



Emergency committee for human rights  
in Singapore

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UPDATE 25  
SINGAPORE HUMAN RIGHTS ALERT

12 DECEMBER 1988

**MERRY CHRISTMAS**

We send all our readers and supporters  
Christmas Greetings and best wishes for  
the New Year.

Let us ensure that 1989 brings release to  
the Singapore detainees and strong resolve to all  
Singaporeans who desire justice and democracy.

DETAINEES RELEASED & RE-ARRESTED. JUDGES PLAY POLITICS.  
OPPOSITION LEADER JEYARETNAM CLEARED BY PRIVY COUNCIL. GOVT RUNS  
FOR COVER. FRANCIS SEOW IN COURT.

**RELEASED & RE-ARRESTED IMMEDIATELY**

In a planned and very cruel piece of political theatre, the  
Singapore govt on 8 December released and re-arrested 4  
detainees: Ms TEO Soh Lung, Mr Kevin DE SOUZA, Ms WONG Souk Yee  
and Ms CHNG Suan Tze.

About midday on 8 December, Chief Justice WEE Chong Jin delivered  
a 107 page judgement on two separate appeals against dismissal of  
applications for writs of habeas corpus on behalf of the 4  
detainees. The appeals were allowed and the detainees ordered  
released.

The detainees were told to ready themselves for release. This  
was delayed until evening. Their lawyers went to the prison with  
the necessary papers. Families were also waiting. The detainees  
were forced into police cars, driven out of the prison gates a  
few yards and then brought back in to be served with new  
detention orders.

**POLITICAL JUDGEMENT**

This action may appear as gross disrespect for the Rule of Law  
and for the judiciary. But, regrettably, from the judgement  
delivered, it is clear that the judiciary is conniving with the  
govt and shares in this display of disrespect.

Sponsors: • Jim Anderton M.P. • Jocelyn Armstrong • Katie Boanas • 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 Lovell-Smith • Archdeacon Alan McKenzie • Sir Guy Powles • Rev Barbara Stephens • Rev David M Taylor • Bishop Whakahuihui Vercoe •

The joint appeal of Ms WONG, Ms CHNG and Mr DE SOUZA was allowed on the technical grounds that the correct procedure for the issuance of their detention orders had not been followed. Ms TEO's appeal did not include this point and concentrated on points of law. However, in a clever political move, the judges gave a nod to these points of law without ruling on their implications and ordered the release of Ms TEO on technical grounds also.

Thus there was no substantive review of the legality of the detentions and it was a simple matter for the govt to re-serve the detention orders according to the correct procedure. Naturally, the govt did not pass up the opportunity to raise false hopes in the detainees and their families as a lesson to them for daring to resort to the judicial process.

#### POLITICAL PURPOSE

The political purpose of allowing the appeals on the narrowest technical grounds is to prevent further appeal to the Privy Council in London. The Privy Council would consider the substantive points of law which would question executive discretion in cases under the Internal Security Act as well as force the unconditional release of the detainees. The ISA would then become a more limited and less potent weapon for silencing dissent.

If there was any doubt previously, we can now be sure that the Singapore judiciary is acting in collaboration with the government.

#### DETAINEES MORE DETERMINED

The latest govt manoeuvre has made the detainees more determined than ever to pursue all legal avenues to secure their release and to demonstrate their innocence. Lawyers are now analysing the judgement to see whether appeal to the Privy Council may still be possible at this stage or whether they have to start again from the beginning by applying for fresh writs of habeas corpus in the High Court.

The detainees have won some ground from the court battle so far:

- costs were awarded in their favour;
- the issue has been kept in the public eye;
- the judiciary's collusion with the govt is even more obvious to the Singapore public;
- substantive legal points have been raised and the area of legal debate broadened.

## JEYARETNAM CLEARED

**Privy Council clears  
Singapore's Jeyaretnam**

The British Privy Council, in its publication of a ruling that Singapore opposition politician J. B. Jeyaretnam was wrongly disbarred, expressed "deep disquiet that by a series of misjudgments" Jeyaretnam and a colleague had suffered a grievous injustice. "They have been fined, imprisoned and publicly disgraced for offences of which they were not guilty."

