



Emergency committee for human rights in Singapore

UPDATE 28
SINGAPORE HUMAN RIGHTS ALERT

MARCH 1990

DETAINEES' NEWS

COURT DISMISSES VINCENT CHENG'S CASE

As expected, the High Court has rejected Mr Vincent Cheng's habeas corpus application (details in Far Eastern Economic Review [FEER], 15 Feb 90, reprinted below).

Vincent did not expect to win his court case but he and his family initiated it in order to proclaim his innocence. His final appeal is to the Court of Appeal now that the government has cut off the route to the Privy Council. He is in good spirits and continues his routine of praying at set times during the day so that others outside know when to join in prayer wherever they are.

FEER 15 FEB 90

SINGAPORE

Court dismisses ISA detainee's plea

Executive privilege

By N. Balakrishnan

The Singapore High Court has dismissed a habeas corpus application by Vincent Cheng, the lay Catholic worker who has been detained without trial since May 1987 under the Internal Security Act (ISA).

Justice Lai Kew Chai re-affirmed the right of the government to detain people without trial under ISA as long as the cabinet was satisfied that the persons were a threat to national security. The judge also said that the government did not have to submit the evidence to the courts provided it was satisfied that national security was at stake. The judge maintained that the cabinet and the president were the best judge of what constituted a threat to national security.

Cheng was among the 22 professionals arrested in mid-1987 for an alleged Marxist conspiracy to overthrow the government. According to the government, Cheng was the Singapore-based central figure of the

conspiracy, with the mastermind being Tan Wah Piow, a former student leader now living in Britain.

Cheng's counsel, Michael Beloff, questioned whether the government had any evidence at all against his client or whether it was treating mere allegations against him as evidence. State counsel S. Tiwari responded that the government was not required by the ISA to provide any evidence at all and that in any case providing it would jeopardise national security.

In his judgment, Lai said: "By the scheme of the ISA and the constitution from its very inception, the executive has been entrusted as the sole body to look at and weigh the evidence and case against a person and to form a view on the question whether a detention should be issued."

The judge also rejected the argument that there was no evidence to detain Cheng. He said the "case against him [Cheng] had been considered by the entire cabinet and in the light of his own confessions, though since withdrawn, the least

that can be asserted against the applicant is that there has been some evidence against the applicant which related to national security." He also said that once the assertion has been made it would not be proper for the courts to "investigate any allegation of bad faith or the abuse of the powers of ISA."

In his submissions, Cheng had said that he was close to collapse during the lengthy interrogation by the Internal Security Department (ISD) and that he was "slapped no less than 10 times." He also repudiated his televised "confession" in 1987 in which he agreed with many of the government allegations against him. Cheng said they were obtained under duress. In their affidavits, ISD officers denied having ill-treated Cheng.

On behalf of Cheng, Beloff further argued that the January 1989 amendments to the constitution, which barred the judicial review of ISA cases, violated the basic structure of the constitution and therefore were not valid. Citing a precedent, Beloff pointed out that the Indian Supreme Court had ruled that the parliament could not alter the basic structure of the country's constitution. The judge rejected the contention, stating that the Indian ruling was not legally applicable in Singapore and that the Singapore amendments did not alter the basic structure of the constitution. ■

OBSERVERS ATTENDED HEARING

The hearing was held 11-15 September 1989 and was attended by three international observers: Ms Carolyn Risk (NZ) a lawyer representing the International Commission of Jurists (Geneva), the NZ Law Society and this Emergency Committee; Rev Dr James Stuart (USA) representing the Conference of Churches in Aotearoa-NZ, the Uniting Church of Australia and this Committee; Mr Gerry Martin (UK) law lecturer representing the National Justice and Peace Commission of the Catholic Church.

Ms Risk and Dr Stuart's report has been widely circulated. Ms Risk concluded, "There is thus no legal context in which to contest the excessive exercise of executive power... Only the outward symbols of a British Common Law system are preserved while the fundamental essence of the Rule of Law is denied."

