

SINGAPORE UNIVERSAL PERIODIC REVIEW

(Third Cycle)

Submission by Function 8

October 2020

Function 8 submits on detention without trial under the Internal Security Act (ISA).

1 The ISA continues to be used by the Singapore government as a convenient tool to instil fear among Singaporeans. Since 2015, its use has been extended to migrant workers. The arrests of 27 Bangladeshi workers may have been the first attempt by the government to instil fear among the thousands of migrant workers to stop them from organising and participating in protests.

2 In 2012, about 100 Chinese bus drivers went on strike over wages.¹ In 2013, the “riot” that took place in Little India² may have raised concerns for the government which is always worried about people organising themselves to publicise causes, make demands and cause “disorder” in Singapore. To ensure that migrant workers remain a passive community and do not involve themselves in any organised activities or politics back home or anywhere, the government used the ISA. While thousands of Singaporeans have been arrested and imprisoned under this law throughout Singapore’s history, the ISA was never used against migrant workers until November 2015.

3 *Bangladeshi workers*

Just before the presentation of the Singapore government’s report on the status of its human rights record at the second UPR cycle on 27 Jan 2016, news of the arrests of 27 Bangladeshi workers under the ISA was released by the Ministry of Home Affairs. This was done on 20 January 2016 via a press statement.³

¹ <https://www.scmp.com/news/asia/article/1096537/singapore-jails-chinese-bus-driver-over-strike> and <https://www.straitstimes.com/singapore/transport/102-smrt-bus-drivers-protest-against-pay>

² <https://www.straitstimes.com/singapore/little-india-riot-violence-sparked-by-accident-alcohol-major-factor-says-coi>

³ <https://www.mha.gov.sg/newsroom/press-release/news/arrests-of-27-radicalised-bangladeshi-nationals-under-the-internal-security-act>.

4 As stated in the statement, these workers were arrested between 16 Nov and 1 Dec 2015. By the time the news broke, all the workers except one had already been repatriated to Bangladesh. One had remained in prison, serving a jail term for attempting to leave Singapore illegally.⁴

5 It was the first time that the Singapore government had used the ISA against migrant workers. They were alleged to be have been planning terrorist activities in their home country and not in Singapore. Few details have emerged except for the government's allegations against them in its press release.

6 Under the ISA, the police have power to arrest any person without a warrant of arrest. They are allowed 48 hours to detain a person for investigation and another 28 days for further investigation. Detention after 30 days requires the issue of a detention order under section 8 of the act. See sections 8 and 74(2), (3) and (4) of the ISA.⁵ During this 30-day period, mental and physical torture may be applied as confirmed by many former ISA detainees.⁶

6 We suspect the 26 workers were repatriated before the expiry of the 30 days allowed for investigation. According to the news report,⁷ 14 of those repatriated were charged under the Anti-Terrorism Act upon their arrival home and 12 were released with restrictions to their families.

7 Apparently, all the workers did not have legal representation. For commentaries see article by Teo Soh Lung published in The Online Citizen⁸ and CNBC news.⁹

8 The plight of Bangladeshi migrant workers swiftly escalated a few months later. In March/April 2016 another eight Bangladeshi workers were arrested under the ISA. This time, detention orders were issued against all of them. This means they had been detained for more than 30 days. It was the first time detention orders were served on migrant workers.

⁴ <https://www.straitstimes.com/singapore/27-radicalised-bangladeshis-held-under-isa>

⁵ <https://sso.agc.gov.sg/Act/ISA1960?ProvIds=pr65-,pr66-,pr74->

⁶ <https://www.youtube.com/watch?v=eBJqJroWt3E>

⁷ See footnote 2

⁸ <https://www.onlinecitizenasia.com/2016/01/24/were-the-27-arrested-bangladeshis-terrorists/>

⁹ <https://www.cnbcm.com/2016/01/20/singapore-arrests-27-bangladeshis-on-terrorism-suspitions.html>

9 Shortly after, six of the eight were charged under section 4(a) [now renumbered as 4(1)(a)] of the Terrorism (Suppression of Financing) Act (TSFA) for remitting amounts ranging from a few hundred dollars to S\$1800. They pleaded guilty and were severely punished with prison sentences ranging from 2 years to 5 years. Two of the six workers initially claimed trial but eventually, they too pleaded guilty. The remaining two were repatriated in September 2016. We do not know why. See The Straits Times¹⁰ and Reuters report Singapore jails two Bangladeshis for ‘financing terrorism’.¹¹

10 *Terrorism (Suppression of Financing) Act (TSFA)*

The intent of the Terrorism (Suppression of Financing) Act (TSFA) enacted in 2002 is “to suppress the financing of terrorism, to give effect to the International Convention for the Suppression of the Financing of Terrorism and for matters connected therewith.” The use of this law against the six Bangladeshis for sending small sums of money to alleged terrorist organisations in their home country raised serious questions as to whether the law was ever intended for such purposes. It is also noted that the detainees were charged under the FTSA after detention orders were served on the detainees.

