify'. Pinheiro said he discussed the importance of timing in improving the political situation. "Thanks to the impact of images and the worldwide revulsion to the military crackdown, the international community is sharing a moment of coordination', he said. 'My fear is that the scenes of these marchers will be forgotten and we will lose this opportunity'. Pinheiro stressed the significant role that international cooperation, especially among the East and Southeast Asian countries, could play in stabilising the country and facilitating political transition. He said, 'I want to tell the other countries, 'you owe something to these people. They represent our values. The international community has to show some competence to talk less and act more effectively'".

As expected, it was business as usual with Singapore whose leaders did not react in any way to the Saffron Revolution nor a report by Danish Doctors for Human Rights which revealed that '66 per cent of the over 120,000 refugees from Burma now living in Thailand have been tortured' in their own country and subjected to 'forced labour, deportation, pillaging, destruction of villages, and various forms of torture and rape'. The doctors reported that refugees witnessed the junta's military forces murder members of their families. Writing in the *Online Citizen*, Singaporean journalist Khairulanwar Zaini, said:

The antipathy towards the unholy alliance between the Singapore government and the Burmese junta is motivated by the latter's abysmal track record in governance - the countless flagrant abuses of power and inept leadership are legendary - and rightly so, it would seem inconceivable that our leaders should accommodate such personalities culpable of the murder of their own citizens. However, a deeper look into the issue will force many to confront the very practical realities

of politics and economics: the governments motivation to engage with the Burmese has very little to do with altruism, but more of the economic advantages that can be procured. Burma is a potential source of lucrative economic profit for any investing nation, particularly when most other foreign investors shy away from it. And therein lies the opportunity for Singapore - and this parleying to the Burmese junta is nothing new, but an attempt to play catch-up with Thailand and regional giants India and China, nations which have entered into close economic partnerships with Burma, and are clearly reaping the benefits of being the leading investors in a resource-rich nation that is shunned by others. Nevertheless, it may seem downright atrocious that our pursuit of economic growth is at the expense of the innocent citizens of Burma. Given the bloody crackdowns in the dying days of the Saffron Revolution and willful deprivation imposed on the Burmese population, it is legitimate to argue that doing business with the junta is a tacit acceptance of its ruthless and bloody policies, and that we are somehow culpable for prolonging the suffering of ordinary Burmese people. And this primacy that our government has accorded to economics and material wealth, overriding considerations of human rights and a sense of common decency, has earned the contempt of many an idealist, this author among them.

The Burmese government has also kept computers and communication technology away from students and others in opposition to the regime. All computers, software, email services and other telecommunication devices - which hardly anyone can afford anyway - must be licensed but licences are almost impossible to obtain. Yet Singapore has made the best computer technology available to the ruling elite and their business partners. Singapore Telecom, the largest company in Asia outside Japan, was the first to provide Burma businesses and government offices with the ability to set up inter- and intra-corporate communications in more than 90 countries.

Singapore's concerns are dramatically different from those of countries sharing a border with Burma. Thailand has to deal with the deadly narcotics trade and an overwhelming number of refugees arriving on a daily basis. Banphot Piamdi, the Thai counter-narcotics official, believes Thailand made a big mistake when it voted for Burma's entry into the Association of Southeast Asian Nations (ASEAN) given its lack of cooperation in fighting drugs. Not surprisingly, the

Singapore government lobbied hard for Burma's 1997 acceptance into the powerful regional alliance. Ironically, its inclusion in ASEAN would force member nations, including Singapore, to address the havoc that their newest ally was imposing on the region - especially since it provides approximately 90 per cent of the total production of Southeast Asian opium - but his hope does not appear to have materialised more than a decade later. Burma's neighbours, China and India, now face severe AIDS epidemics related to increased heroin use in their bordering provinces. Most of the heroin exported from Burma to the West passes through China's Yunnan province, which now has more than half a million addicts. And even Singapore, whose heroin supply comes mostly from Burma, had a 41 per cent rise in HIV cases in 1997 with the problem still unabated as in 2010.

Meanwhile Singapore has become Washington's forward partner in the unfolding era of East-West trade. Former Ambassador Green called the country 'a major entry port and a natural gateway to Asia for American firms'. US companies exported \$22.3 billion worth of goods to Singapore in 2009, its thirteenth largest trading partner, and more than 1,500 US firms now operate in the country. Singapore's strategic and economic importance to the US cannot be overstated. The two countries have a long-term agreement allowing the US Navy to use a Singapore base even though the deal violates ASEAN's 1997 nuclear weapons-free zone agreement. The US has condemned Burma's record of human rights abuses and support for the drug trade but has turned a blind eye when it comes to Singapore's dealings with the regime. Although when in power President Clinton imposed economic sanctions partly for Burma's role in providing pure and cheap heroin to America's youth he did not comment on Singapore's willingness to play ball with the world's biggest heroin traffickers. Ambassador Green told Congress at the time that the US 'has an important role in working with the Singapore government to deal with illegal drug and weapons proliferation issues'. But most US officials have remained silent about Singapore's investments with Lo and Burma's narco-dictatorship.