Dr Stuart concluded that the church is under direct attack by the government and he recommended international action by Christian organisations to counter this trend and to support the detainees. (Report is available from UPDATE.)

TEO SOH LUNG PERSISTS WITH LEGAL APPEALS

The Court of Appeal heard Ms Teo Soh Lung's appeal against the dismissal of her habeas corpus application 13-17 November 1989. As of publication, no judgement has been delivered. (See following reprinted article "Silenced by the Law".)

Three observers attended this hearing: Ms Alison Conner (USA), a law lecturer representing Asia Watch (USA); Ms Shelley Wright (Canada) a law lecturer in Sydney representing Lawasia; Mr John Boanas representing this Emergency Committee. Both Ms Conner and Ms Wright have submitted extensive reports to their respective organisations.

Ms Teo was represented by Lord Alexander QC from England. In her report, Ms Conner stated:

[Lord Alexander] never lost sight of the human rights issues involved, he stated them clearly and he was eloquent in their defence. It is essential that those issues be raised in court - they are the real issues and the detainees have no other public forum in Singapore in which to raise them. Of course, the government has made it clear how little it cares about arbitrary detention or freedom of speech arguments, so they have no chance of success. What the government does seem to care about is the appearance of legality, even when they manipulate it or play legalistic games. So Alexander presented detailed, legalistic arguments supported by learned discussions of precedent - really the only way to answer the government...which is not to

Silenced by the law

By Fraser Wood

In a small, self-contained prison cell in the Whitney Road Detention Centre, Teo Soh Lung sits awaiting the Singapore Court of Appeal's decision on her habeas corpus petition, heard over two months ago.

To pass the time — she has been in solitary confinement now for over two years — she writes poems about the insects who share her cell. She used to paint watercolours but, after she had completed about 50 of them she asked the Internal Security Department officials whether she would be permitted to take the paintings out on her release. Characteristically, they refused to give her a definite answer, saying it would have to be decided at that time. She stopped painting.

This incident is just one episode in a wider campaign to destroy her spirit. How could she continue to paint knowing that the fate of her paintings — like that of her own person — depended entirely on the whims of the Internal Security Department?

Teo Soh Lung is not the only one to have faced the wrath of Prime Minister Lee Kuan Yew's government. Many political dissidents before her have been imprisoned under Singapore's Internal Security Act (ISA), which permits indefinite detention without charge or trial. Others have been forced into exile fearing such detention.

Teo's story is particularly important, because it is a chronicle of an indomitable spirit against Lee's limitless arsenal of power.

Teo has never been charged with a criminal offence nor tried in a court of law. Her crime, like those of so many other political dissidents in Singapore, was to question publicly the policies of Lee's government. By all accounts, she was a dedicated and widely respected attorney, providing legal counsel and services to the poor and disenfranchised. But Teo also chaired a committee of the Singapore Law Society which was critical of some of the government's more authoritarian policies. And she was an activist for the Worker's Party — a registered opposition political organisation.

Teo had an early taste of Lee's sensitivity to public criticism when he publicly interrogated her during an appearance before a televised hearing of a parliamentary select committee. During the interrogation, Lee ordered her to choose between working for the opposition and working for the Law Society. She accepted the

necessity to choose, and chose the latter.

Six months later, in May and June of 1987, Teo was one of 22 church and social activists arrested in a government crackdown on dissent. She was accused, along with the others, of being part of a communist conspiracy aimed at overthrowing the government of Singapore. Despite its assertions, however, the Singapore Government still has failed to produce any evidence of a plan of subversion or any other illegal activities. Under the ISA, no explanation is needed to detain one's political opponents.

Of the original 22 arrested, only Teo and Vincent Cheng, the alleged mastermind of the conspiracy, remain in prison. On 31 January, the Singapore High Court dismissed Cheng's application for a release order, which had been filed by him in September 1989. Cheng's initial 1987 detention for two years was last year extended for a further 12 months. Currently 14 of the ex-detainees remain free but subject to restrictions on their freedom of expression, association and movement.

