



Emergency committee for human rights
in Singapore

UPDATE 28
SINGAPORE HUMAN RIGHTS ALERT

MARCH 1990

MEDIA SUMMARY AND REPRINTS

MAGAZINE **OBSERVER** 10 DECEMBER 1989



PLUS
THE TENNANT
DYNASTY

**'LET THEM SHOW ME UP
AS AN OGRE, A DEMON,
A HONECKER'**

Lee Kuan Yew,
the Prime Minister
of Singapore



BRITAIN

THE OBSERVER (London) published in its magazine 10 Dec 89 a full feature article "The PM Who Fines You 50 Pounds For Not Flushing the Loo". Colin Smith's article covers the gamut of restrictions on freedom in Singapore. In an interview with Smith, the Prime Minister acknowledges the damage his international image has suffered recently especially in the American media. However he is truculent: "They [the US press] will fail in the long run because of television. They can paint me as a demon but given two or three TV opportunities in the US I can demolish it... Let them show me up as an ogre, a demon, a Honecker."

Lee explained his detention without trial of the church and community workers:

"These are novices. But we have got to deal with them in a way that makes it most unlikely that others would want to follow in their footsteps... In Chinese it's called Sha ji xia hou - call monkey, cut chicken." The prime minister drew the back of his hand across his throat. It was a most expressive gesture.

Smith also interviews detainee Chia Thye Poh on his offshore island prison, opposition politicians J B Jeyaretnam and CHIAM See Tong.

THE TIMES (London) 12 Oct 89 carried a Spectrum article by George Hill entitled "Double or Quit in Singapore" which profiles Lee Kuan Yew and his son, Brigadier-General Lee Hsien Loong. Hill discusses the transfer of power in Singapore and states that "almost certainly he [Lee Kuan Yew] will retain a firm grip on the broad course of events in his country " whatever formal title he takes after stepping down as prime minister. Described as "profoundly elitist in outlook, he finds it hard to trust his people - or anyone, perhaps, except a loyal son..." The article also noted:

He has bullied the local Press into abject submission, and compromised his own judicial system by pursuing shameless vendettas against individuals who present no conceivable political threat, such as Teo Soh Lung, imprisoned indefinitely without charge, and Ben Jeyaretnam, a former MP accused of financial misconduct. Teo's defence lawyer was banned from practising in Singapore again, and when the Privy Council unanimously declared Jeyaretnam's case to be a gross miscarriage of justice, steps were taken to block similar appeals.

Lee's insistence on not only obliterating significant opposition, but also forcing opponents to confess that they were wrong to oppose him at all, is strongly reminiscent of the tactics used to bring the individual into submission in the China of Mao, and again since the Peking massacres.

THE SUNDAY TELEGRAPH (London) 15 Oct 89 profiles detainee CHIA Thye Poh in a feature article "The Prisoner on Pleasure Island" by Christopher Lockwood. CHIA has been in prison only 3 years less than Nelson Mandela and still remains confined to a tiny offshore island. However, unlike Mandela, Chia has never had a trial or even been charged. Chia talks of his 23 years of confinement:

It has sometimes been hard but I believe that what I have been doing is part of the broader struggle for democracy. So even though I was alone, I never felt lonely.

CANADA

THE GLOBE AND MAIL (Canadian national daily) 16 Oct 89 covered Canadian Prime Minister Mulroney's visit to Lee Kuan Yew under the headline "Mulroney raises question of Singapore rights record". A Canadian official said of Mr Mulroney's expression of concern, "It was a very clear presentation and it was understood."

Also, on 16 Oct the TORONTO SUN headed its report of the meeting between the two prime ministers "PM Blasts Asian tyrant" and termed Lee "the Big Brother of the Orient". The TORONTO STAR also covered the meeting noting that "Mulroney raised at least two human rights cases during a private discussion with Lee".

On 18 Dec 89, the GLOBE AND MAIL's article "Malaysia, Singapore Urged to Repeal Security Law" noted that the action of the nearly defunct Communist Party of Malaya on 9 Dec in formally agreeing to give up its armed struggle on the Thai border has produced a headache for the two countries.

The two governments are now under pressure from human rights activists to repeal a law that was originally framed to deal with militant Communist guerillas but now is used to jail opposition politicians, public interest group activists, unionists and church workers... Goh Chok Tong, the man generally expected to succeed Mr Lee, made his position clear: "If I have to run Singapore, I will run it with the ISA [Internal Security Act] intact."

The next day Canadian Amnesty International official, Margaret John wrote to the paper:

Morning must come

AIM (Canada) 19/1/90

The push for basic freedoms in Eastern Europe is perhaps providing fresh impetus to human-rights activists in other parts of the world — as reported, for example, in your article Malaysia, Singapore Urged To Repeal Security Law (Dec. 18). In these countries, too, it is increasingly difficult for the governments to justify the detention of opposition critics for reasons of "racial harmony" or "Communist threats."

No racial harmony was gained, for instance, when Dr. Chandra Muzaffar, leader of a major reform movement in Malaysia, was jailed without trial for several months in 1987. Ironically, his arrest under the Internal Security Act followed his call for government initiatives on racial harmony and for the abolition of Draconian security legislation.

Nor can the Singapore government produce evidence of a "Marxist conspiracy" to justify detaining Vincent Cheng, secretary of the Catholic Justice and Peace Commission. The only proof is his "confession" made under the extreme duress of ill-treatment, and the Prime Minister has rejected any obligation to produce evidence "that will stand up to the strict rules of a court of law." Yet it has also been said of Vincent Cheng that, if he is a Communist, "then Jesus Christ was a Communist, too."

