

**Report of the
International Mission
of Jurists
to Singapore**

July 1987

**The International Commission of Jurists, Geneva, Switzerland
The International Federation of Human Rights, Paris, France
The Asian Human Rights Commission, Hong Kong**

Published October 1987

Copies available from

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Switzerland

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Hong Kong

REPORT OF THE
INTERNATIONAL MISSION OF JURISTS
TO SINGAPORE
5-9TH JULY 1987
TO INVESTIGATE THE ARREST AND DETENTION
OF 22 PERSONS
IN MAY AND JUNE 1987

Mission members:

- Dr Yap Thiam Hien (Indonesia) Honorary Member of the International Commission of Jurists
- Mr Etienne Jaudel (France) Secretary General of the International Federation of Human Rights
- Mr Akinori Hashimura (Japan) for
Judge Kenkichi Nakadaira Commissioner of the Asian Human Rights Commission (Mr Akio Kawamura acted as assistant and interpreter for Mr Hashimura)
- Ms Jane Kelsey (New Zealand) Mission co-ordinator for the Asian Human Rights Commission

The International Commission of Jurists, Geneva, Switzerland
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I. Account Of The Mission

The I.M.J. Investigation

An International Mission of Jurists visited Singapore from 5 to 9 July 1987 to investigate the detentions under the Internal Security Act of twenty-two women and men accused of participating in a Marxist conspiracy. The purpose of the Mission was to provide an independent report on the situation, so as to better inform the human rights groups represented by the Mission and the wider international community.

Prior to its departure for Singapore, the Mission met in Kuala Lumpur with the president of the Malaysian Bar Council, Mr Param Cumaraswamy. He conveyed the deep concern which the affair had aroused among Malaysian lawyers, especially over the detention of two members of the Singapore Law Society.

The Mission also spent some time in discussion with Mr Francis Seow, the former president of the Singapore Law Society and the lawyer representing several of the detainees. Mr Seow was in Malaysia for the Lawasia conference where he expressed his concern over the current situation facing the Singapore Law Society and detailed what he viewed as grave violations of law and human rights by the Singapore Government in relation to the recent detentions.

During its five days in Singapore the Mission sought to speak to as many people who could contribute to an understanding of the situation as possible. The Mission met many lawyers, and friends and relatives of a majority of the detainees. The witnesses heard by the Mission asked that their identities not be disclosed for the protection of themselves and the detainees. This request has been fully respected.

The members of the Mission were also able to meet representatives of the Law Society of Singapore, from whom they were able to hear the Law Society's reaction to the arrest of one of its Council members, Ms Teo Soh Lung. On 28th May the Singapore Law Society conveyed its concern over Ms Teo's detention to the Government. It sought her release or the preferring of charges as speedily as possible. At the time of its meeting with the Mission, no further action had been taken by the Law Society in relation to Ms Teo's detention. The Law Society had not issued any statement regarding the subsequent detention of Ms Tang Fong Har, also a member of the Law Society and its Legislation (Civil) Special Assignments Committee and its Legal Aid Committee.

Mr J.B. Jeyaretnam, General Secretary of the Workers' Party, also met with the Mission. He provided a detailed account of the difficulties which he and his organisation had encountered when attempting to mount political opposition to the governing People's Action Party (PAP). This had culminated in his recent expulsion from Parliament following his conviction in a strongly contested court case over party funds. Mr Jeyaretnam informed the Mission he had been arrested on 30 May and charged with "attempting to hold an unlawful assembly" following a demonstration with two friends outside the Prime Minister's office, protesting the arrest of the original 16 detainees. He was on bail pending the hearing of that charge.

An arrangement to meet with former President of Singapore Devan Nair unfortunately had to be cancelled, as he was required to visit Malaysia at short notice.

The Mission was also unable to discuss the situation with the Archbishop Gregory Yong of Singapore, as he was prepared to meet with the Mission only after it had been seen by the Government.

The Singapore Government's Position

The Mission profoundly regretted that it was not able to meet with any official representatives of the Singapore Government during its visit. A letter was forwarded on behalf of the International Mission of Jurists to the Prime Minister of Singapore advising his Government of the Mission's forthcoming visit. It requested a meeting with the Prime Minister and the Minister of Home Affairs, and an opportunity to meet the eighteen persons in detention. The IFHR also sent a letter to the Prime Minister to the same effect.