Teo was released from prison in September 1987, but was rearrested in April 1988 along with seven of the other former ISA detainees and a lawyer who had represented some of them. Their new alleged crime was to have issued a public statement describing their physical and psychological mistreatment in prison following the May and June arrests and to have denied the government's accusations against them. They also reiterated their belief "in an open and democratic polity and in the virtues of an open and accountable government."

Teo and three other detainees challenged the legality of their detention by filing habeas corpus petitions. At first unsuccessful, they petitioned the Court of Appeal which, in a landmark decision on 8 December 1988 (departing from previous decisions of Singaporean courts) declared that the courts could examine substantive grounds for the government's decision to imprison people without trial. While the court did not apply these important principles to the case before them, the detainees were released on technical grounds.

The Internal Security Department

promptly rearrested the four within minutes of their release and served them each with fresh detention orders. Lee then introduced legislation, subsequently enacted, to amend the ISA and constitution explicitly to deny courts the power to review the government's reasons for detentions under the ISA. The amendment also effectively denied detainees appeal to the Judicial Committee of the Privy Council in London.

Under this new legislation, the avenues created by the Court of Appeal's judgment were effectively closed, and the Singapore Government was once more free to act against any of its political opponents.

Again Teo challenged the legality of her detention by filing another habeas corpus petition. She was represented by

eminent British QC, Anthony Lester, who had represented her in the successful December hearing. In March 1989, Lester was banned from practising law in Singapore because, the government alleged, he had interfered in Singapore's domestic politics. As evidence, the government cited Lester's remarks at a university seminar in London where he had explained that the reason he took Teo's case was "because Singapore's lawyers were afraid to take it, lest they be arrested."

Meanwhile, however, the other three detainees dropped their habeas corpus petitions and were promptly released. Teo refused to do so, insisting that her case be heard and that her detention be declared illegal. So far she has been rewarded only with continued detention.

At various points along the way, Teo could have taken the easy road by accepting the government's version of events in return for freedom. But she has refused to yield to the continual pressure to stop the legal action and has incurred Lee's wrath as a result. What had been a battle of wills has now become an exercise in vindictiveness — with only one side making the rules.

Teo now awaits the decision from her fourth, and final, habeas corpus petition — her last opportunity to be released by anything other than executive grace. ■

Fraser Wood is a researcher for the Washington-based human-rights group, Asia Watch.

**Under the
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say that the court will find for Teo Soh Lung; even if they recognize the validity of his arguments they will simply say that there is enough evidence of a threat to national security to find that the executive has not acted beyond its legislative powers.

The government gave very little publicity to the hearing in comparison to previous cases and to the Prime Minister's libel suit against the Far Eastern Economic Review. In part this may be due to the eminence of Ms Teo's counsel and the power of his arguments. It may also be due to the government's plan to bury the detainees now that the avenues of legal appeal are nearly exhausted.

CHIA THYE POH WRITES

Although confined to internal exile on Sentosa Island after more than 22 years in detention without trial, Mr Chia has been able to rebut the Singapore government's propaganda about him in the international media (although not, of course, in the Singapore media). Chia wrote in the Review on 16 Nov 89 rejecting the allegations against him saying, "During my long years of detention, I repeatedly requested that should the government possess any evidence against me, it should bring my case to open trial so that I could defend myself openly. But instead, the government put me in jail for more than 22 years without trial and is now subjecting me to indefinite internal exile under the Internal Security Act".

Chia has also been the subject of several articles by foreign journalists. UPDATE 27 reported that the government had given Mr Chia a job at the War Museum on Sentosa. However, Mr Chia refused the job as it would have required him to conform to civil service rules (no public statements, no political affiliation etc.).

Mr Chia is under heavy restrictions on his civil liberties and does translation work to help pay for the rent the Government charges him for his cell. He is cheerful and says the government has been less successful in brainwashing him than many Singaporeans who have never been detained.

On 16 Sept 1989, he wrote to an Amnesty International member in Canada to express thanks for the long campaign for his release:

"It is your untiring efforts that give helpless people a ray of hope, just like crystal-clear drops of water, so sweet and so refreshing for those journeying through unending deserts".