Malaysians and Singaporeans who question such government abuse have often paid the price of their own freedom or have been silenced through

fear, and Amnesty International has spoken for them. It appears, though, as your article indicates, that the tide is turning as Malaysians too join the worldwide demand for fundamental freedoms, as expressed by human-rights activist Fan Yew Teng. Calling on fellow Malaysians to speak out for the sake of their children and their children's children, and acknowledging that "freedom, justice and democracy do not come free," he believes that "no long night can last forever. Before long, morning must break."

Margaret John
Co-ordinator for Singapore
and Malaysia
Amnesty International
Toronto

LOS ANGELES

3 Jan 90 the LOS ANGELES TIMES carried an article "Feeling the Drain in Singapore- Despite prosperity, many professionals are fleeing. They blame the "rat race" of education and rigid controls on everyday life." Seeking the reasons for the emigration by the "top 25%" of Singapore society, the article quoted a Singapore resident: "The total result is the feeling that you are forever living in the third grade, with teacher telling you when to blow your nose."

HONGKONG

The SOUTH CHINA MORNING POST 21 Oct 89 reprinted the Sunday Telegraph/ Lockwood article of 15 Oct on CHIA Thye Poh. Entitled "Lonely prisoner of holiday island" it repeats that "Chia vows he will never confess, nor will he promise to give up politics, which might secure his early release". Said Chia:

"They offered to release me if I stated that I was a member of the (proscribed) Communist Party of Malaya and that I now renounced the use of force against the Government . . .

"But my past activities have all been constitutional, the actions of a member of a legal opposition party. The organisations I belonged to were all legal. I have never advocated violence," he explained.

"The Government was asking me to justify their arrest of me, but that is against my principles. If I did that, I would have wasted the last 23 years of my life and would not be able to live in peace for the rest of it."

AUSTRALIA

A major feature article by the SYDNEY MORNING HERALD's Southeast Asia correspondent, Louise Williams, appeared in GOOD WEEKEND recently. Headed "Big Father is Watching- Life under Singapore's Lee Kuan Yew", the article began "In moulding a generation of successful money-makes, he has sacrificed most of the individual freedoms the West regards as priceless." The veteran British correspondent and Lee supporter, Dennis Bloodworth, is quoted: "Lee Kuan Yew is bloody-minded and ruthless with his adversaries. He stomps them into the ground." But Bloodworth continues: "Singapore must have its own glasnost, openness must come."

AOTEAROA-NEW ZEALAND

The NZ Law Society newsletter LAW TALK 23 Nov 89 contained an article by lawyer Carolyn Risk on her attendance at Vincent Cheng's hearing entitled "Habeas Corpus Application by Prisoner of Conscience - Restriction on Law Society Activities".

REPRINTS OF MAJOR ARTICLES AND CORRESPONDENCE ARE ATTACHED.

The law grossly misused

Bernard Levin recounts the legal hounding of Lee Kuan Yew's one opposition MP, and sees in it a portent of the destruction of democracy in Singapore

There is bad news from Singapore; bad news, that is, for all who value justice, and indeed for all who still give Lee Kuan Yew, perpetual prime minister, the benefit of a rapidly shrinking doubt. Lee's positive achievements have certainly been considerable; in many ways Singapore is a model state. Yet his successes are darkened by the implacable vindictiveness which he turns on those who endeavour (with initially no success, incidentally) to thwart him.

Today I must discuss the worst example of that vindictiveness so far known to me (worse than the case of Teo Soh Lung, still imprisoned without trial on palpably false charges, made worse still by the mendacious defamations with which the Singapore High Commissioner here has blackened her name on behalf of his master). It concerns a most admirable and upright Singaporean lawyer, Mr Ben Jeyaretnam. A devout Christian, he had a notably successful judicial career, rising to be head of Singapore's Subordinate Court Bench, but he resigned in the mid-1960s because of the degree of executive influence on the judges; I suspect that from that moment he was a marked man.

His independent nature led to an approach from the Workers' Party to become its general secretary, and if he was not a marked man already, he has certainly been since accepting the post. I have talked with him in Singapore and London; he is manifestly a man of scrupulous integrity — professionally, personally and politically.

Politically, there's the rub. Mr Jeyaretnam did the unthinkable; not only did he stand for parliament against Lee's People's Action Party; he actually won, at a by-election in 1981, and found himself in the weird situation of being the only opposition MP in the legislature, every other seat being held by Lee's party. (Mr Jeyaretnam held his seat at the next general election.)

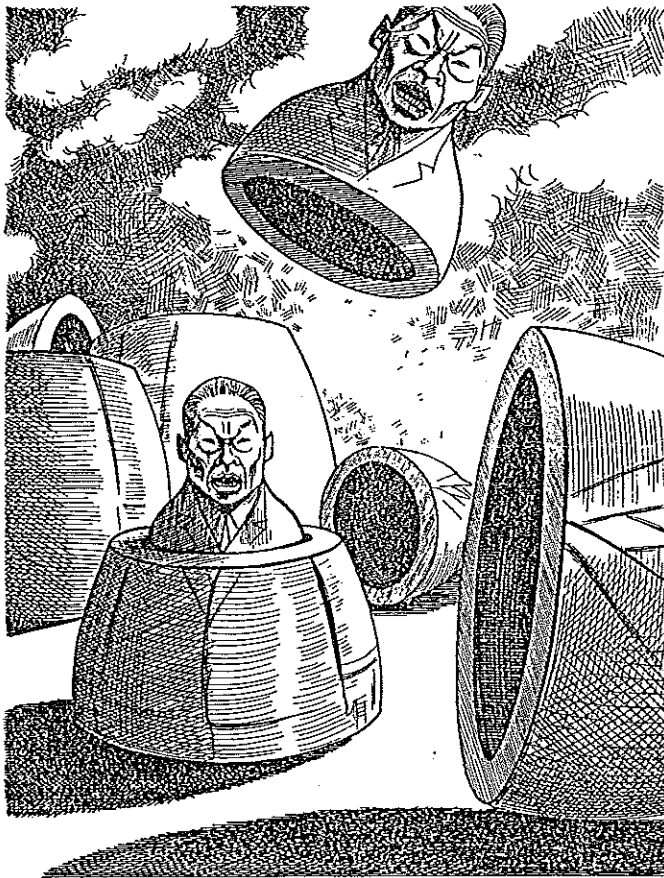
You would think that a majority of every seat but one would be enough, and with most political leaders it would be. But not Lee; Mr Jeyaretnam had twice democratically won, and therefore was now to be destroyed. Strong language? We shall see. The matter is extremely complicated, but some detail is necessary for understanding. Mr Jeyaretnam's organization had some time previously brought an action for slander against one of Lee's MPs — a quixotic thing to do, since the chance of winning such a case must have been very slender. Indeed, it was duly lost, and the costs were awarded against the Workers' Party; there was, however, no application for enforcement.

