



Emergency committee for human rights  
in Singapore \_\_\_\_\_

A REPORT ON THE DETENTIONS IN SINGAPORE:

MAY and JUNE, 1987

A STATEMENT OF FACTS

Prepared by the Emergency Committee for Human Rights  
in Singapore (NZ)

June 21, 1987

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These are corrections to :

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ERRATA

<u>Page</u>	<u>Corrections</u>
2	Under item 10, delete " member of student Christian Movement ".
4	In the paragraph headed <u>June 9</u> , replace the words " ( another political exile and architect ...)" with "( Singaporean and Ph.D student...) " .
5	Last paragraph, bottom 3 lines : change " 5) Ronnie ONG and 6) Noor Affandi SHAHID,..." to " 5) Ronnie NG and 6) Nur Effendi SHAHID,...".
7	In the middle of last paragraph, delete the word " exile ".
9	In the middle of the page, change "Writing in 1985, he say problems ..." to "Writing in 1985, he <u>saw</u> problems ...". 9 lines from the bottom page, change "The letter released yesterday were written by Tan ..." to "The letter released yesterday <u>was</u> written by Tan ...".
18	The first sentence of last paragraph which reads " ...( although not always as was seen with T.T. Rajah in 1974 ...) " should instead read " ...( although not always as was seen with G.Raman in 1977 ...) ".
23	Last paragraph, 5 lines down, add " and " after the word English.
24	Under item 4, replace " <u>Third Stage Drama Group</u> is a legally registered society which stages plays written legally ..." with " <u>Third Stage Drama Group</u> is a legally registered society which stages plays written <u>locally</u> ...".

A Report on the Detentions in Singapore:  
May and June, 1987

A Statement of Facts

Prepared by the Emergency Committee on Human Rights  
in Singapore (NZ)  
June 21, 1987

I. A Chronology of Events

May 21 - Sixteen individuals in Singapore were arrested and detained in the early hours of the morning by the Internal Security Department of the Singapore government. The sixteen were involved in community work, women's awareness groups, journalism, publishing, community law, the dramatic arts, civil liberties, Church work and four had indirect ties to an opposition political party, the Workers' Party. Nine of the detainees were women, four have graduated from universities in the United Kingdom, two were Malaysian citizens and ten have been working full or part-time with Catholic Church organizations.

May 22 - The principal English language daily newspaper in Singapore, the Straits Times, reported a statement from the Ministry of Home Affairs alleging that the sixteen detainees were arrested "in connection with investigations into a clandestine communist network". Father Patrick Goh, national chaplain for the Young Christian Workers, wrote to the government expressing his shock and attesting to the Christian faith and commitment of the detainees. In statements to the BBC and foreign press he said, "The government has not been happy with our efforts to educate people to the reality of poverty." Father Edgar D'Souza, editor of Singapore's The Catholic News, said, "I find it impossible to believe they are communists or communist sympathisers." The Secretary General and leader of the main opposition party in Singapore, the Workers' Party, Mr. J.B. Jeyaratnam, said the arrests were part of a campaign to intimidate the people. The Chairman of the Malaysian Bar Council sent a telegram to the Singapore Minister of Home Affairs saying, "Lawyers and those committed to the promotion and protection of human rights should not be viewed as threats to the security of the nation." The Malaysian National Union of Journalists and the Confederation of Asian Journalists also issued statements condemning the detention of the sixteen.

The names of the sixteen original detainees are:

1. Mr. Vincent CHENG Kim Chuan, 40. Executive Secretary, Archdiocesan Justice and Peace Commission, former seminarian, worked with Jurong Industrial Mission and

- Student Christian Movement, related to Urban Rural Mission Department of the Christian Conference of Asia.
2. Mr. William YAP Hon Ngian, 39. Translator, Singapore Broadcasting Corporation, previously involved with drama group, Third Stage.
  3. Mr. Kenneth TSANG Chi Seng, 34. UK graduate, media analyst, volunteer worker for official publication of the Workers' Party, the Hammer, volunteer with the Catholic Church.
  4. Mr. CHIA Boon Tai, 36. UK graduate, Malaysian citizen, civil engineer, owns own civil engineering firm.
  5. Mr. TAY Hong Seng, 36. Translator, Singapore Broadcasting Corporation, previously worked with Third Stage drama group.
  6. Ms. TEO Soh Lung, 38. Lawyer and partner in law firm of Teo, Lai & Lee, member of Law Society Council, volunteer with the Catholic Centre for Foreign Workers.
  7. Ms. TANG Lay Lee, 33. Lawyer, full-time worker, Young Christian Workers.
  8. Ms. Teresa LIM Li Kok, 33. Managing director of publishing company and partner in a bookstore, committee member of Association of Women for Action and Research (AWARE).
  9. Ms. WONG Souk Yee, 29. Founder, Third Stage, a drama group which has taken up many of the social problems of Singapore in its productions.
  10. Ms. NG Bee Leng, 23. Social worker, staff member of the Catholic Centre for Foreign Workers, member of Student Christian Movement, former President of the Singapore Polytechnic Students' Union.
  11. Ms. MAH Lee Lin, volunteer with the Chai Chee Catholic Centre.
  12. Ms. LOW Yit Leng, 28. Employee in typesetting firm, volunteer with Catholic Justice and Peace Commission, former Deputy Secretary-General, Asian Students' Association, Hong Kong and previously Secretary-General of Singapore Polytechnic Students' Union.
  13. Mr. TAN Tee Seng, 28. (Married to Low Yit Leng), employee in typesetting firm, volunteer with Catholic Justice and Peace Commission, assists publication of Workers' Party official publication, Youth Intern with the Christian Conference of Asia in 1983, Vice-President of Singapore Polytechnic Students' Union 1976-77.
  14. Mr. Kevin Desmond DE SOUZA, 26. Law graduate, full-time worker, Catholic Students' Society of Singapore Polytechnic.
  15. Ms. CHUNG Lai Mei, 22. Recently returned from Hong Kong where she was Deputy Secretary-General of the Asian Students' Association, previously executive committee member of the Singapore Polytechnic Students' Union.
  16. Ms. Jenny CHIN Lai Ching, 30. (Married to Kenneth Tsang), Malaysian citizen, journalist with the Malaysian English language daily, the New Straits Times, volunteer with Catholic Justice and Peace Commission, UK graduate.

The Far Eastern Economic Review, June 4, 1987 issue, described the detainees as follows:

From information pieced together from families and colleagues, the 16 detainees form three major clusters - with some straddling more than one cluster. The largest group, which comprises 10 of the 16 is involved in Catholic social work, and includes four full-time church workers and another six who serve as volunteers at several centres . . . The second group is linked to Third Stage, a theatrical company renowned for plays dealing with social issues. Group three has strong ties with the Workers' Party: two from this group are members of the editorial committee of the party's weekly newspaper, The Hammer.

May 27 - Although the arrests were made on 21 May, no families or lawyers were able to see the detainees until 27 May. Since the day of the arrests when a front page article appeared in the Straits Times, no further stories on the arrests appeared for five days. On 27 May the Straits Times began to print the text of a lengthy Ministry of Home Affairs press statement under the banner headline "Marxist Plot Uncovered". Over several pages a narrative was spread alleging a conspiracy by the Christian community leaders to overthrow the Singapore government and install a Communist regime. The local ringleader was supposedly Vincent CHENG of the Justice and Peace Commission. The international mastermind is supposedly Mr. TAN Wah Piow, a 36 year old Oxford law student and political exile from Singapore. The government revelations were published daily from 27 May onwards. Also on 27 May, a mass was held for the detainees in Singapore, at which Archbishop Gregory Yong spoke. More than 2000 persons, both Catholic and non-Catholic, were present.

May 28 - TAN Wah Piow issued a statement from the UK replying to the allegations of the Singapore government and refuting the charge that he was a Marxist or a communist mastermind. Also on this day Archbishop Gregory Yong issued a press statement expressing the concern of the Church for the detainees and their families. The statement also expressed support for the detainees and affirmed the confidence of the Church in their work.

May 29 - TAN Wah Piow received a registered letter from the government of Singapore dated 21 May, 1987 informing him that his citizenship was being revoked in accordance with Article 135(1) of the Singapore Constitution (a provision that had been amended in 1985 to allow the government to remove the citizenship of any Singaporean absent from the country for more than ten years.)

May 30 - Mr. J.B. Jeyaratnam, leader of the Workers' Party was arrested for demonstrating against the detentions outside the presidential palace. He has since been remanded on bail.

May 31 - On this Sunday a pastoral letter and statement of the Archbishop were read out at all Catholic Churches in

Singapore. The Archbishop asked for prayers for the detainees and their families, including masses for them.

June 1 - Subjected to pressure from the Singapore government, including the Prime Minister, a meeting is prepared for the Archbishop, the Prime Minister and other Church and government figures. Several of the priests and Church figures chosen to attend the meeting are refused permission to attend by the Internal Security Department and Church leaders because they are alleged to be too close to the detainees and the groups they worked for.

June 2 - Both Archbishop Gregory Yong and the Papal Nuncio are met by the Prime Minister. At a press conference immediately following the meeting the Archbishop said he was shown depositions of Vincent CHENG and had to accept the government's evidence. The Prime Minister stated categorically that "It is not the practice, nor will I allow subversives to get away by insisting that I got to prove everything against them in a court of law on evidence that will stand up to the strict rules of evidence of a court of law."