Jeyaretnam, a lawyer and secretary-general of the Worker's Party, was expelled from the Singapore Parliament in November 1986. His expulsion and later disbarment followed his criminal convictions concerning party finances. The Privy Council ruled that those convictions were flawed, based on unsound reasoning by Chief Justice Wee Chong Jin.

[Far Eastern Economic Review, 1 Dec]

See also ASIaweek article attached.

**GOVT REFUSES TO QUASH CONVICTIONS**

In a statement on 1st December, the Attorney-General announced that the Privy Council's judgement did not have the effect of reversing Mr Jeyaretnam's convictions. This much was stated by the Privy Council itself since there is no appeal from the Singapore District Courts to the Council and thus no jurisdiction. However, the normal practice in the UK would be for the govt to request a Queen's pardon. The Singapore govt feels no such moral compulsion and has said "the question of a pardon for Mr Jeyaretnam did not arise as he had not asked for one." But if he did request one the govt "would consider its merits".

**GOVT RUNS FOR COVER**

The govt has kept the Privy Council as its final court of appeal in order to lend an air of legitimacy to its otherwise politically beholden judiciary. As the privy Council has to take draconian Singapore law as part of the law it considers when hearing cases, it has been limited in the scope of its judgements on highly technical matters. However, on broads points or principles of law, the Singapore govt is in danger. It therefore has sought to restrict appeal to the Privy Council and is likely to do so even more now that Mr Jeyaretnam has won his case.

**THE LEGAL POLITICAL TACTIC**

The tactic being used by the govt is to ensure that political cases are dealt with at District Court level where possible and that no points of law are reserved for appeal which would require a high court hearing. Appeal to the Privy Council is possible only from the High Court and the Court of Appeal and then only with leave from the Court of Appeal.

**FRANCIS SEOW IN COURT**

Thus the application by senior lawyer, opposition politician and ex-detainee Mr Francis SEOW M.P., to have his tax evasion case heard in the High Court was turned down by Mr Justice LAI Kew Chai on December 2. Judge LAI also approved an application by

the govt to strike out a significant portion of an affidavit by Mr SEOW supporting his application. The deleted portion dealt with Mr Seow's statement that the charges against him were politically motivated.

If Mr Seow loses his case, he may be imprisoned and will lose his seat in parliament and will be disbarred from the legal profession. His case is scheduled for December 5 to 23 and thus is now proceeding.

#### AMNESTY RESPONDS IMMEDIATELY

On the same day that the 4 detainees were "released" and re-arrested, Amnesty International sent out an "Urgent Action Update" calling for their immediate and unconditional release. The Amnesty statement said the incident "clearly raises an important constitutional issue and suggests habeas corpus in Singapore may no longer provide an effective remedy for those subjected to detention without trial.

Amnesty urged members to write expressing concern at the re-arrests after a judgement declaring their arrests unlawful and urging their unconditional release. Update readers who may also wish to write similarly can use the following addresses:

Mr Lee Kuan Yew,  
Prime Minister  
Istana Annexe  
Orchard Road  
SINGAPORE 0922

Prof Jayakumar  
Minister of Home Affairs  
Phoenix Park  
Tanglin Road  
SINGAPORE 1024

Tan Boon Teik  
Attorney General  
High Street  
SINGAPORE 0617

Chief Justice WEE Chong Jin  
Supreme Court  
St Andrew's Road  
SINGAPORE 0617

#### GREETINGS TO DETAINEES

You may wish to send greetings to the detainees for Christmas and the New Year. In addition to the 4 detainees named above, do not forget Mr Vincent CHENG, Mr CHEW Kheng Chuan & Mr Kenneth TSANG Chi Seng. Their address: c/- Whitley Road Detention Centre, Whitley Road, Singapore.

#### UK TELEVISION TAKES UP ISSUE

In the UK on Monday 5 December, Bernard Levin in his prime-time television show on prisoners of conscience took up the case of Ms TEO Soh Lung. There was an immediate and sympathetic response from viewers. Mr Levin knows of Ms TEO's re-arrest and there may be further publicity.

