



## Emergency committee for human rights in Singapore

UPDATE 23  
SINGAPORE HUMAN RIGHTS ALERT

3 OCTOBER 1988

Seven young community leaders remain in prison without trial. They were in their cells during the recent elections; without a voice, without a vote, hostages to Singapore's "democracy". Yet they were not powerless.

The government's election strategy was driven by its fear of the emergence of principled opposition symbolised by these silent witnesses. At all costs the PAP sought to preserve the facade of its diminished electoral power base. Since 1984, potential bases for the emergence of community pressure groups have been suppressed from the Law Society to the Catholic Church. Moves to establish a more credible parliamentary opposition have been undermined. Individuals have been attacked: the expulsion of J B Jeyaretnam from Parliament, Francis Seow from the Law Society presidency, Devan Nair from head of state. Appeals for more consultation have been rejected, meetings declared illegal, groups spied upon and ridiculed in the media. The Internal Security Act has been used time and again.

The PAP's fear of losing formal legitimacy even caused it to change the rules of the electoral game by introducing group constituencies and town councils presided over by MPs. But the government failed. The PAP's share of the popular vote decreased, Lee Kuan Yew's "transition" has been slowed, the executive presidency fudged and overseas criticism has forced the prime minister to launch an unprecedented journalistic popularisation of himself as a humane, family man.

More than a third of the population has had the courage to vote against the government. The firm base of electoral opposition established in 1984 has been consolidated. Undoubtedly, the flowers trampled by the Lee government will bloom again: new community groups will grow, new opposition initiatives will arise.

The detainees remain in prison as a testimony to the coming spring and the power of the international outcry against injustice.

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Sponsors: • Jim Anderton M.P. • Jocelyn Armstrong • Katie Bonas • Prof J Burrows • Very Rev Dr Alan Brash • Jan Cormack • Fr John Curnow • Sonja Davies M.P. • Manuka Henare • Canon Hone Kaa • Michael Knowles • Margaret Lowell-Smith • Archdeacon Alan McKenzie • Sir Guy Powles • Rev Barbara Stephens • Rev David St Taylor • Bishop Whakahuhi Verece •

**NEWS ABOUT THE DETAINEES**

NOW DETAINED WITHOUT TRIAL IN SINGAPORE:

Mr Vincent CHENG Kim Chuan	Ms TEO Soh Lung
Mr CHEW Kheng Chuan	Mr Kenneth TSANG Chi Seng
Ms CHNG Suan Tze	Ms WONG Souk Yee
Mr Kevin Desmond DE SOUZA	

(also, detained for 22 years, Mr CHIA Thye Poh)

RELEASED SINCE UPDATE 22:

William YAP Hon Ngian (20.6.88)  
Mr Francis SEOW (16.7.88)

CHRONOLOGY OF EVENTS SINCE THE RE-ARRESTS OF APRIL 1988

- 19.4.88 Re-arrests of 8 ex-detainees: TEO Soh Lung, CHNG Suan Tze, TANG Lay Lee, NG Bee Leng, William YAP, WONG Souk Yee, Kenneth TSANG and Kevin DE SOUZA, following the issue of their joint statement. Defence lawyer, Patrick SEONG also detained.
- 6.4.88 Francis T SEOW detained.
- 8.5.88 CHEW Kheng Chuan arrested and detained.
- 18.5.88 Patrick SEONG released. TANG Lay Lee and NG Bee Leng released on conditions that they do not make public statements or address public meetings, or be members of or take part in any way in organisations without government permission, associate with other ex-detainees, or leave the country without government permission.
- 5.6.88 Francis T SEOW served one year detention order.
- 20.6.88 William YAP Hon Ngian released. Detention order on Kenneth TSANG, TEO Soh Lung, WONG Souk Yee and Kevin DE SOUZA extended for another year.
- 16.7.88 CHNG Suan Tze and CHEW Kheng Chuan's detention orders extended for one year with effect from 19.7.88. F T SEOW released on Suspension Direction with 2 restrictive conditions:
- a) cannot travel out of Singapore without prior written approval of ISD Director
  - b) must not associate or communicate with any foreign diplomat or representative of any foreign government in or outside Singapore.

FAMILIES AND FRIENDS PROTEST AGAINST DETENTION ORDERS

Eighteen people, friends and members of the families of the detainees CHNG Suan Tze and CHEW Kheng Chuan, publicly protested against the extension orders placed against the two detainees in July.

"We feel that they and none of the other detainees and ex-detainees should have been arrested last year nor re-arrested or arrested this year in the first place. We maintain that our loved ones have not done anything prejudicial to the security of Singapore and therefore there is no need to 'rehabilitate' them. We demand that they be released immediately and unconditionally", the families and friends said.

FAMILIES SEND OPEN LETTERS TO ISD DIRECTOR

Some family members of the detainees have sent five open letters to the Director of the Internal Security Department. A letter sent just before the elections said:

"We regret that our loved ones are still in prison for having publicly maintained their innocence. As elections are on September 3rd, we would like to remind you that our loved ones should be allowed to exercise their constitutional rights to vote at their respective polling stations".

The family members requested a reply to their letter, but noted that they had received only one reply to the letters they had sent.

MASSES CONTINUE

Masses continue to be held in Singapore in solidarity with the sufferings of the detainees and their families.

FRANCIS SEOW SENT HOSPITAL BILL

Francis Seow has been angered by receiving a hospital bill for treatment he received at Singapore General Hospital during his detention. Mr Seow suffered severe palpitations after 15 hours of interrogation and was admitted to hospital for a few hours for tests.

"This is adding insult to injury. It is the bloody limit if you ask me. This is not only twisting the knife in the wound, but throwing chili in it as well", Mr Seow told the Asian Wall St Journal.

INTERNAL SECURITY ACT MISUSED

"My arrest and detention provide a terrifying example of the misuse of the ISA (Internal Security Act) for party political purposes", said Francis Seow in a press statement issued a few weeks after his release. He had been arrested and detained only because he was a political threat to the People's Action Party, and not because he was a security threat, he said.

His arrest and detention had caused incalculable loss and almost irreparable damage to his reputation and to his law practice. The repercussions extended to his fiancée, his family and his friends. Despite the fact that he is about 60 years old, has a heart condition, and has diabetes, he had been forced to stand bare-footed, and at one stage, bare-bodied. He had been deprived of sleep, and made to stand for 16 hours directly under the cold blast of an air conditioner, during which time he was threatened with assault and verbally abused.

FRANCIS SEOW ACCUSED OF TAX EVASION

About a month after his release from detention, and just a few weeks before he contested the Eunos seat in the Parliamentary elections, Francis Seow was charged with six counts of evasion of income tax. Obviously timed to discredit him just before the elections, Francis Seow himself saw the charges as "part of a systematic pattern to stifle all but a token dissent and to silence independent critics in a specific and grossly ad hominem way".

"I have never sought, either wilfully or otherwise, to evade income tax", he said. "These charges coming, as they do, after my recent detention and other examples of Government interest in my personal and business matters I view with grave concern."

