



January 27, 2017

Statement on the asylum case of Amos Yee Pang Sang,

A#: 209412251/Detainee #: 132139

Human Rights Watch is an international human rights organization with our headquarters in New York. Our work focuses on investigating and exposing government violations of international human rights standards around the world, including in Singapore. I oversee our work on Singapore, which is publicly available on our website at <https://www.hrw.org/asia/singapore>. I write to you to raise the case of Amos Yee Pang Sang, a Singapore national, and support his application for political asylum. Yee is being held at the McHenry County Adult Correctional Facility in Woodstock, Illinois, after landing in the United States and seeking political asylum on December 16, 2016, at O'Hare Airport in Chicago. He will have a master calendar hearing on his claim with Judge Samuel B. Cole at 9 a.m. on January 30, 2017. We also urge that the court decide to release Yee from detention at that time.

Human Rights Watch has been closely monitoring the Singapore government's case against Amos Yee Pang Sang since as a 16-year-old he first posted his video "Lee Kuan Yew is Dead" on March 27, 2015, setting off a debate about the role of Singapore's long-time Prime Minister and pre-eminent political leader who had passed away four days before Yee released his video.¹ We examined both the video and Yee's subsequent comments about the video, and found he simply engaged in political speech that deserves protection under the principle of freedom of expression. Our view was expressed in a press release where I stated, "Nothing that Amos Yee said or posted should ever have been considered criminal – much less merit incarceration."²

Nevertheless, Singapore prosecutors charged Yee with violating penal code article 298 ("uttering words with deliberate intent to wound the religious or racial feelings of any person"), punishable by three years in prison and a fine. The law, by its terms, requires no intent to incite

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¹ Amos Yee, "Lee Kuan Yew is Dead," <https://www.youtube.com/watch?v=6jMODDFNEoY>.

² Human Rights Watch, "Singapore: Exonerate 16-Year-Old Blogger," June 22, 2015, <https://www.hrw.org/news/2015/06/22/singapore-exonerate-16-year-old-blogger>.

violence and no evidence that incitement occurred or violence resulted. He was also charged under penal code article 292(1)(a) for transmitting obscene materials, punishable by a fine. Prosecutors filed a third charge, for violating the Prevention of Harassment Act, which outlaws “use [of] any threatening, abusive or insulting words or behavior,” but later withdrew that charge.

In fact, Yee’s speech in his video is clearly satirical and political. The article 298 charge relates to his comparison of Lee Kuan Yew to Jesus Christ and Christianity, raising issues of deceit and manipulation, between 2:34 and 3:12 in the video, while the obscenity charge arose from a crude cartoon of a couple having sex, with the photos of the heads of Lee Kuan Yew and former British Prime Minister Margaret Thatcher superimposed – clearly an image intended to crudely disparage these two political leaders and their close political relationship.³ No evidence has ever been put forward that the video, the satirical intent of which is quite clear, incited violence or other actions against Christians. Singapore’s punitive approach in its handling of Yee’s case demonstrates that he was being persecuted for his political opinions and his willingness to disparage Singapore political founding father Lee Kuan Yew, whose son, Lee Hsien Loong, is the current Prime Minister of Singapore.

The government went to extraordinary lengths to restrict Yee’s free expression rights after his arrest. Bail conditions set on March 31, 2015, included a gag order that Yee not post any content or comments online while his case was ongoing. After he posted a note seeking donations to support his cause, the court immediately called him for violating his bail, and jailed him from April 17 to 21. On April 29, he again posted content online, and the next day was jailed at Changi Prison until his trial. On June 2, the court ordered an assessment of Yee’s suitability to be ordered into the Reformative Training Center (RTC) program, a “reform” program for hard-core repeat offenders and juvenile gang members that would have seen Yee held for 18 months to three years. The fact that the authorities seriously considered sending a child convicted of a nonviolent, speech-related offense to such a program is a telling indication of how Singapore viewed forceful political criticism such as Yee’s.

That decision to try Amos breached article 19 of the Universal Declaration of Human Rights, the provisions of which are widely recognized as customary international law. That article states that: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”⁴

³ See cartoon at: http://blogs.trendolizer.com/assets_c/2015/03/796391-thumb-300xauto-685726.jpg.

⁴ Universal Declaration of Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.

