



Universal Periodic Review Singapore

Background

1 Singapore has been under one-party rule since 1959. Presently, the People's Action Party (PAP) controls 82 out of 84 seats in a unicameral parliament. This has been possible only because of the controls that the ruling party has put in place to curtail the effective functioning of opposition parties as well as civil society. Democratic principles although enunciated in Constitution of Singapore¹ and enunciated in the National Pledge², are not practised.

2 This review will look at the systems that the Singapore Government puts in place to ensure that the ruling-party stays in power and gross violations to democratic rights of Singaporeans such as the lack of freedom of speech and freedom of assembly in Singapore.

3 The Government since the 1960s has been able to design a system where all public services are subjected to the control of the ruling People's Action Party (PAP). Housing, transport, power and water supply, telecommunications, education, health care, businesses are controlled directly or indirectly by the authorities. In addition, other crucial institutions that form the backbone of any democratic society is controlled by the State namely, the law enforcement agencies such as the Singapore Police Force and the Attorney General's Chambers, the mass media, the judiciary, the elections department,

Law enforcement agencies

4 *Unjust laws* The police force and the Internal Security department fall under the purview of the Ministry of Home Affairs. All ministries in Singapore are headed by PAP ministers.

5 Singaporeans have been unable to voice their dissent. The Government bans all forms of public gathering for political purposes except where its own members/organisations are involved. Under the law, gatherings of five or more persons in a public area for a common cause is considered illegal³. In the last few years, several pro-democracy activists have been arrested and have served time in prison for conducting protests and calling for free speech.

6 The police arrests politician, political activists and democracy advocates for assembly and procession without permit. Even small group peaceful protests are prohibited by the authorities. In 2009, the parliament amended the Public Order Act⁴ to forbid even one person from conducting such activities.

7 In 2008, 20 activists were faced over 70 charges of speaking in public, assembly and procession without permits. After facing a dozen or so trials, all were found guilty of the charges. While some verdicts are awaiting appeals, most of the activists have either paid hefty fines or served multiple prison sentences for demonstrating opposition to the actions of the Government⁵.

8 Freedom of speech is also non-existent as the authorities require anyone who wishes to speak in public to apply for a permit under the Public Entertainment and Meetings Act (PEMA)⁶. The home

affairs minister, however, declared that: "*The Government does not authorise protests of any kind.*"⁷ Activists have been repeatedly prosecuted and jailed for speaking in public without a licence.

9 In March 2007, six European and two Asian Parliamentarians who visited Singapore were threatened with arrest if they spoke at a public forum about the development of democracy in Europe and Asia⁸. The European Commission, European Council and European Presidency jointly lodged a formal protest to the Singapore Government.

10 *Selective Prosecution*: The defendants in the above-mentioned cases are either members and supporters of the Singapore Democratic Party (SDP). The SDP has been singled out by the authorities for such prosecution. The ruling party and its associates carry out protests participated by thousands of people and yet they are not charged with assembly and procession without permit. Other Opposition groups too have gathered in groups to conduct outdoor party activities and they too have not been charged⁹.

11 The SDP and its supporters have pointed this out to the Attorney General's Chambers (AGC) and the judges presiding the trials.. Despite ample evidence, the public prosecutor (from the AGC) and the judiciary have refused to hear arguments that pertain to selective prosecution and *mala fide*¹⁰.

12 The AGC had in fact taken two years before preferring the charges on the activists almost all at once. Some of the activists were put through more than four trials in 2009. These charges emanate from the AGC and it is clear that they were timed so that the activists had little time to prepare for the trials.

13 *Internal Security Act*¹¹: The ISA gives the Government unchecked powers to detain citizens arbitrarily and indefinitely. In the 1960s, Scores of opposition members, trade union leaders, journalists, and student activists have been imprisoned under the ISA. Amnesty International reported that several of them were severely beaten. These detainees were never accorded any trial nor were they ever charged for the alleged offences.

14 The longest serving prisoner was Chia Thye Poh¹², an opposition member of parliament, who was detained for 32 years from 1966-1998 without ever being charged for a crime. Several others have been similarly imprisoned ranging from a few years to a couple of decades. Amongst them were medical doctors Poh Soo Kai¹³, Lim Hock Siew¹⁴ and journalist Said Zahari¹⁵.

15 In 1987, 22 young social activists were accused of being Marxist conspirators. They were all detained by the Internal Security Department under the ISA. Teo Soh Lung (Ms), Kevin DeSouza, Wong Souk Yee (Ms), Vincent Cheng¹⁶ were imprisoned for two to three years. They were beaten and forced to confess that they were part of a Marxist-conspiracy out to violently overthrow the Singapore Government. None of them were ever charged.