On the day he was arrested, Francis Seow's personal and his firm's financial records were seized. Two months later, on the day that the ISD returned the records to the firm, the Income Tax authorities seized them. The Income Tax Authorities later decided to press charges against Mr Seow, without giving him time to answer various queries they had made of him. Their reason for doing so was that Francis Seow had made a press statement about his arrest and detention and also publicised the letter in which they refused to grant him an extension of time in which to answer the queries they had made of him.

Mr Seow invited Singaporeans to make up their own minds whether these and other events amounted to harassment of a person considering entering politics.

"When I take into account that my fiancée was expelled from Singapore shortly after she had provided me with financial assistance, that an Act of Parliament was amended which compelled me to step down as President of the Law Society following criticism of Government legislation, that my recent success following an appeal to the Privy Council on a disciplinary matter (much cited by PAP Parliamentarians as to why they feel I am a person of dubious past) was not reported in the Straits Times despite a reporter having worked on it (when such matters are usually reported), and that the PAP has boasted of its ability to destroy me, I feel a grave disquiet and an eroding faith in the sincerity of the PAP's claims that they welcome opposition".

#### FRANCIS SEOW HAS NEAR MISS IN EUNOS

Despite a nasty smear campaign Francis Seow, running on a three-man Workers' Party team in the group representation constituency of Eunos, won 49.1 percent of the votes cast, against 50.9 percent cast for the PAP team. This represented the nearest miss for the Opposition in the September 3 elections.

In the run up to the election a series of open letters signed by the PAP team leader, Junior Education Minister Tay Eng Soon, attacked Seow, accusing him of financial irresponsibility, and of keeping mistresses in several countries. The PAP exploited Francis Seow's alleged mismanagement of financial affairs by asking electors whether Seow and his team mates would be capable of managing the Town Council, which was to be set up after the election in the Eunos area.

An example of one of the open letters, distributed to the voters in Eunos, to try and discredit Francis Seow is attached. (See Appendix 1)

The closeness of the vote in Eunos reveals just how much the PAP had reason to fear that Francis Seow might become an Opposition Member of Parliament.

#### ASIA WATCH REACTS TO SUNDAY TIMES ARTICLE

Asia Watch has taken strong exception to the allegation that the human rights organisation had knowingly made false accusations of government torture against the detainees in Singapore. The allegation was made in a Sunday Times article in May, and was both inaccurate and irresponsible, said Asia Watch.

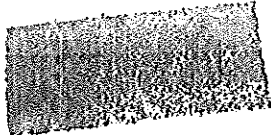
In a letter to the Sunday Times, Asia Watch reiterated that the organisation is convinced that "detainees were subjected to various forms of mistreatment during detention, including physical assaults to the face and body, as well as prolonged interrogation and sleep deprivation in very cold rooms.

"In addition detainees were repeatedly threatened during interrogation; among a number of threats, detainees were told that they would be detained indefinitely if they did not co-operate with their interrogators.

Nearly all the detainees were subjected to one or more such forms of mistreatment, and several of the 22 were physically assaulted. Asia Watch has never stated that every one of the 22 detainees was subjected to physical assaults."

Asia Watch concluded its letter by reiterating its concerns about the mistreatment and calling on the Government to initiate an independent investigation into the issue.

In reply the Editor of the Sunday Times said that the newspaper had made no allegation against Asia Watch, but had been reporting a Singapore Government statement issued by the Ministry of Home Affairs.



#### OPPOSITION CONSOLIDATES

Predictably, the Singapore Government has been quick to use the September 3rd election result for political ends, referring to the result as a clear mandate for its "New Guard" and the PAP's leadership style. It was far from that even if only one opposition candidate was elected.

In terms of the election of results, two factors emerge which contradict the government's claim of a mandate and explain the opposition's poor showing.

The first factor was the introduction of 13 Group Representation Constituencies (GRC's) where, in each case, three seats were combined and voters were required to vote for a slate of three party candidates rather than an individual. Clearly the GRCs were designed to diffuse the opposition vote in targeted marginals. Eight out of the ten most marginal government seats from 1984 were placed in the ten contested GRCs along with safe PAP seats.

The government's excuse for introducing the GRCs was that the change would guarantee minority representation. If this was their concern, it would seem more appropriate to ensure this through the candidate selection process. The reality is that exactly the same number of minority candidates was elected this year as in 1984.

The second factor which renders hollow any claim of a clear mandate is a consequence of the electoral system: the broad support enjoyed by the opposition was not translated into formal representation. First-past-the-post or plurality systems, as used in Singapore, distort the relationship between voter preference and formal representation. The Singapore government has long practised the art of exaggerating this distortion to its advantage.

The following statistics, drawn from the 1988 results as published in The Straits Times, clearly illustrate the level of distortion:

- \* The PAP secured 98.76% of the seats on the basis of 61.8% of the votes, while the opposition secured 1.23% of the seats on the basis of 36% of the vote. (In NZ in 1981, with a plurality system, the National Party won government with just 38.8% of the popular vote.)
- \* In the 70 contested seats, it took an average of 12,290 votes to elect a PAP candidate while it took an average of 494,406 votes to elect an opposition candidate.
- \* If an electoral system based on proportional representation had been in use, there would now be 29 opposition members in parliament.

There are important strategic lessons for the opposition parties to learn from their 1988 experience. Given an electoral system which does not reflect their broad support, it may be more advantageous to "play the system" and systematically target constituencies thus concentrating their resources. The PAP was quick to seize on the fact that, with 70 seats being contested, the opposition could theoretically oust the government. The PAP was able to focus its campaign on discrediting opposition claims to government, diverting attention from the fundamental issue of the appropriateness of overwhelming one-party domination in parliament. If the opposition had contested a minority of constituencies the government would not have been able to divert attention in the manner it did.

Perhaps, given the political culture and history of Singapore under Lee Kuan Yew, the lesson to be learnt for the opposition is that their energies should be focussed totally on developing the most appropriate strategy for establishing themselves as a substantial and credible opposition. Then, and only then, will the structural fortress that the PAP has built around its power base begin to quiver.

#### NON-CONSTITUENCY SEATS ACCEPTED

Mr Francis Seow and Dr Lee Siew Choh of the Workers' Party have accepted the two seats for non-constituency MPs and have been declared MPs. Considerable disagreement continues among the opposition concerning whether these seats should be accepted, since they were created by a PAP amendment to the constitution before the 1984 election to manipulate public opinion into thinking that an opposition presence in parliament would be possible without actually voting for them. (The two highest-scoring, but losing opposition candidates have the right to take the seats which do not give the right to vote on important bills such as finance).

The PAP has delayed the opening of parliament until January, ostensibly due to renovations in parliament buildings. However, observers note that this comes after Francis Seow's court case in December on government charges of tax evasion. If convicted he will probably be disqualified as an MP. The PAP cannot be wanting such a competent, fearless debator in the House even as a non-constituency MP.