At the time of his trial, Amos was also still a child under international human rights law, which sets the age limit at under 18 years old.⁵ However, Singapore chose to try him as an adult in clear contravention of the government's obligations as a state party to the United Nations Convention on the Rights of the Child (CRC). The CRC, which Singapore ratified in 1995, states that children are only to be detained "as a measure of last resort and for the shortest appropriate period of time," and that in all government actions concerning children, "the best interests of the child shall be the primary consideration." It further specifically "guarantees children's rights to freedom of expression."⁶

Yet, when authorities first brought Yee to court for his trial on May 7, he was handcuffed and had his legs shackled. Such treatment of an accused violates the right to be considered innocent until proven guilty and is a violation of due process and fair trial rights. Yee was convicted on May 12 of both charges, and a pre-sentencing hearing was set for June 23. At that time, the UN Office of the High Commissioner for Human Rights (OHCHR) Regional Office for Southeast Asia raised serious concerns that Singapore was failing to comply with its obligations to consider the "best interests of the child," and called for "the immediate release of Amos in line with its commitment under the UN Convention of the Rights of the Child."⁷

Finally, on July 6, after pressure by Human Rights Watch, Amnesty International, OHCHR, and others, the court sentenced Yee to one week on the obscenity charge and three weeks for the section 298 charge, to run consecutively. Since the sentence was backdated to June 2, Yee was considered to have completed his full sentence and released.

Yee once again began posting comments on his blog and Facebook page, including posts that were critical of the ruling Peoples' Action Party and posts criticizing religion, and the Singapore government once again prosecuted him for exercising his freedom of expression. On November 27, 2015, Yee, still under the age of 18, uploaded a post on his personal blog condemning former Singapore Member of Parliament Calvin Cheng for a statement about killing "terrorists' children" and attacking Islam. This was one of a number of online postings that Yee made between November 2015 and May 2016 criticizing religion in a general way. Police arrested him on May 11, 2016, and charged him with eight counts of "deliberate intent to wound religious or racial feelings." While some of his statements certainly may have hurt sensibilities of Muslims and Christians, his speech

⁵ UN Convention on the Rights of the Child, art. 1, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

⁶ UN Convention on the Rights of the Child.

⁷ Regional Office for South-east Asia, UN Office of the High Commissioner on Human Rights, "Press Statement: United Nations Human Rights Office urges the Singapore Government to consider the best interests of the child in Amos Yee court case," June 22, 2015, <http://bangkok.ohchr.org/files/ROB%20Press%20Statement%20220615.pdf>.

did not advocate any sort of violence, and simply reflected his disdain for organized religion. Such speech should not be treated as criminal, yet it was by Singapore authorities. Yee, who represented himself at the trial, ultimately pleaded guilty to the charges, and on September 29, 2016, a court sentenced him to six weeks in prison.

Human Rights Watch closely monitored this second case, and it is our view that Yee was clearly prosecuted because he expressed views disfavored by the Singapore government. I stated that “by prosecuting Amos Yee for his comments, no matter how outrageous they may have been, Singapore has unfortunately doubled down on a strategy that clearly violates freedom of expression.”⁸ We agree with the statement by David Kaye, UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, who said about the case, “the lesson that somebody can be thrown in jail for their speech is exactly the wrong kind of message that any government should be sending to anybody, but especially to young people.”⁹

Based on our research and analysis, Human Rights Watch believes that Amos Yee Pang Sang, whose history of criticizing religion and Singapore’s ruling party gives the Singaporean authorities an incentive to monitor his speech, and who has already been prosecuted twice for peaceful expression, faces a serious threat of political persecution if he is returned to Singapore. I therefore urge the US authorities to favorably consider his case, release him from custody, and grant political asylum to Amos Yee Pang Sang.

I hope that this information is helpful, and if there is any additional information needed from Human Rights Watch, please contact me.

Sincerely,

Phil Robertson
Deputy Asia Director
Human Rights Watch

⁸ Human Rights Watch, Quote attributable to Phil Robertson, Deputy Asia Director, Human Rights Watch (HRW) on the prosecution and conviction of Amos Yee in Singapore, <https://plus.google.com/117288277289466139415/posts/ZX5a25QcFdb>.

⁹ Al-Jazeera, “Singapore jails Amos Yee for religious ‘insult’,” September 30, 2016, <http://www.aljazeera.com/news/2016/09/singapore-jails-amos-yee-religious-insult-160929205613910.html>.