16 Today, the ISA is being used against alleged terrorists. It is believed that at least 30 of such Muslim extremists are presently under ISA imprisonment.

17 *Death penalty*: The UN has repeatedly raised questions about Singapore's mandatory death sentence for drug peddlers. UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, stated that the mandatory death sentences in Singapore "*violate international legal standards*" and are "*inconsistent with international human rights standards.*"

¹⁷In the recent case of a young Nigerian man, Iwuchukwu Amara Tochi, Alston said that the Singapore Government "*failed to ensure respect for the relevant legal safeguards. Under the circumstances, the execution should not proceed.*"¹⁸ In this same case, the high court judge had also said that he did not find any evidence that the accused knew that he was carrying illegal drugs.¹⁹

Despite all this the Singapore Government ignored the plea and hanged Tochi on 26 January 2007. The problem of mandatory death penalty is a very grave one. This means that once found guilty of trafficking a certain amount of these illegal substances, mitigating circumstances cannot be considered by the judge to pronounce a sentence other than that of death.

Judiciary

18 Of late the ruling party has resorted to suing opposition leaders for defamation. The PAP plaintiffs are awarded hundreds of thousands of dollars in legal costs and damages. When the defendants are unable to pay the crippling amounts of money, they are made bankrupt and barred from standing for elections. Foreign newspapers and publications such as *Newsweek*, *Time*, *Financial Times*, *Asian Wall Street Journal*, *Far Eastern Economic Review*, *The Economist*, *International Herald Tribune* and Bloomberg News Agency have all been sued for defamation and/or prosecuted in the Singapore courts²⁰. As a result, these publications have shied away from critical reporting and commentary on the Singapore Government.

19 There is not only the pervasive fear of the law that exists in Singapore. It is also the fact that all public institutions are controlled by the government that individuals and groups become extremely diffident to the authorities. It is easy for the Singapore government to prosecute any individual or group using a myriad of draconian acts and laws that are in place.

20 The judiciary in Singapore is less than independent when it comes to trying cases that involve government dissenters. The International Bar Association in its 2008 report stated: *"The judiciary in Singapore has a good international reputation for the integrity of their judgments when adjudicating commercial cases that do not involve the interests of PAP members or their associates. However, in cases involving PAP litigants or PAP interests, there are concerns about an actual or apparent lack of impartiality and / or independence, which casts doubt on the decisions made in such cases. Although this may not go as far as claimed by some non-governmental organisations, which allege that the judiciary is entirely controlled by the will of the executive, there are sufficient reasons to worry about the influence of the executive over judicial decision making. Regardless of any actual interference, the reasonable suspicion of interference is sufficient. In addition, it appears that some of the objective characteristics of judicial independence, including security of tenure, separation from the executive branch and administrative independence may be absent from the Singapore judicial system."*²¹

21 Former Chief Justice Yong Pung How: *"Far from being distinguished in the law, I can only describe myself now as a working member of the business community, who had merely the good fortune to have a background in legal training, and some practical experience in this honourable profession before descending into the depths of the business world...My acquaintance with the law ceased as long ago as 1970, and before then had been confined almost entirely to Malaysia...I had never actually practised in Singapore...My final departure then from the profession in 1970 must be sufficient to allow judicial notice to be taken that I had neither the ability nor the inclination to persevere in the law."*²²

22 Yong was shockingly appointed Chief Justice. Prior to his appointment he was the Managing Director of the Singapore Government Investment Corporation, a public investment company run by former prime minister and current minister mentor Lee Kuan Yew.

23 In March 2005, Chief Justice Yong Pung How sued his former remisier, Boon Suan Ban²³, for defamation because Boon was pestering the Chief Justice about an outstanding financial matter when Yong was the chairman of a bank. The then-Attorney-General Chan Sek Keong (who is now the Chief Justice) charged Boon with criminal defamation. The financier was detained at the Institute of Mental Health, and declared to be of "unsound mind." He was detained at the mental

institution at the "President's pleasure." Boon was released only several months later. In the meantime, the papers pertaining to the case were sealed.²⁴

24 The present Chief Justice, Chan Sek Keong, was the AG before his present appointment. In 1997, AG Chan refused to take legal action against the prime minister and some other ministers for illegally entering polling stations during the general elections. Chan said that "*unauthorised persons who only wait or loiter inside a polling station on polling day do not commit any offence under the Act.*"²⁵

Media

25 *Print and non-print media:* All of the Singaporean newspapers are owned and managed by the Singapore Press Holdings whose chairman is a former deputy prime minister. All TV and radio stations are also owned and run by the state. The Internet is also not free from state harassment although the effectiveness of such intervention is less certain given the nature of the medium.