EX-DETAINEES AND FAMILIES

HUMAN RIGHTS AND SURVEILLANCE

The released detainees, families, clergy and friends are concerned about the daily surveillance they have had to endure for almost 3 years. They are constantly spied on, followed and photographed. Their personal records are reviewed by government agencies, their homes and offices are bugged, their mail is opened, telephones and faxes tapped. Agents loiter in the foyers and on the landings of apartments and offices, attend church services and infiltrate church organisations and meetings.

The families and ex-detainees know they are subjected to a concentrated form of what all Singaporeans experience. They are also strong enough to withstand this intimidation. However, it is clear that human rights in Singapore is not just about detention without trial but about the right to privacy and freedom from intimidation in the "wider prison" of Singapore society.

Foreign observers to the court hearings have been surprised and occasionally unnerved by the droves of agents which follow them and hang about their hotels. During Ms Teo's hearing, the phalanx of agents constantly in the public gallery with the observers reached a dozen or so at times.

Note: a summary of the Restriction Orders issued to ex-detainees appears as an appendix.

SUPPORT ACTIONS IN SINGAPORE

CHRISTMAS CAROLS BRING POLICE ACTION

On Christmas eve, families and friends of the detainees sang Christmas carols outside the gates of the Whitley Road Detention Centre where the detainees are being kept. They have done this quite regularly on special occasions. However, this time, 15 or more of the carollers were called in by the police on 31 December for investigation. They were asked who initiated the singing, who assisted in the organisation, who was there and why, did anyone shout "Merry Christmas" to the detainees etc. Former detainees were asked whether they met any other former detainee at the singing (their restriction orders prohibit this). The police did not commit themselves as to whether charges would be laid. It would appear to be another attempt at intimidation to prevent further singing at Chinese New Year, birthdays and similar occasions.

ILLEGAL COMMEMORATION OF CHRIST'S BIRTHDAY

The police would appear to be gathering evidence for laying charges at a politically opportune time under the new Miscellaneous Offences (Public Order and Nuisance) Act 1989. The Assemblies and Processions Rules made by the govt under this act apply to "any assembly or procession of 5 or more persons in any public road, public place or place of public resort intended -

- a) to demonstrate support for or opposition to the views or actions of any person;
- b) to publicise any cause or campaign; or
- c) to mark or commemorate any event."

Any person who organises such an event without a permit is liable to a \$5,000 fine and/or 3 months imprisonment as is anyone who assists that person. Participants in the event are liable to a fine of \$1,000. Any person who proceeds to organise such an event after a permit has been denied is liable to a \$10,000 fine and/or six months imprisonment as is anyone who assists that person (by playing the guitar, for example). The penalty for ordinary participants is as above. (This legislation is a revision of the Minor Offences Act.)

Five people (one a small child) gathered outside the blue gates to sing "Happy Birthday" to Teo Soh Lung whose birthday was on 9 February. They were thus an illegal gathering.

NATIONAL DAY SONGS

In nationalistic spirit, songs were sung by a larger group outside the "blue gate" (of the prison) on National Day, 9 August 1989. The repertoire included the national anthem.

Most powerful was the song "Memories" as sung by Vincent Cheng and replied to by his brother, Nicholas. (Reprinted in appendix.)

MASSES CONTINUE BUT PRESSURE INCREASES

The masses attended by detainees' friends and families continue to be held but under ever more difficult circumstances owing to the continuing targetting of the church by the govt's "religious harmony" campaign. On 3 February 1990 the mass took as its theme Isaiah 40:31 "We Will Walk and Not Grow Weak". For its Gospel reading, the mass took Matthew 10:26-33 "Do not fear those who kill the body but cannot kill the soul...".

On 26 August 1989, the mass had the theme "Here I Am" and was held at the St Francis Xavier Minor Seminary. On 9 September 1989, before Vincent's hearing, a prayer vigil was held at Holy Family Church with the theme "Towards Liberation".