Quite separately, after the previous general election in 1980, which Mr Jeyaretnam unsuccessfully contested, a petition alleging electoral irregularities on the part of his opponent was brought, but of course lost, in 1981; the petitioner, Madam Chiew, the mother of Mr Jeyaretnam's election agent, was ordered to pay the costs. Bankruptcy proceedings were started against her in 1982 and, by one of those remarkable coincidences which the world is filled with (Lee's world, anyway), the MP who had been owed his costs in the slander case, but had never proceeded for them, suddenly woke up and sought a special court order which would enable him to revive his out-of-time demand. His request was naturally granted.

The pincers were now closing on the Workers' Party and all who adhered to it, beset as they were by demands for costs in respect of both the slander action and the election petition. The Workers' Party was small and weak; Mr Jeyaretnam was perhaps its most prominent figure. He and the party chairman, Mr Wong, were therefore charged on four counts of financial impropriety. The charges were based on three cheques donated by supporters. The MP had seen to the appointment of a Receiver in order to bankrupt the Workers' Party, and it was alleged that the proceeds of the cheques were payable to the Receiver and were illegally diverted to the cause of Madam Chiew.

But the truth is that the first, and most substantial donation, was endorsed over to Madam Chiew, with the consent of the donor, four days before the MP began to seek, even by letter, to have his costs order enforced, and a full week before any enforcement action was taken. The other two cheques were endorsed over by the donors themselves. Thus the money was not, and could never have been, the property of the Workers' Party.

Mr Jeyaretnam and Mr Wong were convicted on one count, and acquitted on the other three. They appealed against conviction, whereupon Lee's prosecutor appealed against the acquittals. Before the Chief Justice the conviction was upheld, and the acquittals were turned into convictions. One count, however, the Chief Justice was obliged, for technical reasons, to send back for retrial. Such retrials are normally held by the original trial judge, but by another of those coincidences that seem to happen when Lee is near, the judge who had acquitted Mr Jeyaretnam and Mr Wong of three-quarters of the charges had, shortly afterwards, been removed from the bench.



Mr Jeyaretnam and Mr Wong applied to have the retrial heard by a High Court judge (the original trial had been in the lower courts) but that would have ultimately enabled them to appeal to the Privy Council; the application was refused. Now there remained only the retrial count; naturally, they were convicted on it. On appeal, the Appeal judge varied the sentence; it had been three months' imprisonment, but he reduced this to one month, plus a fine. Most clement; by another uncanny coincidence, however, the sum imposed by way of fine was high enough to disqualify Mr Jeyaretnam from sitting in Parliament, whereas the prison sentence and/or a lesser fine would not have had that effect. So he was forced out of his seat.

I have rarely read language in a judicial decision so severe as that used by their Lordships at the Privy Council, as they unanimously made clear that the entire proceedings amounted to an appalling miscarriage of justice.

Of the Chief Justice's refusal to accept a defence plea that he should disqualify himself (because he had taken part in the earlier stages) they said it was "both erroneous and unfortunate... it was quite unacceptable that he should preside... justice might be done, but certainly could not be seen to be done..."

Of his action in blocking the appeals on the criminal charges, they said they found it "difficult to understand how any serious question of law arising in a criminal case on which a person's conviction of a grave offence may depend can be said not to be of public interest". Of his claim that the judge in the lower court who was responsible

for the acquittals "found Jeyaretnam not to be a credible witness", they said they "could find no warrant whatever for the view". On a key point in the case, they said that the Chief Justice's judgment "starts from a false premise... and proceeded upon a clear misdirection... it cannot be supported". Of his analysis of material evidence they said that they "find the reasoning wholly unconvincing..."; they added that he "exceeded the proper function of an appellate court... wholly ignored the trial judge who had seen and heard the witnesses. This amounted to a serious error of law..."

As for the one original conviction, the Privy Council swatted it like a wasp, saying that "Even on the prosecution's own evidence, the case against the defendants was bound to fail... the solicitor and Wong were innocent of any offence..."

And they drew their judgment to a conclusion in these sonorous and memorable words: "Their Lordships have to record their deep disquiet that by a series of misjudgments the solicitor and his co-defendant Wong have suffered a grievous injustice. They have been fined, imprisoned and publicly disgraced for offences of which they were not guilty. The solicitor, in addition,

has been deprived of his seat in Parliament and disqualified for a year from practising his profession. Their Lordships' order restores him to the roll of advocates and solicitors of the Supreme Court of Singapore, but because of the course taken by the criminal proceedings their Lordships have no power to right the other wrongs the solicitor and Wong have suffered. Their only prospect of redress, their Lordships understand, will be by way of petition for pardon to the President of the Republic of Singapore."