The Ministry of Home Affairs advised the Asian Human Rights Commission in Hong Kong that neither the Prime Minister nor the Minister of Home Affairs would meet with the Mission. The Ministry stated that all relevant information had already been distributed publicly and they had no further comment to make.

Before leaving Malaysia, the Mission telexed the Minister of Home Affairs seeking a reconsideration of the government's position to allow for clarification of matters arising from the government's public statements. Further requests were made by telephone after the Mission arrived in Singapore. The Government's position was publicly confirmed by the Straits Times of 8 July. After reporting the presence of representatives of international Human Rights organisations to "investigate the recent arrests and detentions of the Marxists conspirators under the Internal Security Act", a Government official was quoted as saying "the Mission was informed before its arrival that the request for meetings with government officials would not be met and that the Government's position and the facts of the case had already been made public."

As the Mission was unable to meet with Government representatives, it was not able to obtain clarification of a number of questions which arose during the investigation or to seek the government's response to the concerns raised in this report. Nor did the Mission receive any formal response to repeated requests to visit the arrested persons in the detention centre.

During its time in Singapore the Mission did observe several statements by the Minister of Home Affairs, Professor Jayakumar, concerning the case. In particular, a seminar at which he replied to questions put to him by members of the P.A.P. Youth Wing was widely publicised on television and in the local press. The Mission noted the coincidence between its enquiry and the attacks by Professor Jayakumar on organisations which had protested against the detentions. These he classified into four categories: "those which are well intentioned but which do not know much about Singapore; those like Amnesty International which automatically protested and then they want to send fact-finding missions after they have protested; those which are affiliated to or related to some of the organisations involved in the conspiracy; and those which have an axe to grind and have vested interests, and deliberately go round purveying misinformation and lies about us." The Mission felt confident that it fell into none of these categories.

The I.M.J. Press Release

Before leaving Singapore on the evening of 9 July, the Mission issued the following preliminary press release:

"The Mission profoundly regrets not to have been able, despite several requests, to meet with either the Prime Minister or the Minister of Home Affairs to hear directly their point of view and to seek clarification of their position regarding the circumstances surrounding the arrests, detention, interrogation and televised 'confessions' of the detainees. It further deeply deplores not to have been able to meet the detainees as requested. The Mission believes that this reaction will not enhance the international image that Singapore has enjoyed until now. The Mission is pleased, however, to have met with a number of people including political leaders, representatives of the Singapore Law Society, lawyers and others affected by the detentions, and is grateful for the liberty with which it was able to carry out its task. The valuable insights received from those whom it met will form the basis of the report which the Mission will present to the organizations it represents.

"Before it leaves Singapore the Mission feels it must express its grave concern about the following matters:

1. The statement of the Singapore government indicating that the persons detained will not be prosecuted under the normal rules of due process of law, with the assistance of counsel, and undergo a fair trial according to the principles of the Universal Declaration of Human Rights.

2. The use of the Internal Security Act in a situation where there seems to be no apparent danger of organised violence against the people, property or government of Singapore, and no need for such extraordinary measures considering the stable political and social conditions prevailing in the country.

3. The use made by the Singapore authorities of the televised public 'confessions' by the detainees is incompatible with internationally recognized human rights principles and the Rule of Law. Furthermore, the Mission seriously questions the credibility of these 'confessions' in light of the consistent and credible testimonies it received regarding the pressures used to obtain such 'confessions'.

4. The difficulty of reconciling the claim of a 'Marxist conspiracy' with the convincing testimonies the Mission received regarding the character, faith and activities of the detainees and their apparent commitment to furthering social justice within a democratic Singapore. The Mission is encouraged to note the fair conditions under which those detained now appear to be held. However, this cannot derogate from the reality that these detentions per se violate the basic human rights of those detained. The Mission therefore seeks the release of those detained, despite the existence of orders of detention for lengthy periods of time and subject to indefinite renewal, or the expeditious public trial of those detained according to due process of law."

II. The Historical Context

The primary concern of this Mission is the detention by the Singapore Government in May and June of this year of 22 people under the Internal Security Act. It is not the Mission's purpose to report on the general political and human rights situation in Singapore, nor is it appropriate for it to do so. However, it has become clear during these investigations that the recent detentions cannot be understood in isolation from the history of Singapore and of the Internal Security Act within that context, or from the ongoing debate over the processes of democracy in Singapore. It is hoped that the following brief history will provide a useful backdrop for the more detailed discussion of the investigation which follows.

