

总检察长赵锡燊： 将拟定合理起诉准则 以符合文化与道德观

一人犯法，五人受罪，但社会的宽容，将让他们更好地重新融入社会。

总检察长赵锡燊昨天在新加坡博览中心举行的第三届黄丝带研讨会上致词说，总检察署将与时俱进，拟定一套合理的起诉准则，好让法官能作出足以反映罪犯对社会所造成的破坏的恰当刑罚，而且符合国人的文化和道德观。

赵锡燊说，每个被判坐牢的囚犯平均会让5个人间接受罪，包括囚犯的父母，配偶及孩子。入狱对囚犯和家人所造成的阴影往往需要比坐牢更长的时间才能逐渐消除。

他说：“我们不应让被送去坐牢的囚犯觉得刑罚不公，而且过重，以致愤愤不平。这只会妨碍改造他们的目标。”

赵锡燊透露，本地的重犯率显著下降，前囚犯再犯罪的比率从1998年的44.4%下降至2004年的23.7%。

他说，前囚犯出狱后无法找到工作，将驱使他们重返歧途。要改造他们，需要监狱官、义工、罪犯的亲友等组成的网络支援，因此黄丝带计划扮演任重道远的角色。

“黄丝带计划”前年由内政部和六个机构联合成立的“关怀网络”（CARE Network）推出，鼓励人们协助前囚犯重返社会。每年，平均有1万名前囚犯离开监狱及戒毒所，“关怀网络”不但为他们提供学习机会，也推出职能培训提高他们的受雇能力，协助他们重新融入社会。

TO PUNISH OR TO REHABILITATE?

AG Chao on striking the right balance in quest for justice

JASMINE YIN
jasmine@mediacorp.com.sg

ON WHAT basis should an offender be hauled to court? The man who oversees all criminal prosecutions in Singapore gave an insight into the workings of the Attorney-General's Chambers yesterday, as he stressed his office's attempts to strike the right balance between punishment and rehabilitation.

"When an offender is prosecuted or when we press for custodial sanctions, we must be satisfied that this is the best solution for the offender, the victim and society," said Attorney-General (AG) Chao Hick Tin in a speech at yesterday's Yellow Ribbon conference.

"As prosecutors, we want to be reasonably confident that the incarceration process is the best

available option in order to ensure justice for the victim, rehabilitation of the offender and protection of the public."

This is because any bid to prosecute an individual for an offence carries with it the risk of imprisonment and its associated disadvantages, he pointed out.

AG Chao is the second judicial heavyweight to throw support behind the Yellow Ribbon Project (YRP), an event under the Yellow Ribbon Project (YRP) that was launched in 2004 to foster greater acceptance of former convicts. About 10,000 prison inmates are released every year.

At last year's conference, Chief Justice Chan Sek Keong called for a more nuanced approach towards sentencing.

A judge should ask himself "Why punish" each time he decides to punish an offender, as a reminder that punishment "should achieve a societal purpose and cannot be an end in itself", he had argued.

In a similar vein, AG Chao



yesterday stressed the need for close collaboration between agencies in the criminal justice system, so as to track and build a "more complete picture" of the offender's background.

"Just as no two individuals are alike, no two offenders are alike. These constraints could come in the form of immaturity on account of youth, financial difficulties, lack of family support, illnesses and other extenuating circumstances."

The more holistic a picture

provided, the better equipped the authorities will be to strike the right balance between punishment and rehabilitation, he added.

However, Professor Michael Hor from the National University of Singapore law faculty pointed out that "the art of punishment is an extremely complicated matter".

"Much remains within the realm of speculation no matter how much we come to know about the offence and the offender, such as whether a particular sentence will deter others, reform the

offender or satisfy the victim," he told TODAY.

While noting that "those who operate our criminal justice system are working continually to do better", he said there will always be areas that can be improved upon, such as the treatment of mentally unstable and juvenile offenders.

Meanwhile, more ex-offenders are leading crime-free lives — recidivism rates, which show the relapses into crime, fell from 44.4 per cent to 23.7 per cent between 1998 and 2004, revealed AG Chao.

Stressing the several challenges they face after their release from prison, he said: "It is the attitude of the community which influences the destiny of an ex-offender."

More than 72,000 people took part in YRP activities last year.

More than 500 people, including the judiciary, policymakers, researchers and community partners, attended yesterday's closed-door conference.

A-G: Help ex-offenders rejoin society

By K.C. VIJAYAN
Law Correspondent

HE MAY be tasked with getting criminals off the streets, but the Attorney-General yesterday made clear his support for rehabilitating convicts as well.

Attorney-General Chao Hick Tin was speaking at the Yellow Ribbon Conference held at the Singapore Expo Hall in Changi.

"Some of you may think it incongruous that the agency responsible for all criminal prosecutions in Singapore should even show interest in such a cause," he said.

But Mr Chao pointed to a speech by Chief Justice Chan Sek Keong at a similar conference last year in which he held that the punitive element of imprisonment should not overshadow its reformative aspect.

Yesterday's conference was aimed at sharing ideas on helping ex-offenders re-integrate into society. It was attended by more than

500 delegates, including overseas participants.

Mr Chao lauded the Yellow Ribbon Project, aimed at gaining acceptance for ex-offenders into society, for having come "a long way" since its inception just three years ago. Last year, the Project drew about 72,000 people to its activities.

He explained that the Attorney-General played a crucial role in deciding whether a criminal case should be brought before the courts or whether other options should be explored.

He noted that for every person imprisoned, up to five others indirectly suffer the consequences. These include parents, spouses and children.

Recognising the serious impact of jail terms, Mr Chao said prosecutors had to decide in each individual case how the public interest is best served to "address the harm caused".

Stressing that while there must be no let-up in the fight against crime, Mr Chao said there should be constant vigilance in the deci-

sion-making process to avoid a "disproportionate response".

He added that prosecution policies are constantly monitored to keep pace with changing social norms. He cited the review of the Penal Code currently under way as an example of efforts to keep laws and prosecution policies in tandem with the values of society.

"We try to avoid the 'drift-net' approach whereby the law is drafted so widely that all kinds and manner of behaviour are indiscriminately criminalised," said Mr Chao.

Mr Glenn Lim, 36, a former beneficiary of the Yellow Ribbon Project, said Mr Chao's words were very encouraging.

"It is very significant as the prosecutor's office conveys a negative kind of fear in every one of us," said the ex-offender who has become an award-winning role model for others. He is now a trainer and public speaker.

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