

Organization for the Empowerment of Singaporeans (OFES)
Singapore
Submission to the United Nations Universal Periodic Review
Eleventh Session of the Working Group on the UPR

EXECUTIVE SUMMARY

1. While the primary purpose of this report is to present the state of human rights in Singapore over the last four years, its secondary purpose is to convey to readers the climate of fear that exists in Singapore. An understanding of this culture of fear created and nurtured by the ruling regime is an important start to understanding the reason why there are so few human rights defenders (HRDs) in Singapore. Singaporeans are not by nature apathetic to human rights and socio-political issues. Such apathy is the result of over 40 years of systematic repression by a regime that is obsessed and compelled by power. Many concerned citizens are discouraged by the huge risk that would inevitably come their way if they participated in activism. The threat to HRDs in Singapore is not bullets or muggers, it is the establishment itself. The very entity that is supposed to protect us has turned against us.
2. The first step to solve the problems presented in this report is for Singapore to sign and ratify immediately and unconditionally the ICCPR.

INTRODUCTION

3. Organization for the Empowerment of Singaporeans (OFES) is an NGO whose mission is to educate and empower the citizenry of Singapore to understand and to assert their civil and political rights. In the last four years, many activists of OFES and others were fined or incarcerated for “crime” ranging from “illegal assembly” to “scandalizing the judiciary”.
4. Singapore is not a signatory of the ICCPR. Although the Constitution of Singapore guarantees basic rights such as the freedoms of expression, speech, assembly and association, the Government of Singapore over the years has systematically amended the Constitution to make it subsidiary to laws that repress such rights. Its enactment and use the law as a weapon to suppress criticism and political opposition demonstrates that Singapore is deliberately and actively repressing human rights, and persecuting human rights defenders (HRDs).

CRIMINALIZING HUMAN RIGHTS ACTIVISM

5. Repressive laws in Singapore include those that make it illegal to speak in public, to participate in a procession or for five or more persons to gather in a public place without police permit (e.g., the Public Entertainment and Meeting Act; the Miscellaneous Offences—Public Order and Nuisance). One of the rules under the Miscellaneous Offences Act state that a police permit is required for five or more persons coming together to either (1) demonstrate support or oppose the views of any person, (2) promote a cause or campaign or (3) commemorate any event. The irony of applying for a police permit is that the licensing office is bound by a standing order to disallow all outdoor activities that are political in nature. This rule however does not apply to organizations sanctioned by the Government.

6. For instance, activists' application for a permit to demonstrate against price hike during World Consumer's Rights Day (March 15, 2008) was rejected; whereas a Government-linked organization, involving Ministers and MPs of the ruling party had no problem staging similar demonstration for the same event at around the same locality. In this occasion, the activists who attempted to proceed with their plan were arrested. Subsequently, 18 of them were charged and found guilty.

7. As a state, not only has Singapore failed to protect, promote and implement all human rights, it is actively repressing human rights, and persecuting and prosecuting human rights defenders. In other words, not only are the laws in Singapore inconsistent with the provisions of the UN Declaration on Human Rights Defenders, they are designed for the purpose of obstructing and frustrating the efforts of HRDs, and punishing them when they attempt.

The Executive, the Legislative and the Judiciary in Concert

8. In 2009, the Government of Singapore has launched an all-out concerted effort against HRDs and their activities. At the opening of the legal year, 2009, in the Supreme Court, the Chief Justice, Mr. Chan Sek Keong, the then Attorney-General, Mr. Walter Woon, and the Minister of Law, Mr. K. Shanmugam, had all lashed out at activists who criticize the Singapore Government and its judiciary. They were at odd against any form of criticism that questions the independence of the judiciary, and any form of "extra-legal means" (*aka* assembly and protest) in engaging the government (Straits Times, 04 Jan 2009).

9. The A-G, who had earlier labeled human rights activists as fanatics, maintained that tough actions are needed to demonstrate that it is "not permissible to undermine the courts and judiciary for political or ideological reasons" (Straits Time, Jan 4, 2009). However, the tough speeches appear to be an attempt to justify the repression of the freedom of expression in Singapore. A case in point was the incarceration of 3 activists who wore T-shirts with the picture of a kangaroo in a judge's robe. On November 27, 2008, Mr. John Tan was found to be in "contempt of court by scandalizing the judiciary" and sentenced to 15 days imprisonment, and ordered to pay the Attorney-General USD5,000 in cost and disbursement. Mr. Shafie and Mr. Isrizal were sentenced to 7 days and had to pay similar cost.