June 3 - June 8 The four priests most active in supporting the detainees resign and eventually decide, as a result of threats that they too might soon be arrested, that they must flee Singapore. The Archbishop met with families of the detainees who believe that he has betrayed them. The support of the Church for the detainees disappeared from this time. In the meantime it was reported that many of the detainees have video-taped confessions to be shown on national television. On 8 June it is announced in the press that the confession of Vincent CHENG will be shown the following evening.

June 9 - Vincent CHENG, for 85 minutes from 9:30 p.m. (Singapore time) appeared on television. He was interviewed by four Singapore Journalists. The interview took the form of a discussion of Vincent's religious and political views which added nothing to the charges already levelled against him and the other detainees in daily press coverage. He cleared TANG Lay Lee of any connection with his "conspiracy" but implicated others, including TAN Wah Piow, Paul LIM (another political exile and architect living in Brussels, Belgium), Kevin Desmond DE SOUZA and several other of the detainees. He also named three of the four priests as being sympathetic to his views although he never told them of his "undeclared purpose". The video-tape was heavily edited and the questioning took the form of obviously leading questions to which Vincent almost invariably agreed. He appeared reasonably healthy, although very thin, and mentally torpid as if exhausted or drugged. Otherwise the interview was good humoured and remarkably low-key, almost trivial, considering the gravity of the charges the government has been levelling against him. At the end of the "confession" Vincent admitted his errors and apologized to the young people he had "led astray".

June 10 - 19 Vincent's confession was headlined in the next day's Straits Times "What I did for Wah Piow". Over the course of the next week and a half there is comparative silence and confusion as to what the government intends to do. The end of the thirty day interrogation period allowed under the Internal Security Act ends Saturday, June 20. Families and friends of the detainees remain silent in the hopes that some if not all of the sixteen will be released. In the meantime international condemnation of the detentions mounted. Groups and individuals in Asia, Europe, North America and Australasia have expressed their support for the detainees and contacted the Singapore government asking that the detainees either be charged or released. A motion was passed by the European Parliament stating that charges should be laid and groups meeting at the Vatican have condemned the detention. The matter was also raised at the ASEAN meeting of foreign ministers held in Singapore the week of 15 June. There was both hope that the government may back down and fear that strong action will only further endanger the sixteen, their families and friends.

June 20 - Both the hopes and fears of those concerned with the detentions were fulfilled. Four of the detainees were released early on the morning of 20 June. These are TANG Lay Lee, NG Bee Leng, MAH Lee Lin and Jenny CHIN. Lay Lee is reported to be subject to a restriction order which prevents her from all future political activity, Church activities that may be described as political and which prevents her from engaging in her previous employment as a full-time worker with the Young Christian Workers or from joining any other "ad hoc organization". It is likely, although not yet known, that the other released detainees are also subject to restriction orders. However the other remaining twelve detainees have had formal detention orders issued against them. Vincent CHENG is to be detained for two years and the others for one year. These orders can be renewed indefinitely.

In addition there have been six further arrests. The following people were taken in by the Internal Security Department the morning of 20 June: 1) CHEW Kheng Chuan who is a typesetter and Harvard graduate, employer of LOW Yit Leng and TAN Tee Seng; 2) TANG Fong Har who is a lawyer and like TED Soh Lung a community activist associated with the Criminal Legal Aid Scheme of the Law Society and with Third Stage drama group; 3) FAN Wang Peng, the acting president of the Singapore Polytechnic Students' Union; 4) CHNG Suan Tze, an English lecturer at the Singapore Polytechnic, associated with Third Stage and a UK graduate; 5) Ronnie ONG and 6) Noor Affandi SHAHID, both student leaders at the Singapore Polytechnic.

## II. Summary of Charges

The gist of the charges against the sixteen original detainees (as taken from the Singapore government's detailed press release issued from their embassies and High Commissions all over the world) are that they were involved in "a Marxist conspiracy to subvert the existing social and political system in Singapore through communist united front tactics to establish a communist state." The directing figure behind the conspiracy is said to be Mr. TAN Wah Piow, a 35 year old law student at Balliol College, Oxford. He is described as a "Marxist and former student agitator who evaded National Service and fled to the UK in 1976". The ringleader in Singapore is said to be Mr. Vincent CHENG, a 40 year old Catholic lay worker with a degree in theology. The other fifteen detainees are described as part of Vincent CHENG's network of communist infiltrators who worked under his direction to "infiltrate and subvert lawfully established organizations for political agitation." Most of the detainees are described as "former student agitators" and their "modus operandi" was said by the Singapore government to be two fold: a) to manipulate organizations and instigate members from behind the scenes and b) to conceal their ideological inclinations and subversive intentions from other members of these legitimate groups, holding themselves out as dedicated social workers fighting against injustices and oppression.

Most of the statements made by the Singapore government consist of these fairly general and vague accusations unsupported by precise evidence. As was stated by the International Commission of Jurists in their press statement of June 2, 1987, "the allegations of the Ministry of Home Affairs are of a very general nature and it can best be left to a court to decide on their veracity". But it has been stated by Prime Minister Lee Kuan Yew as quoted in the Singapore Straits Times of June 3, 1987 "that he had never said he was going to prove anything in a court of law... 'It is not a practice, nor will I allow subversives to get away by insisting that I got to prove everything against them in a court of law on evidence that will stand up to the strict rules of evidence of a court of law.'" Instead Singaporeans have been receiving summaries and details of the allegations every day in the local news media, culminating in a heavily edited televised confession by Vincent CHENG in which he admitted to being the mastermind of a Marxist conspiracy and apologized for his activities. The validity of such a confession must be open to grave doubts considering the nature of the interrogation he has been receiving, his comparative isolation from outside contacts and the fact that he never consulted with a lawyer.

The groups named by the Singapore government as being used as front organizations by the alleged conspiracy are the Justice and Peace Commission (a body established by the Catholic Church), Catholic students' societies in the

National University of Singapore and the Singapore Polytechnic, the Student Christian Movement of Singapore, the Geyland Catholic Welfare Centre (an organization set up under the auspices of the Catholic Church to assist foreign domestic servants, especially Filipina maids), the Young Christian Workers' Movement, the Singapore Polytechnic Students Union, the Workers' Party (the main opposition party in Singapore led by former Member of Parliament, Mr. J.B. Jeyaratnam) and the Third Stage Drama Group. A more detailed description of these organizations is given below.

Some examples of the way in which the charges have been described to the public will help to illustrate the vagueness of the allegations. In the Singapore Straits Times of May 27, p. 15 it is said:

The infiltration of the Workers' Party by the Marxist group was carried out on the instruction of Tan Wah Piow.

As early as 1981, Tan had discussed with his supporters the importance of infiltrating an opposition political party.

In a discussion with Vincent Cheng who visited him in London in March 1981, Tan emphasised the need to participate in party politics as a political party would provide them with "legal protection" and a "legitimate cover" to organize mass activities and mobilise the workers. . .

The Marxist group did not make any move to join an opposition party until shortly before the 1984 General Election . . . During one of the discussions held at Teo Soh Lung's office . . . the meeting decided to "help" an opposition party.

In a subsequent meeting held at Teo Soh Lung's sister's house, . . . they decided that it was the WP [Workers' Party] that should be "helped".

Teo Soh Lung, who knew J.B. Jeyaretnam, was deputed by the group to contact the WP leader to offer "assistance".

The gaps in the above excerpt contain names of other members of the conspiracy who were involved in this plan to subvert the Workers' Party. The only concrete facts given are that TAN Wah Piow and Vincent CHENG met each other in London in 1981 and that prior to the 1984 election there was an agreement on the part of some of the present detainees, with the assistance of TEO Soh Lung who is also a detainee, to assist in some way the Workers' Party. Another Singaporean exile living in Belgium, Paul LIM, is also mentioned in this article as having been used to "pass messages and provide guidance to the Marxist conspirators in Singapore." The connection between TAN Wah Piow and Vincent CHENG and through him with the other "conspirators" is described without any indication of what the evidence is to back up these statements or how that evidence was obtained.

Certainly at the very best, we must assume that a considerable degree of surreptitious surveillance was used to piece together these disparate elements. The pejorative words relating to the "Marxist" nature of these activities appears to be nothing more than innuendo attached to otherwise innocent activities. This is supported by statements made by TAN Wah Piow that he and Vincent CHENG have been friends for many years, so that communication between them regarding problems relating to the social and political situation in Singapore would have been quite natural. Mr. Jeyaratnam of the Workers' Party has also stated that the allegations that his party was being infiltrated by Marxists is ridiculous.

A second example of how these charges are framed is also contained in the May 27th issue of the Straits Times. All the detainees except Vincent CHENG (who is given greater coverage) have their pictures in the paper with short descriptions of the charges against them beside each photograph (the pictures by the way have the appearance of "mug shots"). The caption beside Jenny CHIN's photograph reads as follows:

- a 25 year old journalist with the New Straits Times [Kuala Lumpur] she holds a Bachelor of Arts (Hons) from a British university. She took part in Fuemsso activities [Fuemsso is the Federation of United Kingdom and Eire Malaysian and Singapore Students' Organisations - a non-political umbrella organization of various Malaysian and Singaporean overseas university student organizations - see below] while in Britian and is a close associate of Tan Wah Piow. She is the wife of Kenneth Tsang [another detainee] and the younger sister of Juliet Chin, the radical president of the University of Singapore Sudents' Union in 1973/74. Juliet Chin was expelled from Singapore in December 1974. As a foreign student - she was Malaysian - she [Juliet Chin] had breached her undertaking not to be involved in Singapore politics. She was then detained by the Malaysian Special Branch under the Internal Security Act and after her release she joined the Malayan National Liberation Front, a Communist Party of Malaya satellite organization, in 1976, and later the Malayan People's Army 10th Regiment.