Harassment of Catholic clergy pastorally concerned for the detainees and their families has intensified with the publication of the White Paper on religious harmony. The Paper mentioned by name several priests the secret police are trying to criminalise. (See "Government Peddles Lies about Clergy" under section on the Religious Harmony Legislation.)

HUMAN RIGHTS DAY

On 10 December 1989 (UN Human Rights Day) a gathering in Singapore was addressed by Mr Fong Hoe Fang who called eloquently for the repeal of the Internal Security Act and stated that it was up to ordinary citizens to educate the govt on the counter-productive nature of the ISA. He concluded:

Somehow we must gather enough resolve and keep on working at the things we feel and know to be right. Today, you have put yourselves at risk by attending this gathering. I have put my family, myself and my business at greater risk by sharing my feelings on this subject. But I cannot forget those friends who, although released, are still denied their right to freedom. I keep thinking of two brave people who have spent their last two Christmases alone behind bars. I keep thinking of their unseen tears and frustrations, and I tell myself, no matter what, standing before you today is the least I can do. Only then can I maintain my dignity. Only then can I continue to call myself their friend.

SPECIAL HUMAN RIGHTS POSTER

The Workers' Party publication "The Hammer" printed a special poster for Human Rights Day. The English version is reprinted in this Update. "The Hammer" is claimed to have a circulation of 200,000.

RESTRICTION ORDERS

UPDATE has compiled a list of Restriction Orders (ROs) imposed on ex-detainees. These ROs remove the civil liberties of ex-detainees to such an extent that they cannot live ordinary lives. They and their families and friends are kept under continuous surveillance.

This summary gives the details and starting dates of ex-detainees' most recent ROs. We have identified 3 main kinds of ROs which have been issued recently.

Also we do not include the restrictions imposed on Mr CHIA Thye Poh under the Direction suspending his Order of Detention. He is in internal exile confined to an offshore island away from Singapore society as well as being subject to restrictions ii) & iii) in Type "A" below. His first detention order was for 2 years from 28 Nov 1966 and has been extended successively to 27 Nov 90.

TYPE "A" RESTRICTION ORDER

- i) that he shall not travel beyond the limits of Singapore without the prior written approval of the Director, Internal Security Department, Singapore;
- ii) that he shall not knowingly associate or be in communication with any person who currently is or has previously been detained under the Internal Security Act of the Federation of Malaya, Malaysia or Singapore, except with members of the Singapore Ex-Political Detainees Association, provided he is also a member of such Association;
- iii) that he shall not issue public statements, address public meetings or hold office in, or take part in or in any way assist in the activities of or act as adviser to, or be a member of any organization or association without the prior written approval of the Director, Internal Security Department, Singapore.

Ex-detainees now restricted under this Type "A":

Mr Kevin DE SOUZA for 2 years from 20.6.89
 Ms CHNG Suan Tze for 2 years from 19.7.89
 Ms WONG Souk Yee for 2 years from 20.6.89
 Ms NG Bee Leng for 2 years from 18.5.88
 Ms TANG Lay Lee for 2 years from 18.5.88
 Mr Kenneth TSANG for 2 years from 20.6.89
 Mr CHEW Kheng Chuan (RO not sighted)
 Mr William YAP (RO not sighted)

TYPE "B" RESTRICTION ORDER

The restrictions of Type "B" are the same as Type "A" except restriction ii) is omitted.

Ex-detainees restricted under Type "B":

Mr CHIA Boon Tai for 2 years from 20.6.88
 Mr TAN Tee Seng
 Ms LOW Yit Leng
 Ms CHUNG Lai Mei
 Ms LIM Li Kok
 Mr TAY Hong Seng

TYPE "C" RESTRICTION ORDER

All the above detainees were originally under this Type "C".