10. Around the same time, the Wall Street Journal Asia (WSJA) was fined \$25,000 for contempt of court. In June and July, 2008, following the defamation hearing of Minister Mentor Lee Kuan Yew and his son, Prime Minister Lee Hsien Loong against the Singapore Democratic Party (SDP) and its leaders Dr. Chee Soon Juan and Ms. Chee Siok Chin. The Journal had published three articles, which, the Government claimed, insinuated that the judiciary is bias and lack independence. The articles had also cited a July 2008 report from the International Bar Association (IBA), criticizing the Singapore judiciary and the human rights records of Singapore. Two editors of the Dow Jones and the Wall Street Journal (WSJ) have also been similarly charged.

11. Notwithstanding the repressive law that forbids five or more persons to assemble without a police permit, two HRDs found out that staying within the number of people allowed to assemble by the law does not guarantee their safety. On January 12, 2009, police arrested Mr. Seelan Palay and Mr. Chong Kai Xiong for carrying a placard outside the Ministry of Manpower, calling for the Ministry to stop the ill-treatment of Burmese activists living in Singapore.

12. Despite the already suffocating law, on 13 April 2009, legislators passed yet another law, the Public Order Act (POA), to further restrict the rights to peaceful assembly and association. It is the latest weaponization of the law to silence government critics, curb the freedom of opinion and expression, control the media, and to penalize HRDs and political activists.

13. The POA requires a police permit for even a one-person protest or any assembly or procession relating to a cause. It empowers police to stop, search or turn away any participant or potential participant from a prohibited event. Anyone who failed to comply could be arrested without a warrant, fined or imprisoned.

14. On 14 October 2009, Mr. Chua Eng Chwee, 70, became the first person to be arrested under the newly passed POA. Chua, a Falun Gong practitioner, was meditating at a park when he was removed under the move-on law. He was subsequently detained when he return to the vicinity (<http://www.theepochtimes.com/n2/content/view/24042/>).

If it criticizes the Government it is against the Law

15. It is criminal to distribute flyers for events that are in “opposition to the actions of the Government”. In December 2008, six activists were charged for distributing flyers to announce an upcoming protest. The event had taken place two years earlier.

16. In November 2008, six activists were charged for demonstrating and calling for democracy and freedom of speech. The event, which took place during the World Bank (WB) and International Monetary Funds (IMF) conferences in 2006, saw about 100 police troops coming out in force to prevent the six persons from walking (about half a kilometer) from a public park to their intended destination—the parliament house. Nevertheless, they were charged also for “attempting to participate in a procession”.

17. To commemorate the first anniversary of the demonstration during the WB/IMF conferences, five activists completed the half-a-kilometer walk intended by the original activists. The five were charged for illegal assembly and procession. Their trial will begin on February 2, 2009.

Cannot distribute UDHR

18. On International Human Rights Day, 2006, police summoned for interrogation a group of activists, who walked through the city giving out flyers highlighting features of the Universal Declaration of Human Rights and portions of the Constitution of Singapore that guarantee its citizens the freedoms of speech, expression, assembly and association.

Cannot Free Burma

19. During the crackdown of the Burmese monks in September, 2007, Singaporean activists organized a petition signing outside of the Burmese embassy, which attracted several hundred signers—both Singaporeans and Burmese. Police turned up to intimidate activists and signers, taking down names and particulars. Afterward many of the Burmese were denied the renewal of their work permit and were deported.

20. Around about the same time, four Singaporean activists stood outside the Istana (palace) with placards, calling for the Singapore Government to stop arms deals with the Burmese

Junta. They were arrested within minutes. Their videographer was also arrested and his equipment seized.

21. During the Association of Southeast Asian Nations (ASEAN) summit at the Shangri-La Hotel, where ASEAN were to have signed their first charter, police bundled two HRDs into an unmarked van as they were strolling toward the hotel. They were released at a different location after being detained in the van for almost 2 hours. The police said that the area was gazetted but gave no further reason for their action and refused to explain why other pedestrians were allowed to walk in the vicinity.

Cannot Criticize China

22. In December 2006, two Falun-Gong adherents served a total of 15 days in lieu of fines totaling SGD2,500 (USD1,700) for “harassment by displaying insulting writings”. They had held a protest across from the Chinese Embassy in Singapore. The words on their banner stated, “Stop persecution of Falun Gong in China.”