Leaving aside the allegations against Kenneth TSANG and the validity of the charges made against Jenny CHIN's sister Juliet, the only crime Jenny seems to be accused of is being "associated" with TAN Wah Piow, married to Kenneth TSANG and a sister of Juliet Chin. Since the date of this issue of the Straits Times the allegations against Juliet have been reiterated and Jenny's guilt by association again stressed. Not even in the stated grounds given by the government is there the slightest grounds for her arrest, let alone continued detention. The allegations against the other

detainees, although sometimes more detailed in nature, especially against Vincent CHENG, are similarly unconvincing. On 20 June, after thirty days of intensive interrogation without charge or any substantive evidence against her, Jenny CHIN was released.

The final example to be highlighted here as an indication of the kind of coverage the Straits Times has given to this matter relates to TAN Wah Piow, the alleged "mastermind". On the front page of the May 28th issue some letters of TAN Wah Piow are quoted in a way which appears to be deliberately misleading. The letters were said to have been sent to Mr. CHIA Boon Tai, one of the detainees, in 1985. The article is sufficiently interesting to be quoted at length. Actual quotations from TAN Wah Piow's letters are numbered for easier reference by the authors of this Report:

The Home Affairs Ministry yesterday disclosed letters sent to Singapore by Tan Wah Piow - named on Tuesday as the mastermind of a Marxist plot to overthrow the Government.

They reveal that Tan hoped to return to Singapore one day and had asked his people to make use of the Roman Catholic church for their own ends.

The letters also show that Tan, who is now in Britain, had a political objective and that he intended taking advantage of the political climate in Singapore.

Writing in 1985, he saw problems for the Government because of the previous year's general election results, which saw a 12.6 per cent swing against the People's Action Party.

(1) "They are fully aware that the opposition only have to swing another 10 per cent of the votes to tilt the balance and change the political atmosphere. Another 20 percent will be devastating," he said.

Yesterday, a government spokesman said that a police gazette has placed Tan on the wanted list under the Internal Security Act.

Up to now, he has been wanted for evading national service by leaving Singapore for Britain, using forged documents, in 1976. [see below]

The letter released yesterday were written by Tan in 1985 to one of the 16 people arrested under the Internal Security Act last week, Chia Boon Tai.

None of the letters was sent directly to Chia here. All were addressed to his brother in Johor Baru and Chia would pick them up.

In one letter, Tan said:

(2) "We intend to solicit the support and goodwill of the church, Justice and Peace Commission,

BL will need to lobby for support. Need the advice of Vin."

The ministry said Chia has revealed that "BL" is Tan's wife, Beng Lan, and "Vin" is Vincent Cheng, one of those arrested and described on Tuesday as Tan's key subordinate here.

To promote his cause, Tan suggested:

(3) "Is it worth exploring the church as a channel? ... Beng Lan's Jurong Industrial Mission background links her to the Church. Can we get someone respectable in the Church hierarchy to be sympathetic to our predicament and (present) our case quietly to the authorities in the most humanitarian light."

The JIM [Jurong Industrial Mission] was a church body purportedly to promote workers' welfare in the 1960's and early 1970's, the ministry said. It was shut down in 1972 after it was found to be instigating industrial disputes.

Speaking of his hope to return, Tan also suggested making use of the foreign press - naming the Far Eastern Economic Review and the English and Chinese press in Malaysia as possibilities.

(4) "Any form of media exposure - interviews, etc - which can present us in a favourable light in Singapore around the time of our return, will be useful."

At the time, Tan was concerned that his citizenship was at stake because of impending changes to the Constitution to deny citizenship to Singaporeans who remained abroad continuously for 10 years without returning. The law was passed in 1985, and he had fled Singapore in 1976.

The first thing that should be noted is that the quotations, when read out of the context of the Straits Times' commentary, are not indicative of any sort of illegal activity. The second thing which should be noted and which has been true of all reports in the Straits Times to date is that the government allegations are reported as facts already established. Nowhere does the word "alleged" appear. The third matter which appears is that the Singapore government is attempting to establish links between the detainees and events which occurred over ten years ago. The last paragraph quoted really sums up the true purport of these letters. Mr. TAN has stated in his press release of 28th May that he had every intention of returning to Singapore and was extremely concerned at the possible loss of his Singaporean citizenship. He had been communicating openly with the Singapore government since

1983 with regards to his own citizenship and an application to have his son registered as a citizen at the Singapore High Commission in London. When the proposed amendments to the Constitution allowing the Singapore government to remove Singaporean citizenship became known to TAN Wah Piow he corresponded with his lawyer, Ms. TEO Soh Lung, to assist him with regards to this matter. The letters to CHIA Boon Tai quoted in the article above refer to this concern. They do not refer to any supposed intention to return to Singapore sometime in the future to take over the government. On this same front page there is also a photograph of a typed letter written to "BT" of which only the first and last sentences are reproduced. These sentences read: "Further to what I have written previously, below are some tactical matters which I raised in my letter to T. ... If the authorities invoke 135(1)b, the line of the struggle will no longer be within the legal ambit because they have decided to bend the law. We may put up a fight to expose them, but the show will be over." The reference to 135(1)b is to the amended provision of the Constitution allowing the Singapore government to remove TAN Wah Piow's citizenship. When seen in this context the letter becomes a rather bitter, but otherwise understandable, opinion regarding the government's efforts to deny TAN Wah Piow his rights as a Singaporean citizen.

It should be noted that nowhere in the government allegations is there any suggestion that this "conspiracy" was planning an imminent overthrow of the government. Mr. TAN is alleged to have "worked out a long-term plan to use communist united front tactics to achieve political power in Singapore in 10-15 years' time when he would return to Singapore". Nor is there any suggestion that violence was to be used to achieve this long term goal. Their activities are described by the Ministry of Home Affairs Press Release as "calculated to revive class hatred and conflict, breed disaffection towards the existing political and economic system, and revive political instability." No specific instances of means designed to directly achieve these aims is given. Vincent CHENG in his televised confession of June 9th specifically disavowed any involvement on his part with violence. The government summarized the legal basis for the detentions as follows: "Their subversive activities are prejudicial to the security of Singapore and if left unchecked would lead to unmanageable political instability and chaos."

### III. Detention under the Internal Security Act

The Internal Security Act is one of a series of Acts which have existed in Malaysia and Singapore at least since 1948 and the post-war Communist Insurgency providing for punishment of security related offences and, more importantly, preventive detention. The Act was originally passed in Malaysia and was extended to Singapore upon Singapore joining the Malaysian Federation in 1963 (Singapore became an independent republic in 1965).

Both the Malaysian and Singapore provisions exist pursuant to Article 149 of the Constitutions of both Singapore and Malaysia and preventive detention under the Act is bound by the provisions of Article 151. Relevant provisions of both the Constitution and the Act (henceforth referred to as the "ISA") are appended to this Report.

Under s.74 of the ISA any person may be arrested without warrant on suspicion that he or she "has acted or is about to act or is likely to act in any manner prejudicial to the security of Singapore or any part thereof." The Minister responsible under the Act is the Minister for Home Affairs. An arrested person may be held for up to thirty days without charge or other order for the purposes of interrogation.

Any person detained under the ISA is entitled to consult and be defended by a lawyer of his or her choice. This is guaranteed under Article 9(3) of the Constitution. It has been held by the Chief Justice of Singapore that this provision applies to arrest and detention under the ISA. If legal counsel is denied or impeded by the authorities an order of mandamus or perhaps declaration may be sought to require that a detainee has access to legal counsel. Such access must be unimpeded and confidential. The initial arrest and interrogation period may also be challenged by way of habeas corpus although the success of such litigation is extremely doubtful.

Under s.76 of the ISA, no statement made by the detainee during his detention may be used against him in a trial of any offence charged against him unless it is proved that such a statement was not made as result of "any inducement, threat or promise having reference to the charge against such person". In addition no such statement will be admissible unless a caution has been administered to the detainee after his arrest that he or she is "not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence." Notwithstanding anything to the contrary contained in any written law (this would apply especially to the Singapore Criminal Procedure Code) no person accused of an offence described in s.76(1) is obliged to say anything after any such caution is given. Although it appears that no one detained under the Act will be charged or tried, nevertheless this provision is important in assessing the

validity of any "confessions", whether publicized or not, that the detainees may make.

After the thirty day interrogation period is over there are a number of actions which the government may take. First, a detainee may be charged with a specific criminal offence. This appears to be unlikely. Secondly, a detainee may be released unconditionally. Thirdly, a detainee may be released but subject to a restriction order as authorized in s.8 of the Act (see appendix). Finally, a detainee may have issued against him or her an order of detention made by the Minister if "the President is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so" (s.8). This order is issued without charge or trial and may be for a period up to two years. It is thereafter renewable indefinitely.

A copy of the order must be served on the detainee "as soon as may be" and, within fourteen days of such service, the Minister must advise a detainee in writing that he has the right to make representations before an Advisory Board. In addition the detainee must be informed in writing of the grounds on which the order is made; the allegations of fact on which the order is based; and other particulars, if any, the detainee may in the opinion of the Minister reasonably require in order to make representations against the order to the Advisory Board. The Board is a body set up under the Constitution. It consists of three persons, one of whom must be a Judge of the Supreme Court or a person qualified to be such. The Board does nothing more than make recommendations to the President with regards to the detention. The practise in Singapore and Malaysia appears to be that the Board simply confirms the original order. Thus few detainees take advantage of this right. The Board, if representations are made before it, must make its recommendations to the President within three months of the original detention. The Board is also required to review detention orders every twelve months.