26 In its recent annual Press Freedom survey, Reporters without Borders ranked Singapore 136th out of 168 countries.²⁶

27 Committee to Protect Journalists reported, "*State control of the media in Singapore is so complete that few dare to challenge the system and there is no longer much need to arrest or even harass journalists. Even foreign correspondents have learned to be cautious when reporting on Singapore, since the government has frequently hauled the international press into court to face lengthy and expensive libel suits.*"²⁷

28 A US citizen and former columnist Pranay Gupte for the Straits Times, Singapore's national daily, said: "*The Straits Times is owned wholly by a company called Singapore Press Holdings, whose stock is sold publicly but whose affairs are closely monitored by the government...The paper is run by editors with virtually no background in journalism. For example, my direct editor was Ms Chua Lee Hoong, a woman in her mid 30s. She was an intelligence officer. Other key editors are drawn from Singapore's bureaucracies and state security services. They all retain connections to the state's intelligence services, which track everyone and everything.*"²⁸

29 The Films Act prohibits citizens from producing, distributing or exhibiting any film, video recording, or material that have a political end to them. It was passed by the government when the Singapore Democratic Party produced a 20-minute video documentary introducing its platform, criticising certain government policies, and proposing alternative ideas. The Minister for Information and the Arts banned the video and then introduced the Films Act. This Act was amended in 2009 to further tighten control over the production and distribution of political films.²⁹ *Newspaper and Printing Presses Act:* It is illegal to print newspapers in Singapore unless a license is given by the authorities. The Newspaper and Printing Presses Act states, "*The Minister may in his discretion grant to any person in Singapore a licence to keep and use a press for the printing of documents and may at any time withdraw the licence either permanently or for such period as he thinks fit.*"³⁰

30 As such there is no other form of media in Singapore that reaches out to the wider public than that of the State-controlled mass media.

Elections Department

31 The Elections Department falls under the direct charge of the Prime Minister's Office.³¹ The officers in the department are government servants and there is no independent commission that ensures a fair and independent elections system.. Elections are far from free and fair. The Singapore Constitution and the Parliamentary Elections Act has been repeatedly amended to ensure that the

running of the elections and the rules that govern elections return the PAP to power. Washington-based Freedom House states in its annual report that given all the problems, "*Singapore citizens cannot democratically change their government.*" The Alliance for Reform and Democracy in Asia (ARDA) team studying the elections system in Singapore concluded that "*free and fair elections do not exist in Singapore. The opposition Singapore...is given no chance of providing the type of dialogue and civil debate that exists in democratic states.*"³²

32 The recommendations by the ARDA team to the Elections Department (ELD) is very telling: "*The ELD must assure voters that their votes are secret. The numbers on the ballot papers and their counterfoils is not standard voting practice. The fear of votes being traced back to voters has a vast impact and influence on how voters choose their candidate/s. The ELD must do away with the numbering of ballots and instill confidence in the voters that their votes are indeed confidential.*

33 *The GRC system seems unnecessary for a small city-state like Singapore. The five or six person representation for constituents of between 100,000 to 150,000 narrows the choice of candidates for voters. The amount of deposit raised for each GRC team is substantial and hinders the participation of the opposition in these group constituencies. The GRC system should revert to single seat constituencies for all elected 84 seats in the house.*

34 *The redrawing of constituency boundaries at short notice and without consultation from all political parties does not appear to have any merits except to advantage the ruling party. The ESM team would have liked to ask the ELD the reason behind this apparently unfair election procedure. If boundaries need to be redrawn, the ELD must meet with all political parties and derive at a consensus. The new boundaries must be announced at least six months before the elections for all candidates to have a fair chance to 'work the ground'.*"³³

Recommendations

35 The Singapore Government must sign and ratify the International Covenant on Civil and Political Rights. It must then honour the all the articles in the Covenant. Laws that violate the right to freedoms of expression, assembly, association and movement must be rectified by Parliament.

36 The mass media in Singapore must also be free from any form of control by the State or any of its current and former leaders. Journalists must be allowed to do independent and investigative reports without fear of repercussions from the Government and its related agencies.

37 The judiciary must be free from any influence from the Executive branch or any of the State's leaders. It is only when the judges are not put under pressure or scrutiny by the State that fair trials can be carried out and judicious verdicts meted out.