11 The ISA permits indefinite detention without trial. Rather than be imprisoned without trial for an indefinite period of time, it was not unexpected that all six workers pleaded guilty for offences under the TSFA. Indeed, the two workers who initially claimed trial but pleaded guilty subsequently, may have been subjected to intense pressure since the only alternative was to be detained indefinitely in a foreign land. Pleading guilty would be a convenient way out of their predicament. It was definitely better to serve a fixed term of imprisonment rather than to remain in prison for decades as many ISA prisoners have experienced in the past. Dr Chia Thye Poh for instance, was imprisoned for 26 years without trial and lived another 6 years under severe restrictive conditions.

12 To further instil fear among Singaporeans and migrant workers with the gravity of the offences committed by the six migrant workers, The Straits Times published a photograph of the armoured vehicles transporting them to court.¹²

¹⁰ <https://www.straitstimes.com/singapore/courts-crime/terror-group-formed-during-void-deck-meeting>

¹¹ <https://www.reuters.com/article/us-singapore-bangladesh-idUSKCN1151CE> accessed on 28 September 2020

¹² <https://www.straitstimes.com/singapore/courts-crime/terror-group-formed-during-void-deck-meeting>.

13 The government is skilful at exaggerating the security situation so as to heighten fear in people. They did that during the habeas corpus applications of the alleged Marxist conspirators in 1987. Twenty-two people were detained under the ISA in 1987 and several of them took out habeas corpus applications against the government. The internal security department sent police personnel, Gurkhas and plain clothes to surround the Supreme Court building and trailed the lawyers and families of the detainees.

14 Upon securing convictions in court, the practice of the Singapore government is to revoke the detention orders. The workers would be repatriated upon completion of their prison terms.

15 *Indonesia domestic workers*

In August 2019, about three years after the disposal of the cases involving the eight Bangladeshi workers, three Indonesia domestic workers were arrested under the ISA. Like the Bangladeshis, they were served with detention orders and then charged under the TSFA for remitting S\$100, S\$130 and S\$1,216 to a charity which the government alleged was involved in terrorism. All three pleaded guilty and were sentenced to jail for 1.5, 2 and 3 years in prison.

16 Like the Bangladeshi workers, the Indonesian domestic workers would be similarly repatriated upon completion of their prison terms.

The attached Table 1 shows the names of migrant workers arrested under the ISA.

17 *Singapore Terrorism Threat Assessment Report 2019*

In Jan 2019, the Singapore government published the Singapore Terrorism Threat Assessment Report 2019.¹³ It reinforced its claim that Singapore is a potential target for terrorist attacks.

18 While we recognise that Singapore and indeed every city in the world may be targets of terrorist attacks, to constantly remind the public of this danger and use the ISA for unproven terrorist activities including remittances of small amounts of money to charities deemed terrorist organisations by the government serves only one purpose - to instil fear in the people of Singapore and foreigners living here. It is to ensure that the government gets a free hand to do whatever it deems necessary, including arresting and subjecting any

¹³ <https://www.mha.gov.sg/newsroom/press-release/news/singapore-terrorism-threat-assessment-report-2019>

person to investigation without warrants of arrest, seizure of properties and invasion of privacy of the individual. Singapore's position is not unique though the government keeps harping on its uniqueness. It is the duty of every government to protect its people against terrorist attacks while ensuring the people enjoy fundamental liberties. Singaporeans today enjoy very little of these fundamental human rights.

19 Since the destruction of the World Trade Centre in September 2001, the Muslim community all over the world has suffered. In Singapore, they have become the victims of the ISA. According to our record, there are 155 ISA prisoners and they are all Muslims. See attached Table 2.

20 The Religious Rehabilitation Group (RRG) was set up in 2003 by volunteers to help released detainees and their families. Somehow, the government became involved in its activities and today, it has its blessings. RRG claims to be successful in "rehabilitating" released detainees who were even "grateful for their arrests".¹⁴ How successful they are in such work, we do not know. Whether they investigate into the merits of ISA arrests and question why young Muslims are attracted to foreign preachers like Anwar Al-Awlaki, we do not know. There is however an article written by Nur Dianah Suhaimi and titled "Local Muslim preachers need to modernise ways" that gives some insight into the thinking of young Muslims. See¹⁵

22 *Paragraph 14 of the Report*

In the said 2019 report, the government reiterated in para 14: "Even though there is no credible intelligence, for now, of an attack being planned against Singapore, we cannot rule out the possibility. After all, Singapore was targeted in 2016 by two ISIS-linked plots."