There is no other appeal procedure contained in the ISA. The only remedy which appears to be appropriate is habeas corpus. This remedy is however extremely difficult to obtain as it has been held in Singapore and Malaysian cases that the onus lies on the detainee to prove mala fides or bad faith on the part of the government. This burden is almost impossible to overcome. The courts have shown themselves extremely reluctant to interfere with ministerial discretion in internal security cases.

The form of the order may consist of a repetition verbatim of s.8(1) and need not go into any details as to which of the three conditions stated in that section are being relied on. Likewise vagueness, insufficiency or irrelevance of the allegations of fact supplied to the detainee after the order is issued has been held not to

relate back to the original order and cannot render invalid an otherwise valid detention order. The discretion of the Minister in these cases has been held to be purely subjective. It should also be noted that the Minister or other authority is not required to produce any fact or information which in its opinion would be against the national interest.

In summary, the ISA is an extremely draconian piece of legislation designed originally to combat armed guerrilla insurgency during the fifties and early sixties. It authorizes arrest and detention for the purposes of interrogation without warrant for up to thirty days. It also authorizes restricted release and potentially indefinite detention without charge or trial. The Act would appear to be inappropriate for modern circumstances of relative political stability and economic development in the absence of a real threat of violent overthrow of the government. It would also appear to contravene standards of due process recognized under international law.

#### IV. An Emerging Pattern under the Internal Security Act

This is not the first time the ISA has been used to combat an alleged "communist conspiracy" although a major sweep has not occurred since 1977. There appears however to be a pattern with which this present use of the ISA fits. Some differences can however be noted.

The first time the ISA was used by the Singapore government since Lee Kuan Yew took power in 1959 was immediately prior to the election of 1963. Two years earlier the People's Action Party split into two parties, the left-wing element of the party, in uneasy alliance with Lee Kuan Yew since the 50's, left to form the Barisan Sosialis. More than 80% of the PAP left to join the new party at this time. The split was at least partly as a result of disagreement over the proposed merger with Malaya. The Barisan Sosialis opposed joining the Federation of Malaysia. In February, 1963, just days before the planned election, 133 persons were arrested under the ISA including 11 students, more than 50 trades unionists, 5 journalists and 24 leaders of the Barisan Sosialis. Five of the 133 detainees were imprisoned without trial for more than 15 years. They were: Ho Piao (former secretary of the National Seamen's Union), Lee Tse Tong (former secretary of the Singapore Busworkers' Union and elected Legislative Assemblyman), Dr. Lim Hock Siew (former Secretary General of the Barisan Sosialis), Dr. Poh Soo Kai (former Assistant Secretary General of the Barisan Sosialis) and Said Zahari (journalist and poet). After Singapore became an independent republic in 1965 the arrests continued. Mr. Chia Thye Poh has been in detention since 1966. He is the longest serving political prisoner in Asia. The government has declared that the reason for his continued detention is his refusal to confess and recant his activities as a communist.

Among those detained in 1966 included Tan Kim Oh (university student), Chua Kee Seng (Treasurer of the Commercial Houses Employees' Union), Chong Ming Jee (Singapore General Hospital Employees' Union), Lan Ah Lek, Fu Yang Yeow, Toh Ching Kee, Ms. Liu Lee Ying and Ms. Wong Sin Yah. Further arrests and detentions were carried out from 1969 to 1973. Those detained included Ng Chek Boon (high school student), Lim Hock Koon (student activist), Ang Choon Hong (Chairman, Barisan Sosialis branch at Aljunied), Chng Min Oh (Chairman, Singapore Goldsmiths Employees' Union), Chua Sek Kea (clerk), Lee You Seng (managing director, Nanyang Siang Pau newspaper), Leong Chee Fook and Chan Fook Wah.

In 1970-71, Mr. T.T. Rajah, a Singapore lawyer, attempted to act on behalf of political prisoners who had gone on a hunger strike. He was denied access to his clients which he attempted to redress by means of mandamus proceedings. His efforts were however frustrated by action taken against him for contempt of court. In June of 1974 he

was detained under the ISA and remained incarcerated for eighteen months. There were at least 28 people detained without trial in 1974. Aside from Mr. Rajah, these included Chan Sun Choy (journalist and an official of the National Union of Journalists), Chen Kai Teck (accountant), Hoo Soon Joo (high school student), Tay Kian Peng (an official of the Barisan Sosialis), Chen Yin Her (businessman), Lim Nam Chin (accountant), Ms. Shi May Choo (worker), Ong Yoke Chye (university graduate), Tan Chuan Po (university graduate), Ngoh Yeck Nam (translator), Han San Yeng (technician), Goh Liang You (businessman), Weng Sun Teng (businessman) and Tan Keng Chuan (businessman).

In 1976, immediately prior to the hearing of a motion to have Singapore expelled from the Socialist International, 50 persons were detained under the ISA. Singapore eventually withdrew from the Socialist International and more arrests followed. In addition both before and after Singapore's departure from this organization, detainees confessed to a "Eurocommunist plot" implicating others who were subsequently arrested. Amongst those arrested was another lawyer, Mr. G. Raman, named in connection with TEO Soh Lung of the present detainees, who had, like Mr. Rajah five years earlier, attempted to act on behalf of the prisoners. Mr. Raman confessed within days of his arrest to belonging to a communist plot. However, he was not released, but spent a further year in detention.

This was the last major "sweep" prior to the arrests of May 21, 1987. It had been thought by many that the harsh days of the past were over and that the use of the ISA in this way was unlikely. Nevertheless, the present detentions exhibit similarities to past detentions in the allegations of a "communist conspiracy" unsupported by substantial and specific evidence, a failure on the part of the government to charge the persons involved, intensive interrogation frequently followed by "confessions" and "recantations" often on public television.

Some differences are also apparent. The present detainees are mostly young, English-educated, idealistic social workers, lawyers, journalists, dramatists and businesspersons. The connection with the Catholic Church is new. There is no obvious link between them and any organized left-wing party, unless we can include the Workers' Party in this category. They have been allowed limited access to families and lawyers during the 30 day interrogation period, unlike previously detained persons. Vincent CHENG's confession, although televised as in past cases, was conducted by means of questions asked by journalists, rather than a read-out statement. Similarities however also exist in that, as in the past, many of these detainees were formerly student leaders or associated with former student leaders. Journalists and lawyers, as well as persons in the creative arts, have been detained in the past. The most outstanding similarity between most of those persons detained over the years by the Singapore government

is their criticism and open opposition to the ruling party. It is impossible to say how many detainees in the past have in fact been "pro-communist". Given the PAP's own ties with communists during the 50's, at least the early purge of left-wing elements during the first sweep in 1963 (called Operation Coldstore) may have included some who may be truly defined as communists. It is extremely difficult to sort out truth from fiction with relation to this pattern.

Another similarity with past detentions is the use of televised "confessions". In the past detainees have been released as a reward for confessing and recanting their ties with "communist" elements. Confession is not always followed by release however and some detainees in the past have been released after many years without such confessions. Release is usually accompanied by restrictions on employment, place of residence, political activities and travel outside Singapore.

The use of the ISA also fits into a much wider pattern of the Singapore government's attitude towards any possible dissent from their own views. The actions taken against TAN Wah Piow in 1974 (when he was tried for rioting in relation to demonstrations by workers with regards to retrenchment - he was also formerly president of the Singapore University Student's Union and a student activist on social and political issues of the day) and more recently are part of the general pressure which has been applied by the government on students groups throughout the 60's and 70's. The allegations made against past and present student leaders within, especially, the Singapore Polytechnic and against those who, while they were studying in the UK were part of FUEMSSO (the Federation of United Kingdom and Eire Malaysian and Singapore Students' Organizations - a non-political student umbrella organization) are similar to past actions taken against students who attempt to learn about and discuss social and political issues not strictly conformable to their school curricula.

In addition the Singapore government has acted in the past few years to limit the effectiveness of the Law Society as a voice of dissent in the community and has steadily tightened their control over both the local and international press. The Singapore Herald, an English language paper, was forced out of business in 1974 allegedly for its critical attitude towards the government and the major Singapore daily, the Straits Times, has become less and less able to take an independent line. Last year amendments were passed to legislation allowing the government to restrict or ban the distribution of foreign journals alleged to be interfering in domestic politics. Restrictions on distribution have since been applied to Time Magazine and the Asian Wall Street Journal. The local Chinese and Malay language press has been similarly brought under tight control. The final example which may be noted here is the complete lack of organized political opposition in

Singapore. The only party which has been in any way effective over the last twenty years (since the annihilation of the Barisan Sosialis) has been J.B. Jeyaratnam's Workers' Party. Mr. Jeyaratnam won a by-election in 1981 and was re-elected to his seat in the General Election of 1984. Although it is impossible to relate the story in detail here, it is significant to note that the only member who was willing and able to voice his opposition to government policies lost his seat in Parliament late last year as a result of government action against him for an alleged irregularity in party finances.

The final very disturbing element of this pattern is the use made of forced "confessions" to discredit otherwise legitimate activities and implicate others not caught in the first "sweep". The pattern of arrest, torture and confession inflicted on political prisoners in Singapore can best be summed up by the following statement of Amnesty International:

The Singapore security police, the Special Branch, have a number of techniques - physical and psychological torture, solitary confinement and threats to families - to obtain "confessions" and "recantations" from prisoners in recent years. Amnesty International believes the responsibility for proving the guilt of any individual lies with the Government, in accordance with generally accepted legal procedures. The use of these "confessions", obtained by the methods described above, can in no way be accepted as justification for preventive detention. (Report of Amnesty International Mission to Singapore, 1978.)