1954: The People's Action Party [PAP] was founded.

1955: Introduction of the Criminal Law (Temporary Provisions) Ordinance allowing detention without trial for alleged association with criminal activities and Preservation of Public Security Ordinance, similar to the later Internal Security Act.

1956: Emergency Regulations introduced. Lee Kuan Yew, in his speech during the Parliamentary debate on those Regulations said:

"But we either believe in democracy or we do not. If we do, then we must say categorically, without qualification, that no restraint from any democratic process, other than by ordinary law of the land, should be allowed. If you believe in democracy, you must believe in it unconditionally. If you believe that men should be free, then they should have the right of free association, of free speech, of free publication. Then no law should permit those democratic processes to be set at naught, and no excuse, whether security, inconvenience to the traffic, or inconvenience to police officers, should allow a government to be deterred from doing what it knows to be right, and what it must know to be right." (Lee Kuan Yew, Singapore Legislative Assembly, 22/4/- 7/6/1956).

1957: The Workers' Party [WP] was formed, later to lay dormant after the defeat of David Marshall in 1966 until taken over by J.B. Jeyaretnam in 1972.

1959: The PAP gained a Parliamentary Legislative Assembly majority of 43 from 51 seats in the general election and Lee Kuan Yew became Prime Minister.

The Banishment Act (Banishment Ordinance), consistent with Article 61(4) of the Constitution, was introduced permitting deprivation of Singapore citizenship held by registration or naturalisation if government is satisfied that continued citizenship is not 'conducive to the public interest'. Individuals can be detained indefinitely without trial 'awaiting deportation'.

1960: The Internal Security Act [ISA] was enacted in Malaya. The Criminal Procedure Code (Amendment) Act abolished trial by jury for all but capital offences.

1961: The Barisan Sosialis (Socialist Front) [BS] formed as a breakaway from the PAP. Agreement to the merger with Malaya was announced, and vigorously opposed by the BS.

1963: On February 2, "Operation Coldstore" saw opponents of the government and of merger with Malaya arrested and detained without trial, including BS leaders, journalists, editors, trade unionists, students. Those arrested in Operation Coldstore and later in the year totalled about 133. Most were released on conditions in the late 1960s and early 1970s, although some were held until late 1970s. The BS obtained 33.5% votes in general election despite arrests, against the PAP's 46.9% votes. Immediately following the elections another 15 alleged communists including three BS assemblymen were detained. Singapore joined the Federation of Malaysia on September 16 and the ISA became law in Singapore.

1965: On August 9, Singapore left the Federation of Malaysia to become an independent Republic. The BS M.P.s boycotted the new Parliament when it met in December. In October/November, organised boycotts by students at Nanyang University led to expulsion of 85 students.

X
1966: Government moved to exclude political agitators from universities by insisting on the grant of 'suitability certificates' as a requirement of admission led to protests at Nanyang University, Ngee Ann College and University of Singapore. In July, 26 anti-Vietnam war protestors, including BS politicians, journalists and students, were charged with unlawful assembly. A number were later detained under ISA, and several were deprived of citizenship, for seditious behaviour including opposition to Trade Union (Amendment) Act. BS M.P.s formally resigned their Parliamentary seats. In November, Students' National Front formed, resulting in expulsion of 112 students from Nanyang University and 81 from Ngee Ann College, and banishment of those who were not citizens.

1967: 5 Operation Coldstore detainees released after a successful habeas corpus application and immediately rearrested.

X 1968: The PAP won all Parliamentary seats at the general election. The BS refused to take part in the elections. In August, Employment Act and Industrial Relations (Amendment) Act were passed to restrict trade union disputes, prevent strikes and increase productivity.

1969: On May 13 serious riots occurred in Malaysia. The Federation of United Kingdom and Eire Students' Organisations [FUEMSSO], previously a social club, became politically active in the United Kingdom. The Criminal Procedure Code (Amendment Act) abolished trial by jury for capital offences.

1970: In August, trade unionists were detained under ISA. On December 16, detainees in the Moon Crescent Detention Centre began a hunger strike after refusing to work because of their political prisoner status.