Not Even Virtual Freedom

23. Expressing one's opinion on the Internet can land one in trouble. In September 2008, former Singaporean and now US citizen, Mr Gopalan Nair, served a three-month prison term for writing in his blog that a High Court judge had “prostituted” her services to the Singapore government.

BEYOND CRIMINAL CHARGES

24. Some legal proceedings such as the abovementioned “scandalized the judiciary” and other “contempt of court” cases contain quasi-criminal elements, which allow the plaintiff and the court to apply the worst of both criminal and civil features only the HRDs. For example, in the case of the kangaroo T-shirt, the A-G was able to initiate an Order of Committal via an Originating Summon (OS), which precluded the respondent the benefit of a trial. Instead, the respondent appears at the court hearing merely to show cause as to why he should not be punished. Strangely, the sentencing takes the form of both a criminal case and that of a civil case, allowing the court to impose both a jail term and an order to pay cost. The cost component discourages respondents from prolonging argument even when necessary. Appeal, on the other hand, takes the form of a civil case, where the cost (almost SGD12,000, or USD8,100) of appeal is prohibitive for most HRDs.

25. The Singapore Government is infamous for bringing defamation suit on its political opponents and HRDs. For instance, the Singapore's High Court ruled on October 13, 2008 that the SDP and its leaders Dr. Chee Soon Juan and Ms. Chee Siok Chin must pay Minister Mentor Lee Kuan Yew and his son, Prime Minister Lee Hsien Loong SGD610,000 (USD410,000) in damages for an article published in the SDP's newsletter. The article had compared the way the government is run to the way in which the National Kidney Foundation was run, where a scandal took place. Because of this ruling, the SDP now faces the risk of being shut down. Dr. Chee was bankrupted earlier by previous defamation suits, while Ms Chee was bankrupted earlier because of a court order to pay cost of SGD23,745 (USD16,000) when her Originating Motion (OM) was rejected. In the latter case, High Court Judge V K Rajah ruled that citizens do not have the right to stage protests against the Government because “domestically as well as internationally, public governance in

Singapore has been equated with integrity. To spuriously cast doubt on that would be to improperly undermine both a hard-won national dignity and a reputable international identity.”

26. Foreign news media (e.g., the Far Eastern Economic Review (FEER), WSJA, Bloomberg, to name a few) were also the targets of defamation suit when their published critically of the government and its leaders. In September, 2008, the court found for the Lees against FEER and its editor Mr. Hugo Restall for an article based on his interview with Dr. Chee.

27. Local media, on the other hand, are free from such defamation suits because all local media are controlled by the government. It is not surprising that Reporters with Borders ranked Singapore 136 in their Press Freedom Index, and Freedom House categorized it “not free”.

EXTRA-LEGAL PRESSURES

28. Besides legal action, the government's omnipresence is felt in this tightly controlled city where not only is the government the biggest employer, it also wields far reaching influence directly and indirectly over almost all businesses and employers.

29. When Mr. John Tan was summoned to court for wearing the kangaroo T-shirt, he was simultaneously suspended from the University where he taught psychology. Although James Cook University is an Australian university, it is partially owned by a Singapore Government-linked organization. Years ago, HRD Dr. Chee Soon Juan was similarly fired from the National University of Singapore (NUS) where he lectured.

30. Whereas it is well known that many trade unionists are supporters or members of the ruling PAP, opposition party members are not allowed to be union officials. Mr. Muhamad Ali Aman, for example, was sacked for refusing to renounce his membership of an opposition political party (Agence France Presse, December 5, 2002).

31. Students in the local universities are not spared from such pressures as well. In September, 2009, when Dr. Chee and other activists distributed flyers at the NUS, calling on students to care for and speak up on socio-political issues, they were promptly stopped by school officials “to protect the interests of our students.”

32. On another occasion in the same month, activists visited the Nanyang Technological Universities (NTU) to distribute the flyers. Student reporters were eager to report the incident both in their newspaper, the Nanyang Chronicle, and their online news TV, Nanyang Spectrum. The school, however, disallowed the reports.

RECOMMENDATIONS

33. OFES believes that the first step to solve the problems presented in this report is for Singapore to sign and ratify immediately and unconditionally the ICCPR.

John L. Tan
Chair
Organization for the Empowerment of Singaporeans
johnltan@empower-sg.org