NEWS ABOUT LEGAL PROCEEDINGS
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CHRONOLOGY OF COURT CASES WITH SUMMARIES OF ARGUMENTS

- 6.5.88 Applications for habeas corpus for:
- |                              |   |                 |
|------------------------------|---|-----------------|
| Patrick SEONG, TEO Soh Lung  | - | F T SEOW acting |
| TANG Lay Lee, Kevin DE SOUZA | - | Wee Pan Lee     |
| NG Bee Leng, CHNG Suan Tze   | - | Loo Ngan Chan   |
| WONG Souk Yee                | - | Rajan Nair      |

Lai J refused to order immediate release, but set 18.5.88 as hearing date for Seong, Teo, Tang, and Ng. He said that the relevant notices and affidavits were required to be served on the Minister of Home Affairs, the Commissioner of Police and the Attorney General.

He ordered that the rest be heard at a later date - that afternoon Francis Seow was arrested and detained.

- 18.5.88 Adjourned hearing of writs of habeas corpus for:

NG Bee Leng  
TANG Lay Lee  
Patrick SEONG  
TEO Soh Lung

- a) Arguments by Robertson QC continued despite announcement State Counsel Tiwari made of the release of NG Bee Leng and TANG Lay Lee. Mr Robertson argued that the Government had ordered the police to arrest the detainees in order to get around a political embarrassment - nowhere in S74 of the ISA does it authorise Ministers to take these political actions. The Act should only be used against people threatening the country's security, and not against those causing political embarrassment, certainly not those issuing press statements. Power of arrest was unlawful for any Minister to instruct the police to act under the section. The arrests were improper and unconstitutional. Therefore it was the Government and not the Police which made the order. "No Minister can tell a policeman what to do. This is what is meant by a police state".

Tiwari: It was clear from the document that the Government had complied with the law. It was the police and not any Government Minister who ordered the arrests.

Lai J: What was disclosed in the government statement did not show that any Minister had ordered the re-arrests.

TANG Lay Lee and NG Bee Leng were ordered to pay legal costs of Senior State Counsel S Tiwari, who appeared for Home Affairs Minister, Commissioner of Police and Attorney General.

- b) TEO Soh Lung's case adjourned for admission of QC, her lawyer Francis T Seow having been detained on 6.5.88.

- 23.5.88 In challenging the legality of the detention of Kevin DE SOUZA, WONG Souk Yee, and CHNG Suan Tze, Geoffrey Robertson QC contended:

- 1) The Press Statement was not valid grounds for redetention. Detainees were entitled by Constitutional guarantee of freedom of expression to issue statements in the public interest - whether or not their claims of ill treatment and innocence were true, they had the right to make public their honest belief.

- 2) The conditions on which they were released prevented them from going back to their previous activities, and they have not broken any of those conditions of release. The conditions did not forbid them to make any press statement.
- 3) Power under ISA to revoke any suspension of detention order must be exercised only to prevent subversive acts, i.e. activities that threaten safety or well-being of the State, or threatening to overthrow Parliamentary democracy by violent means.
- 4) The Minister of Home Affairs had acted in bad faith when he revoked the suspension of the detention orders, as it is clear that the revocation was exercised to:
  - a) protect the Minister and Police from political embarrassment
  - b) to use psychological pressure to find out why the detainees made the press statement

Senior State Counsel Tiwari contended that if the decision to detain under the ISA was the Home Affairs Minister's alone, the grounds for detention could not be reviewed by the Court.

After a 5½ hour hearing, Mr Justice Lai Kew Chan reserved judgement. He later, on 28.5.88, delivered judgement dismissing the applications with costs.

9.6.88 Advisory Board representations made by all, including Vincent CHENG.

27.6.88 Anthony Lester QC submitted that:

29.6.88 The approach of courts other than the courts of Singapore and Malaysia is in stark contrast. The House of Lords, the Privy Council, the Supreme Courts of India, Zimbabwe and South West Africa and the courts of South Africa have all recently held, in the context of preventive detention on national security grounds, that the court can and should objectively examine evidence for the grounds purportedly justifying the decision-maker's "satisfaction" to decide whether the precedent facts to the exercise of the power actually exist. If they do not, the detainee must be released. (Austin, Hurley, Katofa, Tameside, CSSU, Ruddock). Particularly relevant is the Constitutional context in which the powers are exercised: (Reynolds, Ten Cheng Poh, Ong Ah Chuan). The approach of the existing case law in Singapore and Malaysia is contrary to the strong current of judicial opinion elsewhere in the world, and is erroneous. (4.1-4.8, 5.1).

In response to Lester's statement that TEO Soh Lung wanted to sue ISD officers for false imprisonment and that he wanted to raise the issue of conditions in the Detention Centre, the Government detailed for the first time in recent memory the conditions under which detainees were held in the ISD's Whitley Road Centre.

On 2.8.88 Justice Lai's 38 page judgment was released, dismissing with costs the application of TEO Soh Lung. He said the Constitution and the ISA gave the Home Affairs Minister sole discretion in deciding whether the acts of any person were prejudicial to the security of Singapore, and that it was for the ISD and the Executive to decide on issues of national security. He went on to say that "The likelihood, extent and duration of the risk (of the detainees resuming their former activities) are par excellence the kind and type of decisions which case law says must be left to the professionals in the ISD and the Executive

who are responsible for national security." He stated that courts do not look at the merits of any decision which has statutorily been left to an authority other than a court of law, but only whether it is lawful or unlawful, adding "Recognising that subjective determination of the Minister is not justiciable or deciding that a court should not substitute its decision for that of a Minister therefore does not mean judicial abdication."

( See also Appendix 2 for further clarification of habeas corpus hearings).

STOP PRESS: TEO SOH LUNG'S APPEAL (FIRST DAY)

26.9.88 The Court of Appeal deliberated the question of whether TEO Soh Lung would be permitted to appear in court to participate in her appeal of the above dismissal. Anthony Lester QC said that TEO Soh Lung would like to be present at her appeal to instruct him when necessary, and added that her presence would not pose a threat to Singapore's security.

Senior State Counsel S Tiwari objected, arguing that under Section 18 of the ISA the power to order the presence of a detained person at any place rested on the discretion of the Home Affairs Minister.

The judges deferred their decision until the next day. (Declined)

Anthony Lester QC argued that Justice Lai had taken a "fundamentally flawed" approach in dismissing Teo Soh Lung's application in June, and that instead of giving due regard to Teo's evidence, he had simply accepted the Government's contention that ISA matters should be decided solely by the Cabinet and the Minister for Home Affairs. "Such an approach involves the negation of the rule of law," he said, and added that the judge's acceptance of the Government's stand was "manifestly erroneous". Mr Lester noted that the approach of existing case law, which placed a heavy burden on the detained person to prove bad faith or improper purpose but failed to require the trial judge to examine the evidence in the light of "well established principles of administrative law", was markedly less favourable to personal liberty and personal freedom than those even in such countries as South Africa. It involved "turning a blind eye to the evidence before the court, and treating the issues as effectively removed from judicial review", said Mr Lester. Unless the Court of Appeal, unlike Mr Justice Lai, was willing to depart from this approach Teo would have to seek recourse from the Privy Council in London for her freedom, he added.

Arguing that Teo's rearrest was illegal, he said that the reason given at the time of the dismissal - that the ex-detainees who signed the joint statement were likely to resume their former activities if they felt they had done nothing wrong - did not apply to Teo, who from the time of her first arrest had consistently denied that she was involved in any subversive activities, had maintained this in her written submission to the Advisory Board in August last year, and has also alleged, and filed a police complaint on, serious ill treatment while under interrogation. Although the Government knew her stand, it had released her last year, saying she was no longer a threat to the country's security.