"Confessions" are often used not only as a pre-condition for release (although not always as was seen with T.T. Rajah in 1974 and Vincent CHENG this year) but also to implicate others so that it can serve as a pretext for the Singapore government to arrest these people as well. These "confessions" then become justification for the arrest of others without any involvement of the judicial process. This may be what we are seeing with the most recent arrest of six persons on 20 June. The mass arrest in May, 1976 coincided with the televised "confession" by Madam Goh Lay Kuan, a 36 year old classical ballet teacher, that she had been involved in allegedly communist activities. This technique was re-employed in the 1977 arrests. Mr. G. Raman (well known as one of the few lawyers in Singapore willing to represent political prisoners) and Mr. Arun Senkuttavan (Singapore correspondent for the London Financial Times and the Economist and former correspondent of the Far Eastern Economic Review) gave televised "confessions" on 12 March, 1977. In his "confession", Mr. Raman implicated many of those arrested with him, while Mr. Senkuttavan implicated the editor of the Far Eastern Economic Review! Mr.

Senkuttuvan was subsequently released but his citizenship was revoked.

The admissibility of such "confessions" has been vigorously questioned by Amnesty International. Amnesty International has expressed grave concerns over the use of such "confessions" by the Singapore government, "particularly in view of consistent allegations that political suspects are subjected to extreme pressure in order to secure statements of involvement in communist or pro-communist activities." (Report, 1978). The 9 June "confession" by Vincent CHENG bears some similarities to these past "confessions".

Amnesty has also reported in more detail the kind of pressure that detainees are subjected to during the initial interrogation period and afterwards. Methods used by the Internal Security Department include solitary confinement, removal of watches so that detainees become disoriented as to time, prolonged interrogation for up to 72 hours without a break in interrogation cells which are kept at extremely cold temperatures, incarceration in small, dimly-lit cells which are extremely hot and humid, physical abuse including beatings and electric shock treatment, use of drugs and the withdrawal of prescribed drugs to detainees suffering from medical conditions such as diabetes or epilepsy (see Report, 1978). During the present detentions reports have been received of physical abuse. TANG Lay Lee (since released under a restriction order) was seen by two persons during her detention with a long blue-black mark on her jaw, TEO Soh Lung complained to her lawyer that she had been slapped and apparently two of the detainees, both of whom have been released, NG Bee Leng and MAH Lee Lin, required medical attention during their detentions. Kevin Desmond DE SOUZA has apparently also been badly treated although no confirmed details have been received. In addition it is reported that during the first five days of their detention, the original sixteen detainees were interrogated almost non-stop. It has been reported that they were first interrogated for 50 hours without intermission, then there was a half hour break and interrogation resumed for a further 72 hours. Thus during the whole time they were held incommunicado after their arrest they were being subjected to uninterrupted questioning. It is also reported that they were being held in small single cells. Family visits and visits by lawyers have been allowed only once a week for brief periods. There have also been reports of harassment of family members. This all would appear to repeat and corroborate the pattern of physical and psychological torture which is applied to detainees after their arrest.

However, even the use of various techniques of torture to extract confessions may not always work. This is reflected in the statements issued over the years by various detainees.

I have nothing to repent, to recant or to reform . . . I have nothing to concede to Lee Kuan Yew. By right, he should make a public repentance to me and not I to him. I will never betray the people of my country under any circumstances. Bitter sacrifice strengthens bold resolve. (Dr. Lim Hock Siew, 1972)

They can take me in for the second time, I am not to be cowed. (Dr. Poh Soo Kai, 1975)

On the day of my release on the 12th instant, the PAP Home Affairs Ministry released a statement. This statement, as usual, contained monstrous lies and fabrications, grossly misleading statements, deliberate distortions and even threatening words . . . I have not recanted and there is nothing to recant. (T.T. Rajah, 16 December, 1975 - statement issued on his release after one and half years of imprisonment without trial)

## V. Description of the Organizations Implicated

The individuals held under the ISA over the past month seem to be innocent of any specific wrong-doing based on the evidence as it has appeared in the Singapore media. Brief descriptions of their activities have been given above. Their major "fault", if there is any, appears to be their connection, however tenuous, with various Christian and other groups in Singapore dedicated to social change and assistance to the needy. The June 14th issue of the Catholic News set out details of the activities of some of these organizations. This particular issue of the leading Catholic periodical in Singapore has been banned. Copies of this issue have, however, reached the Emergency Committee, and excerpts from it are included below in relation to the impugned organizations.

### 1. Justice and Peace Commission

"The Commission firmly believes that it has not been manipulated or misled by anyone or by any one form of ideology."

It was set up in 1978 under the auspices of the local Bishops' Conference in accordance with Pope Paul VI's call for the need for an instrument of justice and peace in the Church. Among its functions are: to study in depth the social doctrine of the Church, to disseminate this and to put into practise such doctrines at all levels of society; to collect and synthesize studies referring to the development of peoples, peace and human rights; to collaborate with existing Church organizations and with other organizations in the fields of human development, justice and peace. The activities of the Commission include: Christian formation through seminars and workshops - Five seminars were held in 1986 conducted by well-known academicians and Church leaders such as Father Carlos Aberamis, Archbishop Soter Fernandez of Kuala Lumpur, Father Desmond De Souza, and Bishop Julio Labayen of the office of Human Development set up by the Asian Bishops' Conference; Documentation in response to the call of Vatican Council II in "reading the signs of the times and of interpreting them in the light of the Gospel" in the monthly publication Singapore Highlights containing a round up of current events in Singapore based on facts from other newspapers; Dossiers on topical issues in the Church - in 1986, two dossiers on peace were produced in accordance with Pope John Paul II's message highlighting the gap "between the haves and the have-nots" during the International Year of Peace - one dossier was a compilation of articles written by Church leaders and the other was a study of the situation in Singapore; Coordination with other Christian lay Apostolic groups as set up through a body called CORD in response to the Vatican II document "Decree on the Apostolate of lay people" which states "Catholics are keen on collaborating

with all men of goodwill in the promotion of all that is just, holy, all that is worthy of love. They are to enter into dialogue with them, approaching them with understanding and courtesy and are to search for means of improving social and public institutions along the lines of "the Gospel . . .," - the name CORD was chosen as symbolically binding all groups together "to enter into dialogue" with each other.

The Commission forges links with other international organizations similarly interested in justice and peace issues on an Asian level and keeps in regular contact with the Pontifical Committee on Justice and Peace. Vincent CHENG was the Executive Secretary of the Commission at the time of his arrest.

2. Eight Catholic lay organizations have been named as being part of CORD and accused of being "a united front to further the Marxist conspiracy". The following is a summary of the activities of some of these organizations as taken from the publication "Many Roads - One Mission" produced by the lay Apostolic Commission of Singapore.

- Catholic Students' Society of the Singapore Polytechnic (CSS-SP) whose objective is to help students realise their role on campus and in society, to show concern for fellow students and to participate in issues and situations facing students. The role of students in society is to be critically aware of the issues and problems faced by the majority of people in Singapore, especially with regard to the situation of the poor. Kevin Desmond DE SOUZA was at the time of his arrest a full-time volunteer with CSS-SP.

- Young Christian Workers' Movement (YCW). This is a Catholic lay organization for young workers aged between 16-35 years. It is a registered society and affiliated with the international Young Christian Workers' Movement. Its main concern is the total development of each worker to his/her fullest potential as a human being and a child of God. The YCW has small groups in Catholic parishes and in the YCW Jurong Centre which reflects their values and aspirations with regards to working and living situations in the light of universal human and Christian values. They plan how they can take individual and collective action in accordance with these values. They meet for leadership and faith formation. The groups emphasise the fostering and active concern for fellow workers in response to unjust situations in their work places. The YCW Centre provides legal counselling, basic labour law education, English language tuition, library services, recreational activities, informal sessions for sharing work and other problems and experiences. YCW projects include: a survey in December, 1983 on the effects of the 12 hour shift system jointly with the Justice and Peace Commission and the Christian Family and Social Movement (see below) - a report was then submitted to the Minister for Labour urging him to prohibit

the use and spread of the 12 hour shift system; studies of the major changes of the Employment (Amendment) Act 1984 and the production of a bulletin covering the implications of the relaxation of the limit to long hours of work and the lifting of restrictions on night work; studies in 1985/86 on the effects of massive retrenchment on workers with the publication of a booklet circulated to Church members. Ms. TANG Lay Lee was, at the time of her arrest, a full-time worker with YCW. She has been since released but is prohibited from working with YCW or similar organizations for the future.

- The Christian Family and Social Movement (CFMS) is an adult lay apostolate movement started in the 1960's. It is a socially sensitive movement of concerned adults, who guided by their basic Christian beliefs of love, justice and brotherhood, acquire an awareness and see the need to examine the social issues of society. The Movement organizes talks, training courses and publications to teach its members to help contribute towards changing and making Singapore and the world a better place to live in.

- Joyful Vanguards has its roots in the French movement of 1936. It enables children to be actively involved in building God's kingdom. Groups meet regularly in schools and parishes to share events that mark their lives and there are annual camp rallies and activities at the national level. It is basically a children's organization.

- Young Christian Students' Movement (YCS). The Movement is concerned with the formation of students into total Christians in their daily social environment and seeks to discover the real needs of students aiming at transforming the school into a community where Christian values are lived.

