

Appendix I: Letters to the Singapore Government

October 30, 2017

Prime Minister Lee Hsien Loong

Prime Minister's Office

Government of Singapore

Re: Freedom of speech and assembly in Singapore

Dear Prime Minister Lee,

Human Rights Watch is an independent, nongovernmental organization that reports on the situation of international human rights and international humanitarian law by governments and non-state armed groups in more than 90 countries around the world. Human Rights Watch has worked on human rights issues in Singapore since the 1980s.

Human Rights Watch seeks the Singaporean government's response regarding research that we have recently conducted on the rights to freedom of expression and peaceful assembly in Singapore. Human Rights Watch plans to publish a report on this topic later this year as part of a series of reports on freedom of expression in Asia.

Human Rights Watch is committed to producing material that is evidence-based, accurate, and impartial. For this reason, we wanted to provide an opportunity for you and your staff to present your views so that they can be reflected in our reporting.

We have analyzed many of the restrictions imposed on speech and assembly in Singapore, and how those restrictions – criminal, civil and regulatory – have been applied. Based on that analysis, we found that Singapore routinely imposes restrictions on speech and assembly that exceed those permitted under international law and penalizes those who violate those restrictions. Those typically targeted are people who criticize the actions of the government or the judiciary, speak out on issues of race and religion, or express minority views. The government also imposes excessive regulatory restrictions on the arts,

frequently censoring or banning works that depict alternative views of history or minority viewpoints, or portray the lives of LGBT individuals in a positive light.

Peaceful public demonstrations and other assemblies are severely limited, and even those who hold gatherings at Speakers' Corner are often harassed and investigated for alleged failure to comply with detailed restrictions on what can be said and who can participate in public gatherings. Foreigners are effectively prohibited from exercising their right to freedom of assembly in Singapore, as they are banned from organizing events or speaking even at Speakers' Corner without a permit, and those permits are routinely denied.

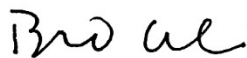
Investigations for even minor offenses are often prolonged and involve what appear to be unnecessary invasions of privacy. Individuals may be called in for hours of questioning, their homes searched, and their mobile phones and computers seized even when there appears to be no investigative need for the police to do so.

We would appreciate any general comments you may have on the government's respect for the rights to freedom of expression and peaceful assembly in Singapore. In addition, we hope that you and your staff can answer the questions below so that your views are accurately reflected in our reporting.

We would very much appreciate any information your offices can provide regarding these questions and the issues they raise. In order to reflect your responses in our report, we would need to receive them no later than 15 November 2017.

We thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Brad Adams". The signature is written in a cursive, slightly slanted style.

Brad Adams
Executive Director
Asia Division

Questions for the Government of Singapore

1. Public Order Act

- a. How many investigations have been opened against individuals for violating the permit requirement of the Public Order Act in the past 10 years?
- b. Please list all instances, if any, in which the authorities granted a permit for a “cause-related” assembly or procession in the past 10 years?
- c. Two individuals were arrested in April 2015 after protesting outside the Istana. Were they prosecuted and, if so, what was the outcome of the prosecution?
- d. On January 21, 2017, a group of largely Indian nationals were investigated for gathering in Sembawang Park without a permit. What action, if any, was taken against those individuals, including prosecution, revocation of work permits, deportation or other action?
- e. What is the justification for having plainclothes police officers monitoring gatherings at Speakers’ Corner and photographing the participants?
- f. What is the justification for requiring a permit for an indoor meeting if a foreigner will be speaking?
- g. The police informed the organizers of Pink Dot that, under the new rules governing Speakers’ Corner, any foreigner even present at Speakers’ Corner would be considered a “participant” and thus in violation of the law. What is the justification for preventing foreigners from even observing assemblies at Speakers’ Corner?

2. Administration of Justice (Protection) Act

- a. Many countries have now abolished the offense of “scandalizing the court” as incompatible with freedom of speech. Singapore chose, instead, to codify it in legislation last year. Why does the government believe that criticism of the judiciary should be a criminal offense?
- b. The restrictions on discussion of “pending” cases in the Administration of Justice (Protection) Act are extremely broad. Given that Singapore has abolished jury trials and cases are handled by professional judges who should be capable of ignoring commentary from outside the courtroom, why did the government feel the need to impose such broad restrictions on the discussion of pending cases?

- c. How does the government justify exempting itself from the limits on discussion of pending proceedings?
- d. When will the law be gazetted and come into force?

3. Parliamentary Elections Act

- a. In May 2016, Teo Soh Lung and Roy Ngerng were investigated for violation of the ban on election advertising during the “cooling-off” period for posts on their personal Facebook pages. What is the government’s basis for treating personal Facebook and blog posts as election advertising?
- b. Neither Teo Soh Lung nor Roy Ngerng denied making the posts at issue, and yet the police searched both of their homes and seized computers and mobile phones. At the police station, Ngerng was required to disclose the passwords to his social media accounts. What is the investigatory justification for seizing and searching electronics when there is no dispute about who posted the information that is the subject of the investigation? Does either the government or the police force have a policy on when searches and seizures of electronics are appropriate?

4. Impact of Police Warnings

- a. In the case of *Wham Kwok Han Jolovan v. Attorney General*, [2015] SGHC 324, the applicant sought to quash a “stern warning” issued by the police on the grounds that the existence of the warning might prejudice him in future proceedings. The court rejected the application, holding that a “stern warning” by the police is “no more than an expression of the opinion of the relevant authority that the recipient has committed an offense.” However, when “stern warnings” were issued to Kumaran Pillai, Alfred Dodwell and Ravi Philemon in February 2017, after an investigation into possible violations of the Parliamentary Elections Act, the Singapore Police issued a press release in which they stated: “Should any of the parties commit similar offences in subsequent elections, the stern warning that was administered can be taken into consideration in the decision to prosecute.” Is it the position of the government that stern warnings can, in fact, have consequences in future prosecutions, or was this an error on the part of the Singapore Police Force?

CC:

K. Shanmugam

Minister for Home Affairs

Government of Singapore

Dr. Yaacob Ibrahim

Minister for Communications and Information

Government of Singapore

Dr. Vivian Balakrishnan

Minister for Foreign Affairs

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