Oh, yes? Mr Jeyaretnam did petition for pardon, basing himself on the total "acquittal" by the Privy Council. But the President of Singapore constitutionally acts only on the advice of the cabinet, that is to say, he is obliged to do what Lee wants. And what Lee wants is Mr Jeyaretnam to express "remorse, contrition or repentance in respect of the offences for which you were convicted" — despite the fact that he was wholly innocent of them all. And the refusal of the pardon ends with these shameful and sinister words: "The President [Lee] has taken note of the several strong public statements you have made about your rights."

Lee's agent in this monstrous perversion of justice is his Attorney General, whose formal advice was requested on the matter of the pardon. The advice was appended to "the President's" decision. Naturally, he claimed that the five Law Lords of the Privy Council had got it all wrong, partly, it would seem, from ignorance and incompetence, but largely because the prosecution case on the criminal charges had not been put to the Privy Council.

Now tell me whether Mr Jeyaretnam goes too far when he says the Attorney General "displays a complete lack of professional integrity and honesty" in view of the fact that the Privy Council judges had specifically enquired whether the Attorney General wished to be heard, and that he had made no such application.

Singapore democracy, though qualified and hedged about, is still real. But it is law which in the end defines democracy; without its rule democracy must wither and die. The misuse of law in this case has been gross and inexcusable; legality has been twisted into a hideous shape, and the result has been that two innocent men were not only sent to prison for crimes they had not committed, but that even when their innocence was demonstrated in the very highest court, the rulers of Singapore have refused to accept the decision. If this corruption of law continues, Singapore will eventually cease to be a democracy. And I fear that it will indeed continue.

Later, it already has. Soon after the final round Lee passed legislation which would make it impossible in future for any lawyer struck off to appeal to the Privy Council. Indeed, he may no longer even question, before a Singapore court or tribunal, whether the conviction for which it seeks to discipline him was just or fair.

SINGAPORE GOVERNMENT ADVERTISEMENT

1 On 19 June 1989, The Times published an article by Mr Bernard Levin on Mr J B Jeyaretnam, an opposition politician in Singapore, entitled "The law grossly misused". Subsequently, on 28 July 1989, it printed a reply from Mr Abdul Aziz Mahmood, the Singapore High Commissioner in London. This, however, was not the original letter submitted by the High Commissioner. One paragraph was substantially amended, and another was dropped altogether.

2 The Times declined to publish these passages on grounds of possible defamation, even though the Singapore Government gave a full indemnity to The Times for any legal action that might arise from its publication. The Singapore Government was thus prevented from setting out the facts in answer to each of Mr Levin's allegations.

3 To get over a part of the Government's case, the High Commissioner agreed to publish the shortened letter. The Government subsequently sought to purchase advertisement space in The Times to inform readers of the facts which were left out in the shortened letter. Again the Singapore Government offered The Times a full indemnity. The Times verbally conveyed to the High Commissioner its refusal to publish the advertisement but declined to put its decision in writing.

4 The Singapore Government has therefore no choice but to place this paid advertisement in other British newspapers to inform readers that the reply published in The Times on 28 July was not the original letter sent by the High Commissioner and also to inform readers of The Times' refusal to publish the paid advertisement.

Exile in Disneyland

By Kenneth Roth

It is peculiarly symbolic of Singapore that it should choose to confine one of the world's longest-held political prisoners in its version of Disneyland.

"Scenic, fun-packed Sentosa," is how the tourist brochure describes this one-square-mile island opposite Singapore's principal waterfront. Visitors glide about on a sleek monorail, past idyllic beaches and well-groomed gardens, as a piped-in female voice describes the fantasy lands below: Fun World, Nature World, History World, Sun World.

I was drawn to Sentosa by what one might call Prison World, though I could find no mention of this attraction in any tourist literature. My destination was the latest enforced residence of Chia Thye Poh, a dissident now approaching his 23rd consecutive year of detention.

In keeping with the amusement-park surroundings, the approach to Chia's quarters is announced by gunfire. Not from guards warding off visitors but from a mock Japanese bunker, complete with flashes from the troops' automatic rifles, recalling the Japanese occupation of Singapore during World War II.

I stepped off the monorail and walked towards Chia's shed — a remodelled souvenir stand. The front door was open and there were no guards to be seen, though I assumed Chia was monitored electronically.

Chia, a slight man of 49, emerged with an engaging smile and an enthusiastic manner. As he served orange juice purchased at a nearby kiosk, he apologised for his spartan room which, he noted with pleasure, was three times the size of his last cell.

A physicist by training, he spoke in measured words, displaying a mind still sharp despite the decades behind bars. "I thought maybe I would go insane," he mused, recalling those years, "though somehow that didn't happen."

When he was last free, Chia was a lecturer at Singapore's Nanyang University and an opposition member of parliament, representing the now defunct Barisan Socialis party. On 8 October 1966, Chia and nine colleagues resigned their parliamentary seats to protest the harassment and detention of other Barisan legislators. Three weeks later, Chia was arrested and detained under Singapore's Internal Security Act (ISA), which permits indefinite detention without trial. He has not been tried or charged.

Chia's first month in custody was spent

in the so-called Top Floor Centre, above the central police station. He was kept in a hot, stuffy, pitch-black cell, where, his warders let drop the information that others before him had cracked. Chia did not.

Later in his detention, Chia and his fellow detainees went on a hunger strike to protest against being compelled to perform manual labour under the guise of taking "hobby classes." "We said that if we were really pursuing a hobby," Chia recalled in typically logical fashion, "it should be voluntary." The jailers force-fed the hunger-strikers through tubes inserted in their noses, and one detainee nearly suffocated when

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I thought maybe I would go insane . . . though somehow that didn't happen.