Mr Lester stressed that his submission was that the rule of law has not been ousted by the ISA. He said Teo's case was of great public importance because it would decide whether Singapore has effective judicial remedies to check the misuse of the ISA's 'Draconian powers' by public officers. "The central question raised by this appeal is whether the courts of Singapore whose Constitution is based upon democratic government under the rule of law, are able and willing to decide in practice where state power ends and individual freedom begins," he said.  
(At the time of printing, the case is proceeding).

SOME INTERNATIONAL RESPONSES
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USA

- \* The AMERICAN BAR ASSOCIATION sent a representative to observe the habeas corpus proceedings of Francis Seow and Teo Soh Lung. Among his instructions were:
  - to make known to the Court, the authorities of Singapore... the interest and concern of the American Legal Profession and the ABA in the legal proceedings in question.
  - to obtain information about the conduct of these legal proceedings, the nature of the charges against the accused...
  - to collect more general background information concerning the circumstances leading to these proceedings.
  
- \* THE LAWYERS' COMMITTEE FOR HUMAN RIGHTS published its concern over the ISA detentions in Singapore in the May issue of its newsletter, 'LAWYER TO LAWYER NETWORK', and recommended its readers to take action by telegram or letter urging the release of Francis Seow and the other detainees.
  
- \* Increasing concern within the US about the deterioration of human rights in Malaysia and Singapore has culminated in the holding of a hearing by the CONGRESS FOREIGN AFFAIRS SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANISATIONS on recent developments in these two countries. The hearing was held on 7th July, and the Congressional Subcommittee heard testimonies from Representatives of AMNESTY INTERNATIONAL, ASIA WATCH and PROFESSOR JOHN LENT of Temple University. A representative from the State Department also testified at a later date.

(Points of interest from the Asia Watch testimony are attached as Appendix 3)

In response to the hearings, the following Resolution emerged:

Regarding the protection and promotion of human rights in the Republic of Singapore:

Whereas the peoples and the Governments of the United States and the Republic of Singapore have developed friendly relations based upon scholarly and cultural exchange, international commercial transactions, travel and tourism, as well as a shared interest in political stability in Southeast Asia;

Whereas United States concern for the integrity of the individual and the protection of civil and political liberties is a cornerstone of American foreign policy and should play an important role in the official United States relationship with Singapore;

Whereas the continued development of United States relations with Singapore is in the best interests of the people of both countries, and is dependent in part upon the development of Singaporean policies designed to ensure freedom from arbitrary arrest and mistreatment of prisoners, as well as freedom of expression and association;

Whereas the Singapore Government has used its Internal Security Act in 1987 and 1988 to detain without trial for varying periods more than twenty political opposition figures;

Whereas respected human rights organizations have reported that political detainees have been subjected to mistreatment in detention that has included threats, prolonged sleep deprivation, assaults, and psychological disorienting techniques;

Whereas the Government of Singapore has also arrested lawyers who have attempted to defend the rights and interests of political detainees;

Whereas the Government of Singapore has attempted to deter contacts between Singaporeans and international human rights groups, the media, and foreign diplomats by calling for the removal of a United States diplomat who met with opposition lawyers, accusing the United States Government of interference in Singapore's internal affairs, and warning domestic critics against contacts with foreigners; and

Whereas these actions come after other measures that have restricted the scope and content of political discussion in Singapore, including the tightening of press legislation in 1986 and 1988 to threaten and punish foreign publications for commenting on domestic affairs, 1986 amendments to the Law Society Act restricting open discussions of public policy issues, and the 1987 expulsion from Singapore of the Christian Conference of Asia, an ecumenical fellowship of ninety-five member churches and fifteen national councils in seventeen Asian countries; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress -

- (1) urges the Government of the Republic of Singapore -
  - (A) to release all persons imprisoned without trial for the peaceful expression of their political views;
  - (B) to respect the rights of Singaporeans to criticize government policies openly and to speak freely with representatives of international human rights organizations, foreign diplomats, and the media;
- (2) commends the State Department and the United States Embassy in Singapore for attempting to meet with broad segments of the population of Singapore and to monitor issues relating to observance of internationally recognized human rights in Singapore;
- (3) calls upon the State Department to communicate clearly to the Government of Singapore that contacts between United States Embassy officials and Singaporean citizens, including domestic human rights monitors and opposition figures, are an appropriate and an essential aspect of United States foreign policy."

#### CANADA

- \* In June 1988 NEW DEMOCRAT HOUSE LEADER Nelson Riis called upon the Singapore Government to immediately release Francis Seow in a statement to the House of Commons. Expressing his grave concern over the reasons for Francis Seow's arrest, Riis quoted the Wall St Journal: "... on Singapore's pretense of democracy, or even of following the rule of law, his disappearance speaks loud and clear". Riis also sent a letter to the Secretary of State for External Affairs, calling on the Canadian Government to speak out regarding this serious human rights violation. "Mr Seow should receive due process under the law and must be released immediately. Anything less is simply unacceptable", said Mr Riis. He also sent a letter to the same effect to Lee Kuan Yew.

#### FRANCE

- \* A legal network in June alerted its members to protest the detentions of Francis Seow and Patrick Seong.

UNITED KINGDOM

- \* SIMBA (Singapore and Malaysian British Association) organised a public meeting in June entitled "Political Repression and Human Rights in Malaysia and Singapore", at which Dr Chandra Muzaffar, President of Aliran (Malaysian Social Reform Movement) and TANG Fong Har, Singaporean lawyer, both ex-detainees in their respective countries, were the guest speakers.
- \* AMNESTY INTERNATIONAL (London headquarters) sent out 'Urgent Action' appeals in June asking for messages to be sent to President Wee Kim Wee, Lee Kuan Yew, and Minister of Home Affairs Jayakumar:-
  - welcoming the unconditional release of Patrick Seong
  - welcoming the release of Tang Lay Lee and Ng Bee Leng, and requesting that their restrictions be immediately lifted
  - expressing concern at Francis Seow's detention and urging his release, along with the immediate and unconditional release of the 8 others whom AI considers prisoners of conscience
  - requesting assurances of good treatment and access to families, lawyers and doctors for the detainees.
- \* AMNESTY INTERNATIONAL also published a report on 23 August 1988 citing further evidence of torture and ill treatment of ISA detainees in Singapore. The report contains testimonies from some of the detainees providing further evidence of the methods and techniques used by Singapore's Internal Security Department to obtain "Confessions" from those detained. AI said it was calling on the Singapore Government to establish an independent inquiry to investigate the reports of torture and ill-treatment and to prosecute any offending officers. It is also calling for all those still detained to be released immediately and unconditionally and for legal and civil restrictions to be removed from those already released.
- \* THE EUROPEAN PARLIAMENT put forward a motion for a Resolution, entitled, "Chia Thye Poh, Detained without trial in Singapore, one of the longest serving Political Prisoners in the world", calling for the immediate and unconditional release or charge and fair trial of Chia Thye Poh. The text of the motion is reproduced as Appendix 4)