Despite being vilified by the world community, Singapore will no doubt continue to expand its investments in Burma. 'Our two economies are complementary and although we can derive satisfaction from the progress made, I believe that there still remains a great

potential that is yet to be exploited', said General Nyunt, the country's former intelligence chief. Aided by Singapore's support, Burma's thriving heroin trade has plagued the majority of countries around the globe. While these countries blithely pour money into drug-connected companies based in Burma and thereby help them to expand into foreign markets, an abundance of the world's finest heroin continues to plague their citizens. At the same time, the line between legitimate and illegitimate investments grows dimmer in the global economy. One of Singapore's most vociferous campaigners is Chee Soon Juan, leader of the opposition Democratic Party, who says the funding makes a mockery of Singapore's hardline stance on drug trafficking. 'If the Singapore government truly feels drug abuse is a scourge on society, it would not just want to catch and hang these small-time peddlers', Chee said. 'You would want to go after the big fish and go where the source is. The Singapore government should press Burma on what it's doing to stop this production of opium and heroin.'

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Whither Singapore?

Although some anti-death penalty activists in Singapore feel change is coming, a wider jury is still out on that question. Activist Alex Au and others reckon that the death penalty itself will never be abolished while countries like China and the United States lead the way in retaining it. 'Singaporeans are born to follow, not born to lead', he says. However, many believe that the more controversial mandatory death penalty will eventually be struck from the statute books. It may still take a long time judging by past and recent events, but the slow drip of pressure from within and outside Singapore will eventually result in a stream, then a river which will sweep in the kind of changes that these otherwise delightful people desperately need. But the change they hope for is not just the abolition of the death penalty. It is also about freedom of speech and thought and the ability to express them in public, in peaceful demonstrations, taking part in or watching afternoon television debates like they have in most countries on all kinds of sensitive issues, including crime and punishment - and even *Once A Jolly Hangman*. Perhaps this will one day become the norm without anyone eavesdropping or reporting them to the authorities.

Even though the lawyer, abolitionist and human rights campaigner M. Ravi has been relentlessly vilified by the PAP government and its propaganda arms of the media, he continues to fight on and is optimistic that at least its most heinous mandatory death penalty law is on its way out. The Singapore Democratic Party also feels their voice is being listened to by a wider audience. In 2005 they organised a public forum to bring attention to the execution of Shanmugam Murugesu,

convicted of trafficking 500 grams of cannabis. He was hanged anyway but Chee Siok Chin, one of the organisers of the forum, said 'We are glad to see that since then, the campaign against the mandatory death penalty for drug peddling has grown'. Things got better at the UN General Assembly in 2007, two years after the Shanmugam Murugesu campaign began making waves. Singapore put itself at the forefront of nations opposing the call for a moratorium on executions. However, the island state found itself isolated when a resolution calling for a worldwide moratorium on executions on 18 December 2007 was resoundingly approved. The spirits of all activists were again boosted by a hard-hitting report in July 2008, when the International Bar Association's Human Rights Institute condemned Singapore for its lack of freedoms of expression, assembly and the press, and of the independence of the judiciary. The report, *Human Rights, Democracy and the Rule of Law in Singapore*, listed 18 recommendations urging the government to implement as a matter of priority. Mark Ellis, Executive Director of the Association, said 'As one of the world's most successful economies, Singapore should be a leader in human rights and the rule of law, and should now have the confidence and maturity to recognise that this would be complementary, not contradictory, to its future prosperity'. He said Singapore falls far short of international standards in many areas. In particular, democratic debate and media comment are extremely restricted and government officials have initiated numerous successful defamation suits against both political and media critics. And this is the point. The egregious record of Singapore in relation to the death penalty cannot be separated from its deeply- embedded structures of authoritarianism and political illiberalism.