EMERGENCY COMMITTEE FOR HUMAN RIGHTS IN SINGAPORE  
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SINGAPORE

## The Privy Council States Its Case

Joshua Benjamin Jeyaretnam had plenty to be happy about. Singapore's most celebrated opposition politician had been fined, jailed, stripped of his seat in Parliament and barred from practising law. But, finally, after a five-year battle, he had cleared his name. In a 22-page written judgement the Privy Council in London, Singapore's highest court of appeal, had roundly condemned his convictions. At a Nov. 22 press conference, the Workers' Party secretary-general was exultant. Said he: "I have been totally vindicated."

The five Law Lords sitting on the case were blunt in slamming the decisions to convict Jeyaretnam and former Workers' Party (WP) chairman Wong Hong Toy of fraudulently diverting party funds and making a false declaration. "Their lordships have to record their deep disquiet that by a series of misjudgements the appellant and his co-accused Wong have suffered a grievous injustice," the judgement intoned. "They have been fined, imprisoned and publicly disgraced for offences of which they were not guilty."

The Privy Council ordered that Jeyaretnam, 62, be allowed to resume his legal practice. But the convictions on the criminal charges stand because there is no appeal to the Council from Singapore's District Court where the convictions were recorded. The lords noted they were powerless to "right the other wrongs which the appellant and Wong have suffered" and pointed out that the only hope of justice for the pair was a presidential pardon. The controversial convictions scuttled Jeyaretnam's stormy parliamentary career. He broke the ruling People's Action Party's stranglehold on Parliament in 1981 when he became the lone opposition MP after winning a by-election for the Anson constituency.

The Privy Council appeal had a history stretching back sixteen years. Shortly after the 1972 general election, Jeyaretnam sued former PAP MP Tay Boon Too for defamation. He lost the case and in 1982 Tay won a High Court order to recover S\$25,488 in costs from the WP. When Tay learned the party was almost penniless he succeeded in having the official receiver seize its assets. Jeyaretnam and Wong were then charged with diverting three donation

cheques for S\$2,000, S\$400 and S\$200. They were also charged with falsely declaring that the party accounts were true when the donations had been omitted. The charges alleged that the diversion of the funds blocked creditors from claiming their money.

The first trial in the District Court before Senior District Judge Michael Khoo started in December 1983. Both men were acquitted on the false declaration charge as Judge Khoo ruled that their statement on the accounts was not a statutory declaration. They were also acquitted of fraudulently diverting two of the cheques but convicted and fined S\$1,000 for hiving off the \$400 dollar donation. In their defence both men argued that the donors had willingly amended their cheques in order

months' jail for making a false declaration. They appealed to the High Court where in November 1986 Justice Lai Kew Chai dropped a bombshell. He reduced their jail sentence to one month but added a S\$5,000 fine, which went beyond the S\$2,000 threshold that forces an MP to forfeit his seat. Jeyaretnam was disqualified from Parliament for five years.

Then, in October 1987 a three-judge court ordered that he be struck from the Law Society rolls after the Attorney-General had reported to the Society that he was unfit to practise. But, ironically, with this ruling the tide turned for Jeyaretnam. Under Singapore law a lawyer can appeal to the Privy Council on a disciplinary dispute.

The Privy Council decided it should scrutinise the convictions because Jeyaretnam had been denied the opportunity to test important questions of law. In a judgement highly critical of much of the Singapore courts' legal reasoning, the lords found that the charge of making a false declaration had been "misconceived in law" because the WP's statement of accounts did not constitute a statutory declaration — as Judge Khoo had ruled — and could not be admitted as evidence. "The appellant's conviction on this charge was fatally flawed," the judgement said. The convictions on diverting the cheques were also shot down. The Privy Council said the WP had only a loose title to the cheques, which could have been annulled if the donor wished. "Before the title was perfected the cheque was in each case lawfully disposed of in accordance with the donor's instructions," ruled the Council.