JAPAN

- \* A group translates Update into Japanese to make leaflets. About 50 people gathered on 21st May anniversary. The group has organised itself to send a Postcard every day from February until the end of this year to Minister of Home Affairs Jayakumar, demanding immediate and unconditional release, or open trial, for the detainees and Chia Thye Poh. The group also visited the Singapore Consul at Osaka and the office of Singapore Airlines on 9th August.
- \* Japan Times reported that two groups held a rally during Lee Kuan Yew's visit to Japan in July to demand the release of the political prisoners in Singapore. The two groups, SAVE THE SINGAPORE SIXTEEN and ASIA HUMAN RIGHTS ALERT, accompanied their action with strongly worded letters to Lee Kuan Yew.
- \* Representatives from Tokyo's CATHOLIC COMMUNITY held a quiet demonstration outside the Singapore embassy on July 10, coinciding with Lee Kuan Yew's visit to Japan, to protest human rights violations by the Singapore Government. Over 30 clergy and lay gathered in rain with signs and placards. A mass was then held, attended by over 60 people, to offer concerns and prayers of support for the detainees and their families. The National Christian Council in Japan has urged the Government of Singapore to observe and protect the detainees' fundamental rights while in custody, in accordance with the UN Declaration of Human Rights, and has called for an open and just resolution to the situation.

HONGKONG

- \* A number of actions were organised to coincide with Singapore National Day (August 9) by organisations, including Church, Student, Women's, Workers and community groups. Activities included:-
  - production of orange T shirts with "Dear Singapore Friends... The Truth will set you Free". First edition sold out.
  - production of postcards demanding release or fair and open trial of the detainees, addressed to President Wee, and with very strongly worded messages both back and front
  - short articles and letters to editors of local newspapers (assisted by Amnesty International, Hongkong)
  - leafletting of all passengers of SIA flights to Singapore on the weekend of August 6, while wearing the T shirts
  - performance of a street play. This was intended to be outside the SIA offices, but was forbidden by the police. The group then moved to the ferry terminal, and performed "The Singapore National Day Game Show" before a large audience, which they also leafletted.
  - leafletting Singaporean citizens working in Hongkong who attended a National Day celebration at the Raffles Club. A number of local newspapers carried this story.
  - production of a media statement linking the elections with the Universal Declaration of Human Rights, signed by 8 organisations.
- \* INTERNATIONAL YOUNG CHRISTIAN WORKERS (Asia Pacific), based in Hongkong, have produced a very informative Information Kit on Singapore for the IYCW movement. On the back page is a Boycott Singapore Airlines symbol.
- \* THE LAW ASSOCIATION OF ASIA AND THE PACIFIC (LAWASIA), a regional association of law groups, lawyers, law teachers and judges, resolved to promote discussion on what it perceived as "an alarming trend amongst governments within its region towards adopting repressive tactics to stifle internal dissent" through the medium of a regional seminar held in Malaysia in July. The Council meeting issued a press statement expressing its continued regret at the use of the ISA legislation in Singapore for purposes for which it was not intended, and resolving to send an observer to the hearings in respect of Francis Seow. The Council also expressed its regret at the continued detentions without trial under Malaysian Internal Security Law, and is to hold a seminar on this legislation later this year.

PHILIPPINES

- \* FREE THE SINGAPORE SIXTEEN COMMITTEE produced a special issue for Singapore National Day, August 9th. Among many pertinent comments in their Editorial, they mention that since the first wave of ISA arrests in May 1987, more than 200 organisations from Asia, Europe and USA have jointly condemned the Singaporean government for the detentions. The Editorial concludes: "The National Day of Singapore is not a day of celebration - rather of mourning for the disregard of the democratic process and the human rights of the people of Singapore".

KOREA

- \* The Korea Christian Action Organisation wrote to Lee Kuan Yew "to express our heartfelt solidarity with the CCA members and to protest against the measure applied on the CCA Asian Office by your government." They also added: "Hereby we express our strong solidarity with all the people who are oppressed by the unjust decision by the dictator government, and we also express our strong determination that we will continue to protest against your attitude which is against justice."

AOTEAROA

\* An open letter was sent to Prime Minister Lee Kuan Yew on the occasion of Singapore's National Day, August 9 1988. The letter, signed by a member of Parliament, several leaders of national Church organisations, the President of the NZ Council of Trade Unions and leaders of national aid and development agencies, pointed out that the world is shortly to mark the 40th anniversary of the Universal Declaration of Human Rights. It calls on the Singapore Government to restate its commitment to the principles of that Declaration, specifically quoting those articles pertaining to such matters as arbitrary arrest and detention, torture, cruel or degrading treatment or punishment, the right to the protection of the law and a fair public hearing, freedom of expression, etc. The strongly worded letter goes on to challenge the Singapore Government to answer the serious charges alleged against it of abuses of the abovementioned principles and to state its respect for the Universal Declaration of Human Rights.

A similar letter was sent to the Malaysian Government.

\* Minister of Foreign Affairs Russell Marshall has recently met with Singapore's Foreign Minister Dhanabalan and Home Affairs Minister Jayakumar. Substantial portions of both meetings were devoted to the question of Detainees in Singapore. Mr Marshall made clear the NZ Government's attitude to detention without trial, and its concerns at the application of the Internal Security Act in recent cases. The Ministry of Foreign Affairs has also had discussions with the Malaysian High Commission about the suspension of the Malaysian Supreme Court Judges, at which New Zealand's concerns were passed on.

CHRISTIAN CONFERENCE OF ASIA

In response to the detentions, and also to the closing down of its office in Singapore in December 1987, the Christian Conference of Asia passed the following resolution at its Executive Committee meeting in Manila in September:

IT IS NOW THEREFORE RESOLVED THAT CCA SHOULD HENCEFORTH:-

- instruct its staff not to travel on Singapore Airlines
- inform all participants coming for CCA Seminars, Workshops, Consultations, Exposure Programmes, visitations and meetings that CCA will not pay for travel on Singapore Airlines
- urge its member Churches, National Councils, fraternal organisations, related agencies and partner Churches to initiate similar action against Singapore Airlines
- that such symbolic action should continue till the Singapore government withdraws its uncalled for and unwarranted allegations against CCA
- releases the seven persons presently detained under the Internal Security Act.

SOME OVERSEAS MEDIA COMMENTS ON ELECTION RESULTS
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HONGKONG STANDARD

THE Hongkong Standard's editorial of 5.9.88, entitled "Singapore needs Deeper Roots in Democracy", had some sharp comments to make about the election results - "Not only were opposition views kept to a minimum in the government-controlled media, Mr Lee himself led the bare-knuckles scrap as if the very life of the party depended on the outcome. The personal lives, especially the finances of opposition candidates - notably former attorney-general Francis Seow - were exposed. Voters in public housing estates were bluntly told they would get no co-operation from State-run utility companies if they voted in opposition candidates. This was taken to mean no water, gas or power supply if the PAP lost... Most of the voters in this new generation do believe that Mr Lee is past it... they will be very happy to see him go. They have given their votes to the ruling party in the hope that a Lee-less PAP will be more responsive to their aspirations which include a free press, a greater respect for human rights, and some trust in Singaporeans. As long as Mr Lee is there, none of these can be expected..."