38 The Elections Department should be replaced by an independent Elections Commission comprising individuals representing all political parties and civil societies. This body must be free from all influence from the Singapore Government.

Report submitted by: The Alliance for Reform and Democracy in Asia (ARDA)
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References:

1. Constitution of the Republic of Singapore http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_retrieve.pl?&actno=Reved-CONST&date=latest&method=part
2. Singapore's National Pledge <http://app.www.sg/who/45/National-Pledge.aspx>
3. Public Order (Preservation) Act (Chapter 258) <http://statutes.agc.gov.sg/>

4. Public Order Act 15 of 2009 <http://statutes.agc.gov.sg/>
5. TBT protesters hold heads high as they are found guilty
<http://yoursdp.org/index.php/news/singapore/3480-tbt-protesters-hold-heads-high-as-they-are-found-guilty>
6. Public Entertainment and Meetings Act (Chapter 257) <http://statutes.agc.gov.sg/>
7. Judge fines Chee Soon Juan \$10,000 for speaking in public
<http://yoursdp.org/index.php/news/singapore/2759-judge-fines-chee-soon-juan-10000-for-speaking-in-public>
8. Europe MPs 'gagged' by Singapore
http://tomorrow.sg/archives/2007/04/13/europe_mps_gagged_by_singapore.html
9. Singapore Police Manhandle & Drag Away Peaceful Protesters
<http://emblack.wordpress.com/2008/03/16/singapore-police-manhandle-drag-away-peaceful-protesters/>
10. Judge fines Chee Soon Juan \$10,000 for speaking in public
<http://yoursdp.org/index.php/news/singapore/2759-judge-fines-chee-soon-juan-10000-for-speaking-in-public>
11. Internal Security Act Singapore
http://en.wikipedia.org/wiki/Internal_Security_Act_%28Singapore%29
12. Chia Thye Poh http://en.wikipedia.org/wiki/Chia_Thye_Poh
13. Poh Soo Kai <http://asiancorrespondent.com/my-singapore-news/celebrating-singaporeans-dr-poh-soo-kai>
14. Lim Hock Siew <http://theonlinecitizen.com/2010/07/dr-lim-hock-siew-a-remarkable-man/>
15. Said Zahari http://en.wikipedia.org/wiki/Said_Zahari
16. Operation Spectrum http://en.wikipedia.org/wiki/Operation_Spectrum
17. No justification for Singapore's mandatory death penalty
<http://www.hrdc.net/sahrdc/hrfeatures/HRF135.htm>
18. Iwuchukwu Amara Tochi http://en.wikipedia.org/wiki/Iwuchukwu_Amara_Tochi
19. Amara Tochi – The Story http://www.amara-tochi.de/html/the_story.html
20. Repression in Singapore <http://www.scribd.com/doc/33806939/Singapore-Call-for-democracy>
21. IBA Human Rights Institute Report
http://www.google.com.sg/webhp?hl=en&tab=nw#hl=en&source=hp&biw=1280&bih=640&q=IBA+singapore+report+2008&aq=f&aqi=&aql=&oq=&gs_rfai=&fp=40d79875d07bfac5
22. Singapore: Call for democracy <http://www.scribd.com/doc/33806939/Singapore-Call-for-democracy>
23. Boon Suan Ban http://wiki.answers.com/Q/Who_is_boon_suan_ban
24. S'pore: Judge orders man to mental institution
<http://www.thinkcentre.org/article.cfm?ArticleID=2550>
25. Chief Justice Chan Sek Keong conferred the International Jurists Award 2009
<http://www.temasekreview.com/2009/11/25/chief-justice-chan-sek-keong-conferred-the-international-jurists-award-2009/>
26. 2010 World Press Freedom Index <http://en.rsf.org/press-freedom-index-2010,1034.html>
27. The World's Lawyers Come to Singapore
http://www.asiasentinel.com/index.php?Itemid=181&id=389&option=com_content&task=view
28. Letter from Singapore <http://www.pranaygupte.com/article.php?index=199>
29. New restrictions to Films Act introduced under the guise of liberalization
<http://singaporerebel.blogspot.com/2009/03/new-restrictions-to-films-act.html>
30. Newspaper and Printing Presses Act <http://statutes.agc.gov.sg/>
31. Elections Department Singapore <http://www.elections.gov.sg/about.html>
32. ARDA's full report on Singapore's elections system

http://www.asiademocracy.org/content_view.php?section_id=3&content_id=481
33. Ibid.