3. Catholic Centre for Foreign Workers (formerly the Geylang Centre for Foreign Workers). This centre was opened in 1980 with the objective of making the Church present among sectors of the population that have no contact with it. Its first activities were the conducting of English music classes, organizing social functions and outdoor activities and sessions about labour law for young Malaysian workers living in the Geylang area where the centre was first set up. TEO Soh Lung and TAN Tee Seng were among the first volunteers; Soh Lung until 1982 and Tee Seng until 1984. Vincent CHENG worked full-time at the centre from June, 1982 to June, 1983 to coordinate the volunteers and different activities. In 1981 a "Crisis Centre" was set up at the centre to provide housing and help for people in trouble with no place to stay. This programme stopped in 1984. In 1984 a half-way house was established at Chai Chee for ex-prisoners and drug addicts under the responsibility of Father Arocarena. The project moved out of Geylang. The

Geylang Centre began in the middle of 1984 a programme for domestic workers and eventually became a refuge as well as a centre for counselling, information and legal aid. TEO Soh Lung was professionally involved in providing legal assistance and representing maids in cases requiring legal action. By December 1984 the work load was so heavy that NG Bee Leng was employed by the Catholic Welfare Services as a full time worker. The domestic workers' programme provides foreign domestics facing problems with their employers, legal aid and general counselling, information and help on immigration and labour ministry procedures, shelter facilities and community centre activities. The Catholic Centre tries to cooperate with the Ministry of Labour and has assisted the Ministry in its various procedures relating to work permits and immigration.

4. Third Stage Drama Group is a legally registered society which stages plays written legally. These plays were mainly social commentary and satire of Singapore life and values. They were subject to censorship by the Ministry of Community Development. The Group received Ministry of Community Development grants for both performances and workshops. Ms. WONG Souk Yee is the former President of the Group. TAY Hong Seng stopped his involvement in the group one and a half years ago while William YAP and CHUA Boon Tai may have helped in its formation but were hardly involved afterwards. Both TANG Fong Har and CHNG Suan Tze have also been involved with Third Stage.

5. Commscord is an internal newsletter begun with the purpose of giving support to Polytechnic graduates who were about to begin their National Service. The newsletter gave support in coping with life and work in the Army in a human and caring way.

In addition to the Christian and other groups mentioned above, the government has implicated persons associated with various students' groups in Singapore, in particular the Singapore Polytechnic Students' Union. Five of the original sixteen detainees had, or were alleged to have had, ties with the SPSU. It was reported in the New Straits Times (Kuala Lumpur) of 8 June that Ms. FAN Wang Peng had written to the Minister for Home Affairs denying that SPSU had ever "been penetrated, manipulated or influenced by any Marxist or clandestine organization whatsoever." Since then Wang Peng and two other student members of SPSU have been arrested by the government.

The final group which has been stigmatized by the government is the Workers' Party. The party publication the Hammer was allegedly used by two of the detainees as a platform for disseminating Marxist views and there was supposedly a plan to infiltrate the party and use it as a communist front. The Workers' Party is a legally constituted political party that runs candidates in national

elections. Its leader, Mr. J.B. Jeyaratnam was, until last year, a Member of Parliament and the leading spokesman in Singapore of opposition to the government. There does not appear to be any evidence that a successful infiltration of the party occurred. Mr. Jeyaratnam has specifically denied charges that his party was used as the government alleges.

## VI. Conclusion

This Report is meant to be a statement of facts with relation to the charges alleged against persons arrested in May and June of this year in Singapore. Because the government of Singapore has presented its evidence through statements presented in the Straits Times and through embassies all over the world, it was felt by the Emergency Committee that a statement presenting the story from another point of view was necessary. It does not appear that any of those detained have been, or will be allowed, to defend themselves against these charges in open court. The information contained in this Report is as accurate as we can make it and was relevant up to the date of writing. It appears that the evidence for a Marxist conspiracy is without real substance and falls within a pattern of past repression carried on by the Singapore government against those who differ from or criticize their views. The activities of the individuals involved appears to be legitimate and, in most cases, amounts to no more than a dedicated and conscientious desire to perform the work they were paid for doing.

Even if the allegations the government is making are all true, it does not appear to justify the use of the ISA which requires subversive actions by a substantial body of persons. To date 22 persons have been detained. It is difficult to argue that this amounts to a substantial threat to the security of Singapore.

Finally, even if substantial subversive activities exist, with violence clearly shown as part of the method used, which is not the case in these latest detentions, this would not justify the use of physical or psychological abuse, or the denial of basic rights to due process.

First Schedule — Laws against which suspected offenders may be forcibly arrested.

Second Schedule — Specified laws.

Third Schedule — Essential services.

An Act to provide for the internal security of Singapore, preventive detention, the prevention of subversion, the suppression of organised violence against persons and property in specified areas of Singapore, and for matters incidental thereto. [16th September 1963]

WHEREAS action has been taken by a substantial body of persons to cause a substantial number of citizens to fear organised violence against persons and property:

AND WHEREAS action has been taken and threatened by a substantial body of persons which is prejudicial to the security of Malaya:

AND WHEREAS Parliament considers it necessary to stop or prevent that action:

Now therefore PURSUANT to Article 149 of the Constitution BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

#### PRELIMINARY

Short title.

1. This Act may be cited as the Internal Security Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

Am. L.N. 231/63.

“advisory board” means an advisory board constituted as mentioned in Clause (2) of Article 151 of the Constitution of Malaysia;

“ammunition” means ammunition for any firearm as hereafter defined and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not and any ammunition containing or designed or adapted to contain any noxious liquid, gas or other thing;

## CHAPTER II — POWERS OF PREVENTIVE DETENTION

8.\*—(1) If the President is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so, the Minister shall make an order —

Power to order detention.

(a) directing that such person be detained for any period not exceeding two years; or

(b) for all or any of the following purposes, that is to say:—

(i) for imposing upon that person such restrictions as may be specified in the order in respect of his activities and the places of his residence and employment;

(ii) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be so specified;

(iii) for requiring him to notify his movements in such manner at such times and to such authority or person as may be specified in the order;

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\* When this Act was extended to Singapore by L.N. 231/63, subsections (1) and (2) of section 8 were excepted. By L.N. 271/63, as from 16th September, 1963 the Act had effect in Singapore as if it included, in substitution for those subsections, the provisions of section 3 of the Preservation of Public Security Ordinance, 1955 of Singapore, (No. 25 of 1955). While the Emergency (Internal Security and Detention Orders) Regulations, 1964, (L.N. 335/64) remain in force subsections (1), (1A), (1B) and (2) of section 8 of the Act are in force in Singapore. Regulations 6 and 7 of the Regulations, as amended by L.N. 110/65, are as follows:—

"6.—(1) The Preservation of Public Security Ordinance, 1955, of Singapore as modified by the Modification of Laws (Internal Security and Public Order) (Singapore) Order, 1963, is amended by substituting for the word "nine" in subsection (1) of section 1 thereof the word "fourteen".

(2) The operation of the Preservation of Public Security Ordinance, 1955, of Singapore is suspended during the continuance in force of these Regulations:

Provided that any order made under subsection (1) of section 3 thereof and still in force on the date of coming into force of this regulation shall for the purposes of the Act and any subsidiary legislation made thereunder be deemed to have been made under subsection (1) of section 8 of the Act.

7. Any order made under paragraph (a) of subsection (1) of section 8 of the Act in respect of a person who, immediately before the date on which that order takes effect, is detained under a previous order made under paragraph (a) of subsection (1) of section 3 of the Preservation of Public Security Ordinance, 1955, of Singapore shall for the purposes of regulation 3 of these Regulations be treated as a direction under subsection (1A) of section 8 of the Act."

- (iv) for prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
- (v) for prohibiting him from travelling beyond the limits of Singapore or any part thereof specified in the order except in accordance with permission given to him by such authority or person as may be specified in such order,

and any order made under paragraph (b) of this subsection shall be for such period, not exceeding two years, as may be specified therein, and may by such order be required to be supported by a bond.

Ins. L.N. 335/64. (1A) The President may direct that the period of any order made under subsection (1) be extended for a further period or periods not exceeding two years at a time.

Ins. L.N. 335/64. (1B) For the purposes of subsection (1) "essential services" means any service, business, trade, undertaking, manufacture or calling included in the Third Schedule to this Act.

(2) Every person detained in pursuance of an order made under paragraph (a) of subsection (1) or of a direction given under subsection (1A) shall be detained in such place as the Minister may direct (hereinafter called "a place of detention") and in accordance with instructions issued by the Minister and any rules made under subsection (3).

Am. L.Ns. 271/63, 335/64. (3) The Minister may by rules provide for the maintenance and management of any place referred to in subsection (2)\* and for the discipline of persons detained therein.

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\* In the application of this subsection to Singapore a reference to section 3 (3) of the Preservation of Public Security Ordinance of Singapore, 1955 (No. 25 of 1955) was, by L.N. 271/63, substituted for the reference to subsection (2); and while L.N. 335/64 remains in force the words "of detention" are substituted for the words "referred to in subsection (2)".

9.\* Whenever any person is detained under any order made under paragraph (a) of subsection (1) of section 8 he shall, in accordance with Article 151 of the Constitution of Malaysia, as soon as may be —

Duty to inform person detained of grounds of detention, etc.

→ this happens when order issued

- (a) be informed of the grounds of his detention;
- (b) subject to Clause (3) of the said Article (which provides that no authority may be required to disclose facts whose disclosure would in its opinion be against the national interest) be informed of the allegations of fact on which the order is based; and
- (c)† be given the opportunity of making representations against the order as soon as may be.