THE AUSTRALIAN

"However, with the passage of years he [LKY] seems to have become less able to distinguish between unpatriotic subversion and genuine political dissent. While he appears not to trust his fellow citizens to read such distinctly unrevolutionary publications as the Far Eastern Economic Review, many voters have come to dislike his apparent unwillingness to accept criticism and such qualities as the seemingly nepotistic promotion of his son.

It might have been expected that this year's election would have brought a smashing victory for the PAP, if for no other reason than that the harassment of citizens who have ventured to disagree with Mr Lee made opposition electioneering difficult. Nevertheless,.... well over one voter in three rejected Mr Lee. Had Singapore's electoral system more closely approximated proportional representation, a substantial number of Opposition members, instead of only one, would have been elected to Parliament."

THE SYDNEY MORNING HERALD

also pointed to dirty tactics significant in the election outcome:-

"... the Government took its campaign right onto the high-rise housing estates where 85 percent of Singaporeans live. The election campaign coincided with the creation of local councils, under which the elected Members of Parliament will administer the housing estates. The Government warned residents of the consequences of putting an Opposition MP in control. 'The message was that if you elect an Opposition member your lifts will stop running, the garbage will pile up... The Singaporean voter is more concerned about the value of his flat and whether or not the grass will be cut ... The article's subtitle was "Although the Government got 80 of the 81 seats, the results of the overall voting confirm that a solid third of the voters are not happy with the PAP."

## REVIEW & OUTLOOK

### Singapore's New Guard

Singapore's parliamentary elections last Saturday marked an important moment in Prime Minister Lee's hand-off of power to a young generation of politicians. His second-generation slate of People's Action Party candidates won 80 of 81 seats in the newly expanded parliament. The Prime Minister—the only member of the PAP's old guard to return to office—said he is now ready to be nudged out by the first deputy prime minister, 47-year-old Goh Chok Tong. Mr. Lee also hailed his party's election victory as "the people's verdict on the new guard."

It's good to see Mr. Lee recognize that Singapore has reached a transition point. Of course, the 64-year-old Mr. Lee implied that though he may not seek the presidency, he may well stay on as prime minister for two more years before letting Mr. Goh nudge him anywhere. That, along with Mr. Lee's position as secretary general of the PAP, would allow him plenty of opportunity to channel the efforts of the new guard.

Under the Prime Minister's leadership, Singaporeans built themselves a prosperous, modern society. But in such a society Mr. Lee's autocratic leadership style is increasingly out of date. The issue is whether the coming transition will be toward anything more appropriate. The sad answer so far is that Mr. Lee seems bent on re-bottling the same old brand of PAP rule, complete with its intolerance of criticism or organized political opposition. This is bad news for the future of Singapore.

Despite the lopsided parliamentary outcome, a record 38.2% of the popular vote Saturday went to the opposition; it seems that not everyone in Singapore endorses the current political arrangements. Under the rules Mr. Lee and his party have designed, 38% of the vote managed no more than to return one MP, Chiam See Tong, to his lone opposition seat. This election outcome is hardly surprising, of course, when you recall the political choreography leading up to the vote.

Almost two years ago, one of the

two opposition members of parliament, Joshua B. Jeyaretnam, lost his seat on a legal technicality when he was found guilty of falsifying his party's accounts. A few months later came the arrests of the "Marxist conspirators." These were 22 young government critics, some of whom later said their confessions had been forced under torture. This spring brought the arrest of a prominent opposition lawyer, Francis Seow. He was jailed for 72 days while the government investigated whether he had unpatriotically threatened state security by consorting with American diplomats. In the end, Mr. Seow was released but charged with six counts of tax evasion, for which he will face judgment later this year. Also this spring, the government introduced its new system of team-candidate constituencies, which make it harder for a single strong opposition candidate to win a seat in parliament. It was in just such a race that Mr. Seow was narrowly defeated last Saturday.

There is little tolerance for full discussion of such events in Mr. Lee's Singapore. Back in 1986, Mr. Jeyaretnam was penalized for outspoken remarks on the floor of parliament. Three regional publications, including this newspaper, still have their circulation restricted in Singapore for "engaging in domestic politics." Correspondents from the Asian Journal and The Far Eastern Economic Review were not allowed to report in Singapore on the recent elections. And a former president of Singapore, Devan Nair, faces a defamation suit because a few months ago he went so far as to say publicly that Mr. Seow's political tactics resembled those of Lee Kuan Yew some 30 years ago.

In this constricted political atmosphere, Mr. Lee allows little room for anyone else to maneuver while he goes through the process of changing the guard. The question is, what is this second generation of political leaders being drilled to defend? The aspirations of the citizens of Singapore? Or the cramped and eccentric political system the Prime Minister has erected?

# Politics becomes a new ball game

SCMP

5/9/88

From SEAH CHIANG NEE  
in Singapore

A MAJOR election issue — making MPs manage large public housing estates in their constituencies as sort of mini-mayors — is likely to change the face of politics in Singapore.

Opposition candidates have campaigned hard against the concept, which is adapted from the French, saying that it benefits the ruling People's Action Party (PAP) because of its vastly superior resources and, more importantly, the availability of government infrastructure which can be brought to bear in its favour.

This means that MPs will in future need not only debating skills but management ability as well. On the latter lies the answer of how well or poorly their constituents are to live.

Why is it so vital, and how will it affect politics in Singapore?

Eighty per cent of the 2.6 million people live in towering blocks of Housing and Development Board (HDB) flats. The HDB is often described as a government within a government because it manages these huge estates, affecting the lives of more than two million residents.

It maintains the conditions of the flats, including the lifts, corridors, and ensures that they are repaired, renovated and repainted every five years.

It also collects the rubbish, and looks after the environment within the estate, including parks, private roads and car parks.

It formulates decisions about what one can or cannot do, not only in the estate but also within the inside of one's own flat, which is often criticised as overbearing, considering that the vast majority of residents own their flats.

The second generation leaders apparently agree that

the residents should be allowed to make their own decisions about their homes and their estates, and have come up with the concept of the town council.

A bill was passed in parliament earlier this year which will allow all 81 constituencies to form town councils between now and

Each single constituency will be given a budget of S\$3 million (HK\$11.46 million) yearly to run the estates and the flats within its boundaries. Group constituencies — a combination of three organised for the purpose of elections to ensure multi-racial representation in parliament — will get S\$9 million (HK\$34.39 million) annually.

The councils will have the right to increase or reduce maintenance fees, invest in interest-paying funds, and make decisions, such as building a swimming pool, golf course or more car parks as long as they can raise the money on their own.

The Government will not subsidise budget deficits. The councils, however, can raise rates, a politically sensitive issue for both the governing and opposing parties.

So it's not just a matter of employing contractors to do the job as the opposition politicians make it out to be. A well-run estate can flourish, while negligence and poor service will result in run-down flats, poor facilities, not to mention the dangers of corruption.

Property values of such estates will rise or fall depending on how well or how badly they are run, the Government explains.