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the tube accidentally discharged into his lungs. Finally, the hobby classes were abandoned.

The main pressure on Chia, however, came not from the conditions of his detention — for the most part he was kept in an ordinary prison cell where he was not physically abused and was permitted to mingle with other ISA detainees — but from the prospect of indefinite incarceration with no meaningful judicial recourse. Chia's fate lay entirely in the hands of the Internal Security Department (ISD).



Chia: resolute.

Chia, nonetheless, maintained a defiant posture. He refused to appear before an advisory board — which periodically reviews cases of ISA detentions and can recommend release — because a detainee has no right to call or cross-examine witnesses and, in any event, the board's recommendations are not binding on the ISD.

When the ISD offered to release him on condition that he "give a public undertaking renouncing the use of force and terror to overthrow the government," Chia refused since he had never advocated violence. The ISD also offered to release him to any country willing to accept him — Canada reportedly volunteered — but Chia rejected this thinly disguised banishment.

Once, ISD agents tried to weaken Chia's will by taking him on a tour of the sparkling new city that had arisen while he languished behind bars. They even stopped in at the Tropicana Club, a well known topless bar. "Look," they said, "Singapore is so prosperous. Why do you want to stay in prison?" Chia responded that he could not judge the significance of this abundance without "reaching out and speaking to the people." The ISD would have none of it.

How, after spending the better part of his youth and middle age isolated in prison, did he find the strength to remain so resolute? "I am not lonely," he said, "even though I am alone, because my struggle is part of a broader struggle for democracy."

In its recent pronouncements on Chia, the government has accused him of being a member of the illegal Communist Party of Malaya (CPM) and of having acted upon CPM instructions to infiltrate the Barisan Socialis and to engage in "communist united front activities to destabilise the government."

But the government has never produced evidence to support these allegations and, indeed, only began making them 19 years into his detention. Chia has called the allegations "totally fictitious" and "deliberate fabrications," arguing that he "needed no other person whosoever to direct me" to stand for office or to serve in parliament on behalf of his fellow Singaporeans.

But the government has developed a reason for holding Chia quite apart from the validity of these allegations. "The main aim of keeping Chia in prison all these years is to show that if you go against the government you can be arrested and held for a long, long time," an opposition figure said. When 22 young dissidents were arrested under the

ISA in May and June 1987, ISD agents taunted them with the prospect of indefinite detention if, like Chia, they did not confess to subversive activity.

But convenient as Chia's continuing detention is as a lesson to those who might challenge the ruling PAP, in recent years it has also become somewhat of an embarrassment to the government. Many Singaporeans believe — unfortunately wrongly — that Chia is the world's longest held political prisoner after South Africa's Nelson Mandela. Word of Mandela's possible release may have raised fears of adverse comparisons with South Africa.

So, on 17 May, Chia was driven to a boat, ferried to Sentosa Island and, without a word of explanation, deposited in his converted souvenir stand. Sensing that an ISD-sponsored vacation in "Disneyland" was not in the offing, Chia asked whether there were any conditions imposed on his "release." There were, though the ISD had neglected to volunteer them, evidently hoping that Chia would sound a conciliatory note to the swarm of journalists who descended on Sentosa within minutes of his arrival.

As it turned out, Chia is required to re-

side in his shed, forbidden to communicate or associate with others who have been detained and not allowed to travel beyond Sentosa or to take part in political activities without the written permission of the ISD. Chia refused to agree to these terms, so the ISD simply imposed them, under threat of renewed imprisonment.

Chia's defiance has continued on Sentosa. Soon after his arrival, the ISD informed him that he would henceforth be required to pay for the cost of his food and utilities. To meet these expenses, the ISD offered him a job as an assistant curator for one of the Sentosa museums.

Chia was in a bind: accepting the job would make him a civil servant and thus require him to clear all public statements with the government. So Chia proposed to take the job as a "volunteer" and to allow the government to pay him what it wanted, so long as the payments covered his expenses and he was not bound by the terms governing civil servants. The government gave in and agreed.

The Singapore Government plainly hoped that placing Chia on Sentosa would

ease international pressure for his release, that the world would not take seriously a "Disneyland" detainee. But there was an additional reason for selecting Sentosa, an island of no nightly inhabitants.

Before its reincarnation as an amusement park, Sentosa was known as Pulau Blakang Mati — meaning, in Malay, something like Dead End Island. The government undoubtedly hoped that Chia, whose prestige in Singapore had grown with the length of his imprisonment, would be reduced politically to someone without a future.

As Chia points out: "They have made a very smart calculation. Only tourists come here . . . There is no mass base. I cannot approach the people . . . And the public will think that I am already free so the pressure for my release will evaporate." In this way, Chia reasons, the government hopes "to keep me until I am so old I am irrelevant." But at an alert 49, Chia is a long way from an irrelevance. ■

Kenneth Roth is deputy director of the New York-based Human Rights Watch, the parent organisation of Asia Watch. He visited Singapore in July.

LETTERS

Singapore's judges on a short leash

Doris Lai of the Singapore Government [LETTERS, 10 Aug.] takes issue with Asia Watch's characterisation of Singapore's pliant judiciary [LETTERS, 20 July] by daring Asia Watch to submit to the jurisdiction of the Singapore courts so that the government can cite Asia Watch for contempt and litigate the issue. Exhibit 1 of that trial should be the Singapore Government's telling eagerness for the home court.

We welcome the Singapore Government's suggestion that Asia Watch circulate its views in Singapore and, indeed, invite the government to republish these or any other of our remarks in the Singaporean journal of its choice. We believe, however, that an open discussion of the facts will better serve the truth than the compromised forum which the government prefers.