10.\* At any time after an order has been made in respect of any person under paragraph (a) of subsection (1) of section 8 the Minister may direct that the operation of such order be suspended subject to the execution of a bond and to such conditions —

Detention order may be suspended.

- (a) imposing upon that person such restrictions as may be specified in the direction in respect of his activities and the places of his residence and employment;
- (b) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (c) requiring him to notify his movements in such manner at such times and to such authority or person as may be so specified;

\* L.N. 271/63 provided, in paragraphs 2 (3) and (4), as follows:—

"(3) The provisions of sections 9 to 13 inclusive, 17, 18, 20 and 21 of the Act shall have effect in relation to any order made under section 3 of the Singapore Ordinance and to any person in respect of whom any such order is in force as if the order had been made under the Act.

(4) In the application of the Act to the State of Singapore —

- (a) in sections 9 and 10 and subsection (1) of section 11 of the Act for the references to paragraph (a) of subsection (1) of section 8 there shall be substituted references to paragraph (a) of subsection (1) of section 3 of the Singapore Ordinance; and
- (b) in subsection (1) of section 13 of the Act for the words 'section 8 or 10' there shall be substituted the words 'section 3 of the Preservation of Public Security Ordinance, 1955 of Singapore or section 10 of this Act'."

† While the Emergency (Internal Security and Detention Orders) Regulations, 1964 (L.N. 335/64), as amended by L.N. 110/65, are in force paragraph (c) does not apply in the case of any person in respect of whom a direction has been given under section 8 (1A) of the Act extending the period of an order made under section 8 (1) in respect of that person.

- (d) prohibiting him from travelling beyond the limits of Singapore or any part thereof specified in the direction except in accordance with permission given to him by such authority or person as may be so specified;
- (e) prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
- (f) permitting him to return to the country to which he belongs or to any other place to which he wishes to proceed provided that the Government of such place consents to receive him,

as the Minister sees fit; and the Minister may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed or that it is necessary in the public interest that such direction should be revoked.

Representations  
against detention  
order.

11.\*—(1) A copy of every order made by the Minister under paragraph (a) of subsection (1) of section 8 shall as soon as may be after the making thereof be served on the person to whom it relates, and every such person shall be entitled to make representations against the order to an advisory board.

(2) For the purpose of enabling a person to make representations under subsection (1) he shall, within fourteen days of the service on him of the order —

- (a) be informed of his right to make representations to an advisory board under subsection (1); and
- (b) be furnished by the Minister with a statement in writing —
  - (i) of the grounds on which the order is made;
  - (ii) of the allegations of fact on which the order is based; and
  - (iii) of such other particulars, if any, as he may in the opinion of the Minister reasonably require in order to make his representations against the order to the advisory board.

\* See the footnote to section 9. While the Emergency (Internal Security and Detention Orders) Regulations, 1964 (L.N. 335/64) are in force section 11 does not apply in the case of any person in respect of whom a direction has been given under section 8 (1A) of the Act extending the period of an order made under section 8 (1) in respect of that person.

(3) The President may make rules as to the manner in which representations may be made under this section and for regulating the procedure of advisory boards.

12.\*—(1) Whenever any person has made any representations under subsection (1) of section 11 to an advisory board, the advisory board shall, within three months of the date on which such person was detained, consider such representations and make recommendations thereon to the President.

Report of advisory board.

(2) Upon considering the recommendations of the advisory board under this section the President may give the Minister such directions; if any, as he thinks fit regarding the order made by the Minister; and every decision of the President thereon shall, subject to the provisions of section 13, be final, and shall not be called into question in any court.

13.†—(1) Every order or direction made by the Minister under section 8 or 10 shall, so long as it remains in force, be reviewed not less often than once in every six months by an advisory board.

Review.

(2) The advisory board shall on completing every review under subsection (1) forthwith submit to the Minister a written report of every such review, and may make therein such recommendations as it thinks fit.

\* See the footnote to section 9. While the Emergency (Internal Security and Detention Orders) Regulations, 1964 (L.N. 335/64) are in force section 12 does not apply in the case of any person in respect of whom a direction has been given under section 8 (1A) of the Act extending the period of an order made under section 8 (1) in respect of that person.

† See the footnote to section 9. While the Emergency (Internal Security and Detention Orders) Regulations, 1964 (L.N. 335/64) are in force section 13 is amended by substituting for subsection (1) the following:—

"(1) Every order or direction made or given by the Minister under section 8 or section 10 (including any order extended by direction of the President under subsection (1A) of section 8) shall, so long as it remains in force, be reviewed by an advisory board at intervals of not more than twelve months, and the first of such reviews shall take place —

- (a) in the case of a person who is detained in a place of detention, not more than twelve months from the date on which his representations against the order were considered by an advisory board under subsection (1) of section 12 or, where no such representations have been made, not more than fifteen months from the date on which that person was detained in pursuance of the order;
- (b) in the case of a person who is not detained in a place of detention, where the order has been made under subsection (1) of section 8, not more than twelve months from the date on which the order was served upon that person;
- (c) in the case of a person who has been released from a place of detention in pursuance of a direction under section 10, not more than twelve months from the date of his release."

and, by L.N. 335/64, as from 30th September 1964 to 19th October 1964 inclusive the reference in section 13 as so amended to every order or direction made or given by the Minister under section 8 or section 10 includes a reference to every order or direction made or given under section 3 or section 4 of the Preservation of Public Security Ordinance, 1955 of Singapore (No. 25 of 1955).

Power to summon witnesses.

14. Every advisory board shall, for the purposes of this Act, but subject to the provisions of section 16, have all the powers of a court for the summoning and examination of witnesses, the administration of oaths or affirmations, and for compelling the production of documents.

Member of advisory board deemed to be a public servant. Cap. 103.

15. Every member of an advisory board shall be deemed to be a public servant within the meaning of the Penal Code, and shall have in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under the provisions of this Chapter the like protection and privileges as are by law given to a Judge in the execution of his office.

Disclosure of information.

16. Nothing in this Chapter or in any rules made thereunder shall require the Minister or any member of an advisory board or any public servant to disclose facts or to produce documents whose disclosure or production he considers to be against the national interest.

Power to order removal. Am. L.N. 231/63.

17.\*—(1) The Minister may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person detained in pursuance of the provisions of this Chapter.

(2) Any person in course of removal under the provisions of subsection (1) shall be deemed to be in lawful custody.

Power to order production of detained person.

18.\*—(1) On proof to his satisfaction that the presence at any place of any person detained under the provisions of this Chapter, or lawfully in the custody of the police or confined in any prison whether in pursuance of the provisions of this Chapter or under an order of any court or otherwise howsoever, and notwithstanding any order of any court or other authority whatsoever, is required in the interests of justice, or for the purpose of any public or other inquiry, or in the national interest, or in the interests of the person detained, in custody, or confined, the Minister may order that such person be taken to that place.

(2) Any person in course of being taken to any place in pursuance of the provisions of subsection (1) and while at such place shall be kept in such custody as the Minister may direct and while in that custody shall be deemed to be in lawful custody.

Saving in respect of prosecution of persons detained.

19.\* The detention of any person under this Chapter shall be without prejudice to the taking of any criminal proceeding against such person, whether during or after the period of his detention. [21

\* See the footnote to section 9. The former section 19 was deleted by L.N. 231/63, and the former section 20 is omitted.

(5) All subsidiary legislation under this Act in force in any security area immediately before the revocation or annulment of any proclamation under section 48 shall cease to have effect in such area upon such revocation or annulment, but without prejudice to the taking or continuance of any proceedings in respect of anything previously done or omitted to be done, or to the payment of any compensation or allowance thereunder. [71]

## PART III

## MISCELLANEOUS PROVISIONS

Seizability and  
bailability of  
offences.  
Cap. 113.

73.—(1) Every offence against this Act shall be seizable for the purposes of the Criminal Procedure Code.

(2) Every offence against this Act punishable with imprisonment for a term exceeding three years shall be non-bailable for purposes of the Criminal Procedure Code. [72]

Power to detain  
suspected persons.  
Am. L.Ns. 334/64,  
69/65.

74.—(1)\* Any police officer may without warrant arrest and detain pending enquiries any person in respect of whom he has reason to believe —

(a) that there are grounds which would justify his detention under section 8; and

(b) that he has acted or is about to act or is likely to act in any manner prejudicial to the security of Singapore or any part thereof.

Am. L.N. 334/64.

(2) Any police officer may without warrant arrest and detain pending enquiries any person, who upon being questioned by such officer fails to satisfy such officer as to his identity or as to the purposes for which he is in the place where he is found, and who such officer suspects has acted or is about to act in any manner prejudicial to the security of Singapore or any part thereof.

(3) No person shall be detained under the provisions of this section for a period exceeding twenty-four hours except with the authority of a police officer of or above the rank of assistant superintendent of police or, subject as hereinafter provided, for a period of forty-eight hours in all.

\* L.N. 334/64 modified subsection (1) by substituting "section 3 of the Preservation of Public Security Ordinance, 1955" for "section 8" in paragraph (a). By L.N. 69/65 that modification does not have effect during the continuance in force of the Emergency (Internal Security and Detention Orders) Regulations, 1964, (L.N. 335/64).

(4) If an officer of or above the rank of superintendent of police is satisfied that the necessary enquiries cannot be completed within the period of forty-eight hours prescribed by subsection (3) he may authorise the further detention of any person detained under the provisions of this section for an additional period not exceeding twenty-eight days.

May 21 + 30  
+ 28 days  
= June 19/19

(5) Any officer giving any authorisation under subsection (4) shall forthwith report the circumstances thereof to the Commissioner of Police; and where such authorisation authorises detention for any period exceeding fourteen days the Commissioner of Police shall forthwith report the circumstances thereof to the Minister.