- i) that she shall not travel beyond the limits of Singapore without the prior written approval of the Director, Internal Security Department, Singapore;
- ii) that she shall not, except with the written consent of the Director, Internal Security Department, be a member of any society within the meaning of the Societies Act, Cap 311, or in any way assist in the activities of any society;
- iii) that she shall not associate with or take part in, or in any way assist in the activities of any organization which through its publications, statements or other activities, has shown itself to be used in propagating Marxism or Communism.

Ex-detainees whose Type "C" ROs are assumed to have lapsed without being extended or replaced:

Ms MAH Lee Lin for 2 years from 20.6.87
 Ms FAN Wang Peng for 2 years from 19.7.87
 Mr Ronnie NG (RO not sighted)
 Mr Nur Effendi SAHID (RO not sighted)

Note: ex-detainee Ms TANG Fong Har was under a suspended Detention Order with the same restrictions as above when she left Singapore (with permission) in early 1988 and did not return.

THE Hammer

PUBLICATION OF THE WORKERS' PARTY

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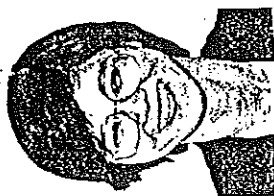
Special Issue of 10th Dec 1989

TODAY IS HUMAN RIGHTS DAY

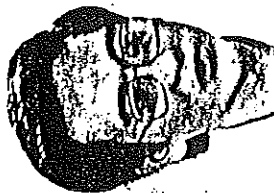
A DAY WHICH WILL BE OBSERVED IN COUNTRIES WHOSE PEOPLE VALUE FREEDOM AND THE RIGHT OF HUMAN BEINGS TO LIVE IN HAPPINESS WITHOUT FEAR

BUT IN SINGAPORE IT WILL NOT BE OBSERVED.

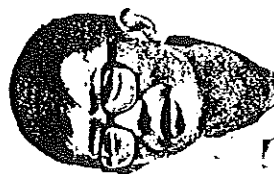
WE ASK YOU TO PAUSE A WHILE FROM YOUR BUSY SHOPPING AND PLEASURE SEEKING TO SPARE A THOUGHT FOR



MS TEO SOH LUNG
in prison cell



MR VINCENT CHENG
in prison cell



MR CHIA THYE POH
in exile

WHO SIT LONELY IN PRISON CELLS AND EXILED FOR NO CRIME. ALL BECAUSE THEY TRIED TO DO SOMETHING FOR US WHO HAVE BEEN DENIED OUR RIGHTS AS HUMAN BEINGS. YOU OWE THEM AT LEAST TO REMEMBER THEM ON THIS DAY.

MEMORIES

(by Ah Bin, Vincent)

Memories, all alone in the moonlight
I must wait for the sunlight
and I musn't give in;
When the dawn comes,
it will be a memory true
and the new day will begin.

Burnt out days, of grief and pain;
the stale, cold smell of the four walls;
the green leaves falling, another day is
another night is dawning.

Touch me, it's so easy to feel me
all alone in the morning
while i wait endlessly;
If you touch me,
you'll understand what suffering means.
Look -- a new day must begin.

(Nicholas' Reply to Vincent)

Memories, all alone in the moonlight
You must wait for the sunlight
And you musn't give in
When the dawn comes,
The weathered leaves collect at your feet
Let the memory never fade.

Midnight, not a sound in the pavement
Heard your cries from the dark cell
Filled with anguish and pain
When the wounds heal,
This will be a memory true
And a new day will begin.

Burnt out days of grief and pain
The stale cold smell of the four walls
Green leaves falling, the night is
And soon it will be morning.

Stay strong, don't despair nor give up
hope

As you know how we love you
That's the comfort we give
When the light shines,
The world will see the Truth of it all
Let the new day begin with you.

In anguished pain, you took the blame
The blows they gave you'll remember
The tears keep flowing
The night is over
Another day is dawning.

Touch you, it's so easy to feel you
All alone in the morning
While you wait endlessly
If we touch you.
We'll understand what suffering means
And the new day must begin.

Cry,
Pour it out of your heart
Unveil the lies they told to hurt you,
Let the people hear you
When the light shines
The world will see the Truth of it all
Let the new day begin with you.