The Singapore judiciary's lack of independence begins with its structure, which has changed dramatically in recent years. By granting short-term appointments that may or may not be renewed at government discretion, Prime Minister Lee Kuan Yew has ensured that fully half of the 12 judges on Singapore's Supreme Court are kept on a short leash.

Three of these have been named so-called "judicial commissioners," a designation which amounts to a one- or two-year probationary term during which the government can review a new judge's rulings before entrusting him with full tenure. (A fourth judge was recently granted full tenure after successfully completing this probationary period.)

The government claims that these short-term appointments are necessary to allow experienced lawyers to sample judicial life before permanently giving up their lucrative practices, but the necessity seems to evaporate when loyalty is not at issue. In July, Yong Pung How, a long-time crony of Lee, gave up his highly successful business career to be appointed not a judicial commissioner but a fully tenured judge. The preferential treatment was not due to his legal prowess, since Yong has not practised law for 18 years.

The three other judges with limited tenure — including the chief justice, who has the all-important power to select which judges hear sensitive cases — have all passed the retirement age of 65. They continue to serve as judges, and to receive full judicial salaries rather than their smaller pensions, solely at the discretion of the government, which decides whether to renew these appointments every three years.

Matters only get worse at the lower-court levels, where judges enjoy no tenure and are routinely shuttled back and forth between the judiciary and government service.

In the few cases in which judges have dared to rule against the government in politically sensitive cases, the government has been quick to retaliate.

► When District Judge Michael Khoo refused to convict opposition MP J. B. Jeyaretnam on a sufficiently serious charge to deprive Jeyaretnam of his parliamentary seat, Khoo was removed from the bench and another judge substituted to do the dirty work.

► When the Privy Council in London found this judge-shuffling to have performed a "grievous injustice," the government restricted the right of appeal to the Privy Council.

► When a three-judge panel ruled that it had the right to conduct a substantive review of detentions under Singapore's Internal Security Act, the government promptly amended the act to bar such a review.

These and other government actions send the unmistakable message to judges that those who rule against the government in politically sensitive cases risk dismissal and a cutback in the powers of the judiciary. Lai's attempt to demonstrate the independence of the Singapore courts notably makes no mention of these disturbing developments.

SIDNEY JONES
Executive Director
Asia Watch

New York

The wisdom of democracy

By Conrado de Quiros

With an audacity all its own, Singapore early this year invited Filipinos to contemplate yet again the wisdom of American-style democracy in an Asian setting. "The American civilisation," said Singapore Trade and Industry Minister Lee Hsien Loong, "is not a universally valid model. The export of American values and culture has not always worked."

Presumably, from what Lee said, it has not worked for Filipinos, who now rank among the poorest people in Asia. American-style democracy "was already malfunctioning," said Lee, who is the son of Singapore Prime Minister Lee Kuan Yew, long before former president Ferdinand Marcos declared martial law in 1972.

American-style democracy's worst crime was giving Filipinos a free press, Lee seemed to suggest. He said: "An American-style, free-wheeling press purveyed junk in the marketplace of ideas, which led to confusion and bewilderment, not to enlightenment and truth."

We take it that what Lee calls "American-style democracy" is a system with checks and balances in government, two-party politics and tolerance of dissent. We take it that "American values" means the kind of individualism that fiercely defends civil rights. And we take it that an "American-style free-wheeling press" is one that does not sing the government's praises.

What is the alternative to this? What will work better for Asians, including Filipinos? "Singapore-style democracy," we presume. This means a government that is largely accountable only to itself, an oppositor residing in jail or exile and an Internal Security Act (ISA), which allows arrest and indefinite detention without trial. This means Confucian "core values," which stress "communitarianism" over respect for individual rights. And this means "gazetting," publications which displease the government.

At the least, all this seems terribly contemptuous. It comes at a time when the Asian neighbourhood is clamouring for the kind of democracy Singapore finds eminently unsuited to it. Burma, South Korea and China have just witnessed giant pro-democracy rallies in their streets.

More than this, Filipinos are not strang-

ers to the idea that American-style democracy has not worked for them. Marcos himself used the idea to justify martial law. According to Marcos, John Locke's idea that the best government was one that governed least did not apply to an Asian setting. "Transitional" Asian societies needed strong "reformist" governments, he said, adding that in the Philippines, American-style democracy succeeded only in creating an "oligarchic society" that gave the poor neither bread nor freedom.

Marcos' alternative was "constitutional authoritarianism." This meant a government accountable only to itself, an opposi-

erty today. Three-and-a-half years after their "people power" revolution, which ousted Marcos and brought President Corazon Aquino to power, Filipinos are no longer apt to buy the argument that the condition of their lives is a carryover from martial law. Nor will they find it hard to believe that American-style democracy has failed them. There are signs of this failure everywhere.

Government officials see it in the ungovernability of the citizenry, with their competing demands and inability to wait their turn. Businessmen see it in the ungovernability of workers, with their constant strikes. The people themselves see it in the ungovernability of fate, which makes them poorer day by day.

Democracy may have given them more newspapers, but it has given them less money with which to buy them. It has, on the other hand, made the rich richer. The World Bank says the Philippines now has one of the world's worst cases of inequity in the distribution of wealth. Democracy has not made Filipinos more equal, only more resentful.

Of course, Marcos has shown that the alternative could be worse. But Filipinos have notoriously poor memories, made even poorer by the thought that God has already punished Marcos enough. Yesterday's horrors are nothing compared with today's, they seem to believe. Beyond this, it is not hard to imagine while in pain that perhaps Marcos-style martial law is not the only alternative to American-style democracy. Maybe there is something better: an authoritarianism that works.