Am. L.Ns. 334/64,  
69/65.

- would be assumed.

(6) The powers conferred upon a police officer by subsections (1) and (2) may be exercised by any member of the security forces, by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf under section 3 of the Protected Areas and Protected Places Ordinance, 1959.

Am. L.N. 334/64.

(7) Any person detained under the powers conferred by this section shall be deemed to be in lawful custody, and may be detained in any prison, or in any police station, or in any other similar place authorised generally or specially by the Minister.

Am. L.Ns. 334/64,  
69/65.

→ c.f. Lee Mau Seng

[73

75.—(1) Notwithstanding anything to the contrary contained in any other written law it shall be lawful for any police officer in order —

Use of lethal weapons in effecting arrests.

- (a) to effect the arrest of any person liable to detention under any order made under section 8; or
- (b) to effect the arrest of any person liable to arrest and detention under subsection (1) or (2) of section 74; or
- (c) to effect the arrest of any person whom he has, in all the circumstances of the case, reasonable grounds for suspecting to have committed an offence against this Act or against any provision of any written law for the time being specified in the First Schedule; or
- (d) to overcome forcible resistance offered by any person to such arrest; or
- (e) to prevent the escape from arrest or the rescue of any person arrested as aforesaid,

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Every person arrested for any of the offences referred to in subsection (1) shall as soon as possible after his arrest be clearly warned of his liability to be shot at if he endeavours to escape from custody.

(3) The powers conferred upon a police officer by subsection (1) may be exercised by any member of the security forces, and by any person performing the duties of guard or watchman in a protected place, and by any other person generally authorised in that behalf by the Commissioner of Police.

(4) Nothing in this section contained shall derogate from the right of private defence contained in sections 96 to 106, inclusive, of the Penal Code. [74

Cap. 103.

Admission of  
statements in  
evidence.

76.—(1) Where any person is charged with any offence against this Act or against any written law for the time being specified in the Second Schedule any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer of or above the rank of inspector and whether or not interpreted to him by any other police officer or any other person concerned, or not, in the arrest, shall notwithstanding anything to the contrary contained in any written law, be admissible at his trial in evidence and, if such person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Provided that no such statement shall be admissible or used as aforesaid —

- (a) if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against such person, proceeding from a person in authority and sufficient in the opinion of the court to give such person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or
- (b) in the case of a statement made by such person after his arrest, unless the court is satisfied that

a caution was administered to him in the following words or words to the like effect:

"It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence";

→ not do silence!

Provided that a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of no such caution having been given if it has been given as soon as possible.

(2) Notwithstanding anything to the contrary contained in any written law a person accused of an offence to which subsection (1) applies shall not be bound to answer any questions relating to such case after any such caution as aforesaid has been administered to him.

(3) This section shall apply in relation to any person tried after the commencement of this Act, whether or not the proceedings against such person were instituted and whether or not the relevant statement was made before such commencement.

[75

77. The Minister may, if he is satisfied that any evidence of the commission of an offence against this Act or against any written law for the time being specified in the Second Schedule is likely to be found in any banker's book, by order authorise any police officer to inspect any such book, and a police officer so authorised may, at all reasonable times, enter the bank specified in the order and inspect the banker's books kept therein, and may take copies of any entry in any such book.

Inspection of bankers' books.

[76

78.—(1) Subject to the provisions of subsection (2) the provisions of the Criminal Procedure Code relating to the disposal of property the subject of an offence shall apply to any article coming into the possession of a police officer or any other person having any functions in connection with the operation of this Act which such officer or person has reasonable ground for believing to be evidence of the commission of an offence against this Act; and in relation to any such article any reference therein to a police officer shall have effect as if it included a reference to any such person.

Disposal of property.

Cap. 113.

(2) Any article or material coming into the possession of a police officer under section 66 may be disposed of in such manner as the Minister may order.

## PART IV.

## FUNDAMENTAL LIBERTIES.

Liberty  
of the  
person.

9.—(1) No person shall be deprived of his life or personal liberty save in accordance with law.

(2) Where a complaint is made to the High Court or any Judge thereof that a person is being unlawfully detained, the Court shall inquire into the complaint and, unless satisfied that the detention is lawful, shall order him to be produced before the Court and release him.

(3) Where a person is arrested he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice.

(4) Where a person is arrested and not released, he shall, without unreasonable delay, and in any case within <sup>48</sup> ~~twenty-four~~ hours (excluding the time of any necessary journey), be produced before a magistrate and shall not be further detained in custody without the magistrate's authority.

(5) Clauses (3) and (4) shall not apply to an enemy alien <sup>MS</sup> [or to any person arrested for contempt of Parliament pursuant to a warrant issued under the hand of the speaker]\*

Ins. Act  
5/78.

(6) Nothing in this Article shall invalidate any law —

(a) in force before the 16th day of September, 1963, which authorises the arrest and detention of any person in the interests of public safety, peace and good order; or

(b) relating to the misuse of drugs which authorises the arrest and detention of any person for the purpose of treatment and rehabilitation,

by reason of such law being inconsistent with clauses (3) and (4), and, in particular, nothing in this Article shall affect the validity or operation of any such law before the \*10th day of March, 1978.

Slavery and  
forced  
labour  
prohibited.

10.—(1) No person shall be held in slavery.

(2) All forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes.

(3) Work incidental to the serving of a sentence of imprisonment imposed by a court of law shall not be taken to be forced labour within the meaning of this Article. [M6

\* Date of commencement of the Constitution (Amendment) Act, 1978 (Act 5 of 1978).

\* Bill to amend the Constitution introduced  
August 25, 1986, not passed as of October 28, 1986.  
- passed Oct 7/86

(2) Parliament may by law impose —

- (a) on the rights conferred by paragraph (a) of clause (1), such restrictions as it deems necessary or expedient in the interest of the security of Singapore or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation, or incitement to any offence;
- (b) on the right conferred by paragraph (b) of clause (1), such restrictions as it deems necessary or expedient in the interest of the security of Singapore or any part thereof or public order; and
- (c) on the right conferred by paragraph (c) of clause (1), such restrictions as it deems necessary or expedient in the interest of the security of Singapore or any part thereof, public order or morality.

(3) Restrictions on the right to form associations conferred by paragraph (c) of clause (1) may also be imposed by any law relating to labour or education. [M10]

Freedom  
of religion.

15.—(1) Every person has the right to profess and practise his religion and to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right —

- (a) to manage its own religious affairs;
- (b) to establish and maintain institutions for religious or charitable purposes; and
- (c) to acquire and own property and hold and administer it in accordance with law.

(4) This Article does not authorise any act contrary to any general law relating to public order, public health or morality. [M11]

Rights in  
respect of  
education.

16.—(1) Without prejudice to the generality of Article 12, there shall be no discrimination against any citizens of Singapore on the grounds only of religion, race, descent or place of birth —

- (a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or

(2) For the purposes of this Article, "debt charges" includes interest, sinking fund charges, repayment or amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

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## PART XII.

SPECIAL POWERS AGAINST SUBVERSION  
AND EMERGENCY POWERS.Legislation  
against  
subversion.

149.—(1) If an Act of Parliament recites that action has been taken or threatened by any substantial body of persons, whether inside or outside Singapore —

- (a) to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property;
- (b) to excite disaffection against the President or the Government;
- (c) to promote feelings of ill-will and hostility between different races or other classes of the population likely to cause violence;
- (d) to procure the alteration, otherwise than by lawful means, of anything by law established; or
- (e) which is prejudicial to the security of Singapore;

any provision of that law designed to stop or prevent that action is valid notwithstanding that it is inconsistent with any of the provisions of Article 9, 13 or 14, or would, apart from this Article, be outside the legislative power of Parliament.

(2) A law containing such a recital as is mentioned in clause (1) shall, if not sooner repealed, cease to have effect if a resolution is passed by Parliament annulling such law, but without prejudice to anything previously done by virtue thereof or to the power of Parliament to make a new law under this Article.

[ M 149

Proclama-  
tion of  
Emergency.

150.—(1) If the President is satisfied that a grave emergency exists whereby the security or economic life of Singapore is threatened, he may issue a Proclamation of Emergency.

Restrictions on preventive detention.

151.—(1) Where any law or ordinance made or promulgated in pursuance of this Part provides for preventive detention —

(a) the authority on whose order any person is detained under that law or ordinance shall, as soon as may be, inform him of the grounds for his detention and, subject to clause (3), the allegations of fact on which the order is based, and shall give him the opportunity of making representations against the order as soon as may be; and

(b) no citizen of Singapore shall be detained under that law or ordinance for a period exceeding three months unless an advisory board constituted as mentioned in clause (2) has considered any representations made by him under paragraph (a) and made recommendations thereon to the President.

(2) An advisory board constituted for the purposes of this Article shall consist of a chairman, who shall be appointed by the President and who shall be or have been, or be qualified to be, a Judge of the Supreme Court, and two other members, who shall be appointed by the President after consultation with the Chief Justice.

(3) This Article does not require any authority to disclose facts the disclosure of which would, in its opinion, be against the national interest.

[ M 151

### PART XIII.

#### GENERAL PROVISIONS.

Minorities and special position of the Malays.

152.—(1) It shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in Singapore.

(2) The Government shall exercise its functions in such manner as to recognise the special position of the Malays, who are the indigenous people of Singapore, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language.

[ 89

Muslim religion. Am. S 50/66.

153. The Legislature shall by law make provision for regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion.

[ 6