The HDB has done a good job so far on maintenance because of its vast resources. The town council will start from scratch, so it was not surprising that even PAP MPs had misgivings about it at the beginning.

Opposition parties which are financially weak and lacking in human expertise view it as a serious threat to their political aspirations. They say that the plan diminishes the political role of MPs, making them estate managers rather than custodians of people's political rights. By doing so parliamentary democracy will suffer, they argue.

Despite the repeated explanations, many Singaporeans appear to be largely unaware of the tremendous consequences of this new legislation, which takes the former British colony a step away from the Westminster-type of democracy towards the French system.

PAP's total votes in the election fell by one per cent compared with the previous election in 1984 which indicates there has been no significant swing of opposition supporters to the PAP over this issue.

The future, however, will be different. Politics will be an entirely new ball game in Singapore. The move has at least imposed a serious obstacle in the path of the fragmented opposition parties.

The sole opposition MP in the new 81-seat parliament, Mr Chiam See Tong of the Singapore Democratic Party (SDP) may not experience any major problems setting up and running a town council, because the party can afford to concentrate all its efforts to make his constituency a show-case to show that the opposition, too, can do the job just as well.

Accumulating capable politicians who can take on the PAP in parliamentary debate is one thing. Attracting enough honest ones who can keep hundreds of thousands of Singaporeans — reputedly with one of the highest expectations of life in Asia — happy is another.

MEDIA RESPONSE SUMMARY
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The following are just a few examples we have noted of recent media coverage of events in Singapore:-

Election

- 5.9.88 HONGKONG STANDARD; "Singapore needs deeper roots in Democracy". Editorial criticising the "no holds barred tactics" of the election campaign, PAP exclusion of opposition views from media, personal campaigns against opposition candidates, especially Francis Seow, and the use of the Town Council Scheme, and predicting an increasing yearning for democracy in Singapore that will not happen under LKY.
- 5.9.88 SYDNEY MORNING HERALD: "Lee Ready to be 'Nudged Aside'. Although the Government got 80 of the 81 seats, the results of overall voting confirm that a solid third of the voters are not happy with the PAP".
- 5.9.88 SOUTH CHINA MORNING POST: "PAP retains stranglehold - but the opposition will be a threat in future campaigns". Article pointing out that despite the PAP's control of 80 of the 81 seats, the percentage of support for the PAP is slipping, and "the winds of change are starting to rustle the leaves".
- 6.9.88 SOUTH CHINA MORNING POST: "Self Interest Triumphs in Singapore Elections". Editorial, concedes election result was 'political and personal triumph' for LKY, but also points to the price of Singapore's progress under him, including that "his international image will not have been improved by the treatment of some of his fellow countrymen over recent months".
- 6.9.88 THE AUSTRALIAN: "Lee Wins but Opposition Grows" Editorial  
"Support for Lee Eroding Steadily" Article
- 9.9.88 ASIA WALL STREET JOURNAL: Claims Lee's autocratic style is out of date. Points out that under the PAP designed rules, 38.2% of the vote gained the Opposition only one seat. Goes on to describe the "Political choreography" leading up to the vote, including Jeyaretnam's demise, the arrests of the "Marxist Conspirators", and Francis Seow, the Team Candidate constituency scheme which made it harder for the Opposition to gain seats, and the restrictions on foreign media.
- 8.9.88 FAR EASTERN ECONOMIC REVIEW: "Many are Called... Opposition Parties out in Strength against ruling Juggernaut" and "Swing Along with Lee. The PAP Stages a Street Party to Catch Votes".
- 2.9.88 ASIaweek: "A Watershed Election" Article
- 1.9.88 FAR EASTERN ECONOMIC REVIEW: "Striking While it's Hot - A Snap Poll Catches a Booming Economy and Weak Opposition".
- 10.9.88 CHRISTCHURCH PRESS (NZ): "Mr Lee Bowing Out" - Editorial describing Singapore's democracy as "authoritarian"

General Coverage

- 6.6.88 FINANCIAL TIMES: "Backward Steps in Singapore", describing LKY as becoming "rather less than more benign" and his government as "oversensitive to criticism and insecure".

- 7.6.88 THE ECONOMIST: "Unpleasant Flavour Hurts Singapore - What has gone wrong with LKY?" Critical article, describing increasing tensions and "darkening" of the vision of Singapore.
- 9.6.88 FAR EASTERN ECONOMIC REVIEW: p 14. "Pursuing All Connections" Article on alleged US interference in Singapore, mentioning detainees, Devan Nair and Francis Seow (and his finace).
- 2.7.88 SOUTH CHINA MORNING POST: Review. "Lee Pounds a Bumpy Path". Article describing increasing instability in Singapore.
- 18.7.88 HONGKONG STANDARD: "Relatives urge Government to release Detainees" article.
- 4.8.88 FAR EASTERN ECONOMIC REVIEW: "Still Sewn Up - Nervous PAP Manoeuvres to keep the Upper Hand". Article describing election runup.
- 8.8.88 ASIA WALL STREET JOURNAL: "Seow to Run for Parliament in Singapore". Article includes description of his treatment by ISD.
- 8.8.88 SOUTH CHINA MORNING POST: "Group Attacks Singapore Law" - Christian group protesting detentions.
- 11.8.88 FAR EASTERN ECONOMIC REVIEW: "Taking up the Gauntlet - Seow Plans to run as Opposition Election Candidate". Article describing Francis Seow's detention and interrogation, and plans to stand in the election.
- 14.8.88 THE GUARDIAN: "Modernization - But Confucian Style". Article describing Lee's paternalistic and authoritarian style, and pointing to signs that times are changing.
- 9.88 AUSTRALIAN SOCIETY: (magazine) "Arrests in Singapore". Article backgrounding the arrests in the light of the 1984 election and constitutional amendments moving towards the 1988 election.
- 5.9.88 SOUTH CHINA MORNING POST: "Politics Becomes a New Ball Game" describing Town Council Scheme and how it imposes a serious obstacle in the path of Opposition parties.
- 24.9.88 NZ LISTENER: (magazine) "Democracy Lee-Style". Article describing some of the lack of freedoms in Singapore - the author's perceptions of the price at which LKY retains his power.



SINGAPORE DETAINEES RESORTING TO THE COURTS

11 persons were detained under the Internal Security Act this year.

7 of them applied to the courts for writs of habeas corpus in an attempt to secure their release.

One (Lawyer Patrick Seong) was released before his application could be heard. His application was therefore withdrawn with no order as to costs.

Two (Lawyer Tang Lay Lee and social worker Ng Bee Leng) were released after their applications were dismissed with costs by the court.

The applications of the other 4, represented by Queen's Counsel, were dismissed with costs by the High Court. All are appealing against the decision.

WHAT IS A WRIT OF HABEAS CORPUS ?

The Writ of habeas corpus is an application to the court to secure the release of a person who has been detained unlawfully or without any legal justification.

WHY WERE THEIR APPLICATIONS DISMISSED ?

In 1942, the English House of Lords decided in the case of *Liversidge v. Anderson* that if the Executive stated that it was satisfied that there was reasonable cause to believe a person to be of hostile association, the court would not inquire whether in fact there were reasonable grounds for the belief.