It is not true that Singapore was targeted in 2016. The government should not repeat such falsehoods in order to justify its use of the ISA.¹⁶ The Indonesians arrested in 2016 were tried in the Indonesian court. The Straits Times

¹⁴ <https://www.todayonline.com/singapore/some-isa-detainees-were-grateful-when-arrested-rrg>

¹⁵ [https://www.facebook.com/function8ltd/posts/1454174521426184?_cft__\[0\]=AZUemZUxl-InR06xv07lu5EpmWDHRCCXlaIzzTdvMGvFTkwHkQ975urdrQ6SnTsxZqNgibphD99VtiOHPT-hyHQgtF1w6eu1pmvq8HGWNH72rKLqhrA981N6oPhb8ujExRb-4yziKc9L5RiFQBikjz94SidkOI-aKjVuJbmzuLX0s53Shd779s2OPaNkBwJhQ&_tn=%2CO%2CP-R](https://www.facebook.com/function8ltd/posts/1454174521426184?_cft__[0]=AZUemZUxl-InR06xv07lu5EpmWDHRCCXlaIzzTdvMGvFTkwHkQ975urdrQ6SnTsxZqNgibphD99VtiOHPT-hyHQgtF1w6eu1pmvq8HGWNH72rKLqhrA981N6oPhb8ujExRb-4yziKc9L5RiFQBikjz94SidkOI-aKjVuJbmzuLX0s53Shd779s2OPaNkBwJhQ&_tn=%2CO%2CP-R)

¹⁶ <https://www.straitstimes.com/asia/se-asia/members-of-batam-terror-cell-behind-foiled-mbs-rocket-attack-plot-found-guilty->

reported that the judges found that “there was insufficient evidence to convict them for the plot to attack Singapore, the men were still guilty of other offences under Indonesia’s anti-terror laws.” Despite this verdict, the Singapore government continues to mislead the public by raising this incident in its public discourse.

23 *Paragraph 16*

The government claims that between 2007 and 2014, it dealt with only 11 radicalised Singaporeans. According to our record, the number should be 25 Singaporeans. See attached Table 2.

24 We suspect the government’s record does not include those arrested under the ISA but were released before the expiry of 30 days permitted for investigation under the ISA regime.

25 Similarly, the government claims that from 2015 till 2019, the number of ISA cases is 22. Our record shows that there were 28 cases.

26 We do not agree that foreigners who were arrested under the ISA should be excluded in the report. Bangladeshi and Indonesian workers who were arrested under the ISA should be included. The number arrested between 2015 and 2019 should therefore be $28 + 38 = 66$.

27 If we add the unnamed youth arrested in January 2020, the number will be 67. (see attached Table 2 showing names from 2001 to 30 September 2020).

28 *Paragraph 22*

The government states that “14 Indonesian domestic workers have been repatriated after they were found to have been radicalised”. In 2018, three Malaysian workers were arrested for “their suspected involvement in terrorism-related activities” and repatriated.

29 We suspect that these workers were also arrested under the ISA and repatriated within the 30 days of investigation. And if our suspicion is correct, then the workers have not been accorded due process.

30 *ISA Detainees as of today*

According to our record, there are 24 Singaporean Muslims who are still in detention. Three of them have been imprisoned for nearly 19 years. See attached Table 3.

31 We note the discrepancies between the government's record and ours. With the view of presenting an accurate report to this UPR, we wrote to the Ministry of Home Affairs on 10 July 2019. On 5 August 2019 we wrote to the Minister for Home Affairs and Minister for Law, Mr K Shanmugam. Both the ministry and minister ignored our letters. They did not even have the courtesy to send us an acknowledgement. This is how the government treats NGOs in Singapore.

Attached are our two letters.

32 *ISA should be abolished*

Table 3 shows that 24 Muslims are still being detained under the ISA. This law must be abolished. It has been with us since 1948. Thousands have been arrested, detained or repatriated over the decades. Since 2015, the Singapore government has used this law to ensure that even migrant workers who are here to work at meagre salaries remain as an unorganised and passive community. This is evident from the sufferings they endured during this Covid 19 pandemic. There are over 300,000 migrant workers in Singapore.

33 The government by taking action against Bangladeshis and Indonesians are clearly using the ISA to discourage migrant workers from participating in organised activities and politics here or in their homeland. Involvement in any discussions on politics and religion are discouraged.

34 Religion and politics cannot be divorced. An "illegal group" in Bangladesh may in fact be just an organisation that is not appreciated by the government. Collecting funds for organisations fighting for a cause in their homeland may not necessarily be terrorist activities. In earlier times, Nelson Mandela, Ho Chi Minh, Sun Yet-sen and Tan Kah Kee had all collected funds to fight for the liberation of their homeland. The line between nationalism and terrorism may not be so clearly defined as the Singapore government makes it out to be.

35 Singapore should stop using the ISA against migrant workers and Singaporeans as an excuse to restrict their rights to freedom of speech, expression and assembly.

Function 8

Singapore