Jeyaretnam now expects a pardon. He says the government is "morally obliged" to arrange

a by-election because he was wrongfully disqualified from Parliament and blocked from standing in the September general election. He also wants his parliamentary allowance back paid.

Jeyaretnam had set a Dec. 6 deadline for the government to respond. Interestingly, shortly before Justice Lai's fateful verdict in 1986, Prime Minister Lee Kuan Yew had suggested a course of action that some Singaporeans believe should now be taken. "If there is a miscarriage of justice," Lee said during parliamentary hearings on disciplinary action against Jeyaretnam, "I think Parliament should undertake to ask the president to either grant him a pardon or even to set aside the convictions, order a new trial... We can put it right."



Jeyaretnam: "I have been totally vindicated"

that the money go to other recipients, not the WP. The prosecution and the defendants appealed to the High Court. In April 1985 Chief Justice Wee Chong Jin upheld the earlier conviction and reversed the acquittals on diverting the other two cheques. He also ordered a retrial on the false declaration charge.

Under Singapore law the High Court can refer questions of law to the Court of Criminal Appeal when the case has originally been heard in a lower court. Jeyaretnam and Wong were denied this avenue. They also failed in a bid to have the retrial heard in the High Court. Both gambits were aimed at allowing them appeals to the Privy Council. In September 1985 Senior District Court Judge Errol Foenander sentenced the pair to three

Murshid Ahmed — Asiaweek

December 8, 1988

## Singapore Government Rearrests Detainees After Court Orders Their Releases

The Government of Singapore today issued new detention orders under the Internal Security Act against four persons, shortly after the Singapore Court of Appeals had ordered their release in response to their habeas corpus applications. Under Singapore's Internal Security Act, persons may be detained indefinitely without trial.

The four, Teo Soh Lung, Chng Suan Tze, Kevin De Souza, and Wong Souk Yee, had been detained without trial under the Internal Security Act after they and four others were rearrested in April 1988. The eight were among twenty-two persons first detained without trial under the Internal Security Act in May and June 1987. Though the government initially accused them of a conspiracy to undermine the government of Singapore, it refused to try the detainees and never produced credible evidence to support its claims against these peaceful, democratic activists. All but one were released before the end of 1987, after world-wide protests on their behalf.

The eight rearrested in April were targeted because they issued a joint public statement describing their mistreatment in prison and responding to government accusations against them, which continued even after their releases in 1987. In May, the Government arrested another ex-detainee, Chew Kheng Chuan, for his purported role in helping to draft and distribute the statement. At this writing, seven of those first arrested in 1987 remain in detention without trial. They are Kenneth Tsang, Teo Soh Lung, Wong Souk Yee, Chew Kheng Chuan, Chng Suan Tze and Kevin De Souza, all released in 1987 and rearrested in 1988, and Vincent Cheng, who was arrested in 1987 and never released. The fifteen other have been released, although fourteen have been issued restriction orders limiting their freedom of movement and association.

Although detailed information on the Court of Appeals judgment is not available at this writing, the Court reportedly ordered the release because the appropriate Government Departments had "not discharged their burden of proving that the President [of Singapore] was satisfied as required [by the law] before the Minister made the detention order."

According to reports from Singapore, the detainees whose releases were ordered never were outside the custody of Internal Security Department officials before their rearrests. As they approached the entrance to the detention center, they are believed to have been forced into two automobiles, each of which exited the detention center -- at which point officials are reported to have issued the new detention orders -- and then promptly returned.

Commenting on the Government's action, Asia Watch Washington Director Eric Schwartz issued the following statement:

Rather than use the opportunity of the Court decision to put these terrible incidents behind it, the Government of Singapore insists on inviting the continued condemnation of the world community. It is ironic that these rearrests have taken place two days before the world-wide celebration of Human Rights Day, and during the 40th anniversary of the adoption of the Universal Declaration of Human Rights.

These four unfortunate victims, along with all others believed to held without trial under Singapore's Internal Security Act, are prisoners of conscience who should immediately released.

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