Ninoy Aquino, Marcos' chief political rival and Corazon Aquino's husband, hinted at this possibility just before he was murdered upon his return to the Philippines from exile. He told a *Time* magazine correspondent on the aircraft that brought him back to Manila from the US: "If he [Marcos] had pulled off the economic miracle, he could have gone down as one of the great presidents... You can be authoritarian in Asia, provided there is an economic trade-off."

From where they stand, Filipinos see Singapore as one country that has found the



Is poverty the price of freedom...

tion residing in jail, "preventive detention" or exile. It also meant an ideology that extolled the community, or *bayanihan*, spirit over Western individualism. And it meant closing down publications that offended the government.

Yet, paradoxically enough, despite Asia's current romance with "people power," despite Filipinos' travails with authoritarianism and despite Lee's need for lessons in subtlety, the Singaporean's message will find its mark among many Filipinos. This is so for two reasons.

The first is the depth of the Filipinos' pov-

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What all this points to is that American-style democracy failed in the Philippines not because it gave too much democracy, but too little of it.

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economic trade-off for iron-fisted rule. This is the second reason Lee's message will find its mark among many Filipinos.

To add to their woes, Filipinos take Singapore very seriously. The Lees have no dearth of admirers in the Philippine Government, meddlers though they are often thought to be. Aquino herself has repeatedly expressed her high opinion of Lee Kuan Yew, not least during her visit to Singapore in 1986, when she spoke admiringly of the way her host had turned his country into an economic power in the region.

Doubtless, Singapore has all the trimmings of prosperity to make ill-fed Filipinos drool with envy. Barely 25 years old, Singapore has, until lately, shown regular double-digit growth rates. But the high growth rates and First World per capita incomes do not reflect equally high levels of industrialisation, as in Japan or Taiwan. They reflect the basically unstable rewards of an entrepot economy. At bottom, Singapore has succeeded by handling raw materials from poor Southeast Asian countries and manufactured goods from rich western countries.

This raises the questions of replicability. How many countries can act as the region's metropolis? Other Southeast Asian capitals may aspire to it but, quite apart from the difficulty of overtaking Singapore's lead in this race, surely they need more diversified economies to sustain their vast countryside and populations.

And what have been the political costs of Singapore's apparent success? Nothing more or less than the nightmare Filipinos have just left behind.

Like Marcos, Lee built his house on the idea that the overriding goal should be economic development and the way to achieve it was not through politics — which he views as disruptive and wasteful — but through efficient management.

In pursuit of this objective, Lee has since independence sought to rid Singaporean society of politics. First he rid it of politicians, effectively allowing only one party to rule the country — his own People's Action Party — and created citizens' consultative committees through which citizens could petition government for what they needed.

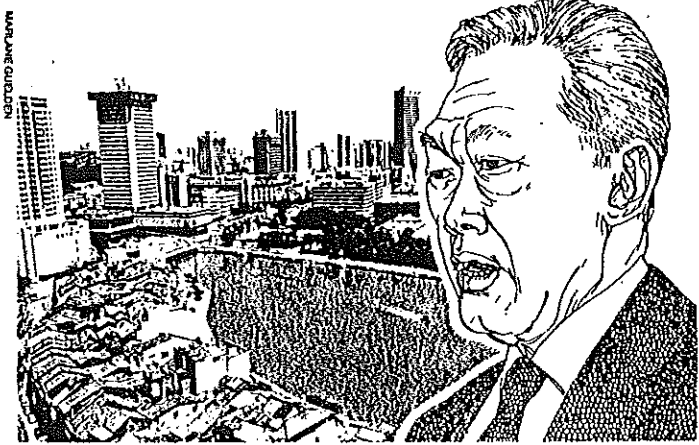
Marcos did exactly the same thing. He abolished the congress and American-style politics as something wasteful and anti-developmental, later creating a rubber-stamp parliament to take its place. He jailed his opponents, allowed only one party — his New Society Movement — to rule the country and created citizens' assemblies to consult on government policies.

The concept of a depoliticised, technocra-

tic state may sound attractive in theory but it is not so in practice. The most basic problem arising from such a system is one of goals and who actually benefits from development. These issues tend to get lost or obscured in an authoritarian setting. "What for" and "who for" are matters left to the leadership, with the citizens' assemblies or consultative committees serving only a ritualistic role.

More than this, with a leadership accountable only to itself, it is not long before development takes a swing towards developing a few personal fortunes.

Another problem arising from such a system is that the system's entire philosophy assures dynastic rule. Development, we are told, can only be realised within a framework of continuity; it cannot be realised in a political setting because it changes course with each new administration. Presumably, authoritarian rule has the answer to this by assuring



... or freedom the price of prosperity?

continuous development through maintaining continuity of leadership.

Maybe Singapore's leadership does know what is best for the country and its citizens. However, that country's record of repression makes us wonder. Can any vision, goal or plan be very wise that must be imposed on people by police-state methods?

At the very least, such methods must indicate a difference of opinion between the government and its citizens about what is best for them. Unfortunately for the citizens, they have only the force of their convictions. The Singapore Government has the force of the ISA, a law that may one day find its place beside the rack in a museum dedicated to instruments of repression. Scratch at Singapore-style democracy and you find nothing less than Marcos-style dictatorship.

What has failed in the Philippines which could find remedy in the Singapore model? The democracy introduced by the Americans was not designed to make Filipinos free but to make them comfortable with their new chains. It was an instrument of coloni-

sation. It did not "replicate" true American democracy, as Lee Hsien Loong suggested, simply because it was not intended to.

For most Filipinos, American-style democracy meant little more than elections every few years. Beyond this, the colonial authorities made sure that only the candidates who represented colonial interests first and last won. This practice did not die with colonialism.