The courts in Singapore have continued to adopt this approach. In the 1988 cases of Kevin de Souza, Chng Suan Ize, Wong Souk Yee and Teo Soh Lung, the Singapore High Court, in dismissing their applications, made the following propositions of law :

1. Courts cannot question the subjective decision of the Minister.
2. Courts have refused to review the exercise of ministerial

discretion.

3. Courts cannot review whether there were sufficient evidence for the Minister to reach his decision. They can only see that there is no illegality, irrationality or procedural impropriety.

4. Subject to the above, those who are responsible for national security must be the sole judges of what national security requires.

However, since the 1970s, the courts in England, India, Zimbabwe, South West Africa and South Africa have asserted that the courts could and should examine the "facts" relied on by those exercising discretionary powers to see whether such "facts" exist.

WHY DID THEY APPLY TO THE COURT ?  
WHY ARE THEY APPEALING ?

1. The right of a detainee to apply for a writ of habeas corpus is guaranteed under the Singapore constitution. The detainees are operating within the framework of the existing laws.

2. The existing laws in Singapore afford a certain degree of safeguards against the arbitrary exercise of discretionary powers. The courts could, for example, ensure that the conditions under which persons are detained are "acceptable".

3. The Singapore legal system, modelled on the English system, recognises that the law is not static. The process of appeal allows "bad" laws or laws which are no longer relevant to the times to be changed.

There is still hope that the law might be changed and the appeal courts may assert that they can and should examine evidence for the grounds purportedly justifying the executive's "satisfaction". They could decide whether the facts, on which the exercise of discretion is made, actually existed. If they did not exist, the detainees must be released.

August 1988.

APPENDIX THREE: POINTS OF INTEREST FROM THE ASIA WATCH TESTIMONY BEFORE  
US CONGRESS SUBCOMMITTEE

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The Program Director of Asia Watch stated in his testimony:- "Asia Watch believes that the arrests are only the most recent indication of what can only be described as exceptional intolerance on the part of the ruling People's Action Party.

Among other instances of such intolerance, he spoke of the Government's various defamation actions against ill-financed opposition candidates, its case against opposition Workers Party leader, J B Jeyaretnam, the tightening Press Laws which deter foreign publications from commenting on politics in Singapore, and its prompt legislative restriction of the activities of the Singapore Law Society when it criticised this move.

The testimony goes on to describe the history and scope of the ISA, its application to Chia Thye Poh, who has been detained under it for 22 years, and to the recent detainees. It describes the allegations against the detainees, and the Singapore Government's failure to produce any evidence to support those allegations. It continues:- "There are many laws and regulations in place to assure government control of association and political expression in Singapore, although the deterrent value of the ISA detention provisions makes frequent use of other measures largely unnecessary." Among these are listed the Minister of Home Affairs's powers:

- to prohibit an individual from taking part in the activities of or acting as an adviser to any organisation or association
- to close schools or educational institutions if he is satisfied that they are being used for detrimental purposes or as meeting places for an unlawful society (this includes tertiary institutions such as the National University of Singapore and the Singapore Polytechnic)
- to control admissions to tertiary institutions through the requirement of a certificate of suitability (which may be denied if the Director of Education has "reasonable grounds for believing that the applicant, if admitted, would be likely to promote, or otherwise participate in, action prejudicial to the interest of security of Singapore, or any part thereof")
- to deny registration to organisations (if satisfied that "it would be contrary to the national interest for the society to be registered"). The Minister's decision is outside the scope of judicial review and reasons for it are not required to be given.
- to dissolve registered societies (this power is not subject to scrutiny). Officers of dissolved societies are not eligible to act or be elected as officers of any other society for 3 years afterwards except with the Minister's written permission.

The testimony then describes Government control of the media and its punishment of those magazines which reported events in Singapore in a manner not to its liking.

Finally, it urges stronger responses by the US Government to the situation in Singapore, strongly endorsing the Resolution of Congress to support legislation expressing concern over the deteriorating Human Rights situation in Singapore, and urges that the Subcommittee consider it favourably.

APPENDIX 4: TEXT OF MOTION FOR RESOLUTION BY EUROPEAN PARLIAMENT

SUBJECT: CHIA THYE POH, DETAINED WITHOUT TRIAL IN SINGAPORE, ONE OF THE LONGEST SERVING POLITICAL PRISONERS IN THE WORLD.

The European Parliament,

- A. Aware that Chia Thye Poh has been detained without trial in Singapore, under the Internal Security Act, since 1966,
- B. Noting that the Internal Security Act provides for renewable two-year detention orders, against which there is no appeal,
- C. Noting that according to Singapore Government "Chia will be released as soon as he is prepared to give a public undertaking renouncing the use of force and terror to overthrow the Government". Chia Thye Poh refuses to agree to this condition, since he states he has never been involved in the communist movement. He has also been offered asylum in Canada, but has rejected the offer, since he wishes to stay in Singapore.
- D. Noting that Chia Thye Poh was born on 4th April 1941, into a poor family, completed secondary schooling and in 1961 graduated from the Department of Physics at Singapore's Nanyang University. Due to his excellent academic performance, he stayed on at Nanyang University after graduation as a tutor in the Department of Physics, until his election as a Member of Parliament in 1963.
- E. Noting that Chia was active in the Chinese Middle Schools' Students Union and was Vice President of the Nanyang University Students' Union for 4 years. After graduation, he was a member of the Executive Committee of the Nanyang University Alumni Association. Chia joined the opposition BARISAN SOSIALIS (Socialist Front), a party formed as a result of a split within the ruling People's Action Party in 1961. He contested the Singapore parliamentary elections of September 1963, standing as a Barisan Sosialis candidate in Jurong. He was elected as the youngest Member of Parliament.
- F. Noting that Chia was first arrested in April 1966 for publishing a 'seditious' article in the Barisan Sosialis paper Chern Sien Pau, of which he was the editor. The article criticised the detention without trial of a Barisan Sosialis MP. He was arrested a second time in July 1966 along with 25 other people, and was charged with unlawful assembly for taking part in a demonstration against the United States involvement in Vietnam. He led the 9 Barisan Sosialis MPs in tendering their mass resignation from Parliament on 8 October 1966. The stated reason for the mass resignation was government harrassment of the opposition. Many Barisan Sosialis members and MPs had been detained without trial. On 29th October 1966 Chia was detained without trial under the Internal Security Act.
- G. Aware that Chia Thye Poh has never been allowed to defend himself in a court of law, and denies the allegations of the Singapore Government,
- H. Noting that Chia is recognised as a prisoner of conscience by Amnesty International and has been adopted by the Winnipeg Group of the Canadian (English speaking) AI,
  1. Calls on the Singapore Government to release Chia Thye Poh immediately and unconditionally, or to charge him and try him in a fair and prompt judicial proceeding.
  2. Calls on the Singapore Government for an assurance that Chia Thye Poh is treated in accordance with internationally accepted standards and that he be allowed full access to his family, lawyers and doctors.
  3. Instructs the President to forward this resolution to the Government of Singapore and the Governments of the Member States.