But most Singaporeans - if they were even aware of the conference and the IBA report - are not expecting dramatic change any time soon despite the efforts of many influential lawyers at home. Those who felt hopeful soon had their dreams dashed. In March 2009, as if sending a loud raspberry to the IBA, parliament passed a new Public Order Act 'to create a more effective legal framework for Police management of public order'. The Act 'empowers police to effectively intervene, defuse and de-escalate dynamic situations on the ground with options to calibrate such interventions in an appropriate, measured and balanced manner'. Beneath the veneer of jargon and doublespeak this is actually

yet another erosion of precious civil liberties. And then in October 2009, more than a year after the IBA report was released, Singapore's Supreme Court threw out an appeal by the *Far Eastern Economic Review* in its defamation case involving prime minister Lee Hsien Loong and minister mentor Lee Kuan Yew. The publication had been found guilty of defaming the two leaders in an article published in the August 2006 issue, which quoted Chee Soon Juan, secretary general of the Singapore Democratic Party. *FEER* had appealed the verdict, but judges Chan Sek Keong, Andrew Phang Boon Leong and Judith Prakash dismissed the appeal with costs. They agreed with the earlier judgment that the words used in the article, written by its editor Hugo Restall, were indeed defamatory to both Lees.

Today Singapore is an extremely wealthy, globalised city-state. But far from giving its political elite the 'confidence and maturity' to open up the political system, to tolerate dissent and criticism and to protect fundamental human rights, the PAP government has actually chosen to go in the opposite direction. It has solidified its near monopoly on the political apparatus of the state by perverting the rights guaranteed in the Constitution through the passage and arbitrary enforcement of unconstitutional domestic laws. The absence of independence in a compliant judiciary and a media silenced through state ownership and the ever-present threat of defamation and libel suits has created a climate for the suppression of basic political freedoms. And in that context there is simply no meaningful debate about the death penalty and its repercussions.

A very recent case illustrates the lengths to which the governing elite will go to clamp down on even the mildest forms of dissent. For a brief moment in early 2010 things looked like they might be getting better. In a stunning decision, Judge John Ng acquitted leaders of the Singapore Democratic Party who were charged with taking part in an illegal procession on 16 September 2007. Judge Ng said the walk 'did not cause inconvenience to the public, effect traffic flow or make noise which disturbed the public peace. The SDP leaders - Gandhi Ambalam, John Tan, Chee Siok Chin, Charles Tan and human rights activist Chong Kai Xiang - were marking the first anniversary of the World Bank/International Monetary Fund protest that had been held on the same date the previous year. The five, who were wearing

t-shirts with the words 'Democracy Now' and 'Freedom Now' with a picture of a lighted candle, had walked from Speakers' Corner along North Bridge Road to Parliament House then along Bras Basah Road to the Istana - the presidential palace - then along Orchard Road to Queenstown Remand Prison. They were also conducting a vigil for Chee Soon Juan who was in prison at that time for speaking in public. The group was charged with conducting a procession without a permit. In his ruling Judge Ng dismissed the prosecutions 'simplistic' interpretation that a group of five or more people walking from one point to another in a public place to commemorate an event constitutes a 'procession'. He concluded that the five had not caused any public order offence. He seemed to vindicate the defendants' claim that taking part in processions and assemblies in Singapore is part of the fundamental rights of citizens provided for in the Constitution as well as the Universal Declaration of Human Rights. But on 17 March 2010 hope turned to despair when High Court Judge Choo Han Teck reversed the judgment on the appeal by the Attorney General. It seems Judge Choo ignored the constitutional issues involved - that the right to hold and participate in processions stems from the right to assemble 'peaceably and without arms' in Singapore's constitution and that this right should be given a generous interpretation'. The High Court sent the case back to Judge Ng and he was pressed to impose fines or a jail sentence. By pure chance a few weeks later I happened to bump into Gandhi Ambalam walking along a street in Kuala Lumpur. We went for coffee and he told me that because he refused to pay the \$2,000 fine he must now go to jail for two weeks instead. Just as humiliating for a loyal citizen of Singapore he had to apply to a judge for permission to cross the border to Malaysia to attend to some personal business.

Having lived in Singapore for more than six years, making many good and brave friends along the way, I find it sad to end this book on such a pessimistic note. Gandhi Ambalam's demise might be considered trivial compared to others I have mentioned but I hope that these disturbing and shocking revelations - the kind the authorities are always desperate to cover up - will encourage Singaporeans to stand up, be bolder, think outside the box they have been put in, bring about change and make their country really worthy of its reputation as 'Uniquely Singapore!', a world class nation and not an Orwellian

nightmare. And whither Darshan Singh? Will he one day come to realise that his life of killing people on behalf of the state for 50 years was a complete waste of time, as did Albert Pierrepoint at the end of his equally long career? Only he will know I wish him well. And I sincerely hope that when his time comes he too will go to a better place than this.