The ensuing political order, which persisted long after independence, was one where a handful of families effectively and ruthlessly ruled a society riven by inequality. It was democratic in form, borrowing as many American practices as it could, but autocratic in practice.

The post-colonial political parties were no more than coalitions of factions organised for purely electoral purposes. Initially, the factions consisted of the country's élite, but they later evolved to include simply representatives of the élite. They had no platforms. They advertised themselves solely on the personality of their standard-bearers.

Radicals conclude from this that martial law was not a break from the past at all but the logical consequence of it. There was no real democracy to begin with, and martial law simply ended the illusion by spelling out in law what already held sway in practice. And this reasoning suggests also that there has been no real break between martial law and the Aquino government — at least not in any fundamental way.

This may be an exercise in selective perception, but it is far more realistic than the view that authoritarian rule was made possible by the demonstrable failure of a truly liberal democracy.

A more reasonable view is that there was, and is, substantive democracy in the Philippines — despite colonialism and élite politics. This is so because democracy took a life of its own, expressing itself in peasant revolts and popular demand for reforms. But it never reached maturity, being constantly held back by those very politicians who were sworn to uphold it.

What all this points to is that American-style democracy failed in the Philippines not because it gave too much democracy but too little of it. Poverty festers in the country not because the people have too much say in how things are done, but too little. Consequently, what is needed is not less democracy but more of it, not less popular participation in decision-making but more.

What is needed is not less, but more freedom. ■

Conrado de Quiros is a columnist of The Daily Globe, a Manila-based newspaper.

VOICES

VOICES

VOICES

VOICES

Singaporeans cannot speak freely through their own national media. Here are some of the voices from ordinary Singaporeans that the world usually cannot hear. They are in the form of letters to the Far Eastern Economic Review over recent months.

Insulated from the winds of change

A few Singaporeans are wondering whether the awesome winds of change which are sweeping through the communist world will also swing through the stifling, censored environment of Singapore.

Unfortunately, the "rulers" of Singapore have probably succeeded, where the Chinese and the East Germans did not, in emasculating an entire generation. The country is sinking ever deeper into a moral and mental morass while its physical needs are catered for only too well. The best and brightest are leaving, of course, which only makes the circle all the more vicious. Best airport in the world; cleanest city in the world; but ultimately the saddest tragedy of our times.

Singapore

'SAD SINGAPOREAN'

7.12.89

Hongkong people thinking of emigrating to Singapore [Blood transfusion, 20 July] should seriously consider whether they want a controlled life in a restricted society. They should also ask themselves why, if Singapore is a good place to live, so many of its own citizens are leaving for Australia, Canada, the US and New Zealand.

Singapore

'SINGAPORE RESIDENT'

10.8.89

I read with interest the articles concerning the cases of Singapore businessman Allan Ng and activist Vicent Cheng [28 Sept.]. In the US, someone charged with insider trading would receive a 10-year prison sentence. However, only a one-year sentence was imposed on Ng, while someone who criticises the Singapore Government, like Cheng gets indefinite imprisonment. And Prime Minister Lee Kuan Yew wonders why Singapore professionals immigrate in vast numbers. It is the educated who understand what is really going on.

If the US Congress could be concerned with racism in South Africa, it also has a moral obligation towards human rights in Singapore.

San Francisco

19.10.89

KEVIN LAM

Why Singaporeans leave

Prime Minister Lee Kuan Yew is concerned about the number of Singaporeans who are emigrating [The balancing act, 7 Sept.]. To arrest the rate of emigration, Lee could take one of two steps: deny Singaporeans an English-language technical education so they become less desirable for Western countries; change the name of the National University of Singapore to the Cambridge University of Singapore and expand the roll dramatically so all Singaporeans can count in their alumni club such luminaries as the prime minister, the heir-apparent, the chief justice, etc.

But let me suggest a profile of the emigrating Singaporean: he is not a double-first Cambridge-educated scholar; he does not have a consistently excellent academic record, from primary six through to tertiary education; he does not speak Mandarin; he is not an officer in the reservist army; his spouse is a non-graduate or a foreigner; he had more than two children before 1984 or fewer than four after 1986; he loses face if he stays in Singapore for being second-best when compared to the Lees next door.

The prime minister, not the supposed attractions of the West, is primarily to blame for the Singaporean diaspora.

Auckland

EX-SINGAPOREAN CHINESE'

12.10.89

The reluctant prime minister

Once again, Singapore Prime Minister Lee Kuan Yew has informed us that he is to retire. The deadline set is the end of 1990. Apparently, he offered his position to his deputy, Goh Chok Tong, after the 1988 general elections but was persuaded by the latter to continue for another two years. One reason given was that there were several outstanding issues, such as negotiation of water rights with Malaysia, which Goh wished Lee to complete before retirement. Another reason was that it gave Goh more time to get ready to assume the premiership.

The reasons given appear logical, but as a Singaporean I am worried. No politician worth his salt would give up a chance to be his country's leader even if he had to strive to be it. Here is one who is offered the position and is temporarily declining it. Goh could easily become prime minister and appoint Lee a minister of special projects to complete whatever necessary duties.

It frightens me to think that while Benazir Bhutto, a leader with relatively few years' political experience compared with

Goh, is prepared to govern a country of 100 million plus people in a potentially explosive environment, Goh seems unready to lead a small city state of 2.6 million people in a country with a booming economy, a friendly press, cooperative trade unions and a generally docile people. I feel both sad and incredulous at the same time.

Perhaps, as in many things that are happening in Singapore of late, there is much more than meets the eye.

Singapore

'A WORRIED SINGAPOREAN'

2.11.89