1971: Lawyer T.T. Rajah sought a writ of mandamus to enforce his right of access to detainee clients and took out summonses against individual ISD officers who had allegedly beaten detainee clients. Rajah was later subjected to disciplinary proceedings by the Attorney-General for contempt of court. In May, 4 senior members of staff, including the editor and manager of 'Nanyang Siang Pau' newspaper were detained, and released by the end of 1973 after making confessions to secure their freedom. The editor of the 'Singapore Herald' was deported and the paper closed after bank foreclosure. The 'Eastern Sun' paper also closed down.

1972: J.B. Jeyaretnam became the Secretary General of the Workers' Party [WP]. The PAP again won all seats in the general election.

1973: Managing editor of 'Nanyang Siang Pau' was arrested and detained under ISA.

1974: Lawyer T.T. Rajah was arrested under ISA, detained for 18 months, and released on condition that he not have professional contact with political prisoners. In June 35 persons were detained under ISA. Worker reaction and student protests took place over worker retrenchment. Tan Wah Piow, President of University of Singapore Students Union, and 2 others were arrested for rioting. 5 student leaders and witnesses for Tan were deported in December immediately before his trial.

The Newspaper and Printing Presses Act extended controls on the media by requiring all newspapers, publishers, chief editors and printing presses to obtain an annual licence from government.

1975: Tan Wah Piow was sentenced to 12 months imprisonment for rioting by District Court Judge T.S. Sinnathuray. The fairness of his trial was criticised by an independent Australian legal observer; Tan was conscripted for national service immediately upon his release from prison and left Singapore unofficially for exile in Europe.

1976: A motion for expulsion of the PAP was placed before the Socialist International conference. The government announced that 50 alleged communist suspects had been arrested in recent months. Several days later the PAP withdrew voluntarily from the Socialist International. Lawyer Subhas Anandan was detained for 10 months without trial under the Criminal Law (Temporary Provisions) Act. Further arrests of alleged pro-communists from wide-ranging backgrounds included several critical journalists. The editor of 'Nanyang Siang Pau' was rearrested in December during the general elections in which he was a candidate for the United Front Party. He remained in detention until 22.1.79 after being deprived of his Singapore citizenship under the Banishment Act in October 1978.

Lee Kuan Yew issued defamation proceedings against J.B. Jeyaretnam. The PAP again won all the seats at the general election.

1977 G. Raman, lawyer for political prisoners, was arrested under the ISA. Others were arrested for communist conspiracy following Raman's 'confession'. Singapore correspondents for 'The Economist' and 'Financial Times', and 'Far Eastern Economic Review' were arrested in February and after televised 'confessions', released in April. One was deprived of his citizenship while in detention.

1978: The Report of Amnesty International's mission to Singapore found the Singapore Government in breach of internationally recognised human rights standards, especially in relation to the ISA.

1979: A university lecturer and 8 University of Singapore Chinese Society members were arrested under the ISA for pro-Communist Party of Malaya activities. All 'confessed', and all but the lecturer were released. The Societies Act was amended, extending registration requirements of non-political societies with the condition of non-participation in political activity.

1980: The PAP won all 38 contested seats at the general election and held all 75 seats in Parliament. The National University of Singapore Act prohibited the students union from engaging in political activities.

1981: J.B. Jeyaretnam [WP] won a by-election in the Anson constituency, defeating the PAP candidate with 56% of the vote.

1982: The Parliamentary Privileges Committee convicted and censured J.B. Jeyaretnam for alleged failure to declare an economic interest in a matter under debate.

1983 The "graduate mothers" policy to encourage university educated women to have children was implemented through incentives from the Ministries of Education, Housing, Health and Community Development. Disincentives and rewards were provided for migrant and uneducated workers to limit their families.

1984 : In January J.B. Jeyaretnam was charged with manipulating party funds to avoid paying creditors. He was acquitted on 4 counts and convicted on 1. In August, the presiding Judge Michael Khoo was transferred from Senior District Judge to senior State Counsel in the Attorney General's Office. The High Court overturned Jeyaretnam's acquittals and sent the case back for retrial.

A Constitutional amendment and an amendment to the Parliamentary Elections Act established up to 3 "non-constituency" seats for the highest polling opposition candidates where the opposition fails to win up to 3 seats. The PAP won 47 of the 49 contested seats and held 77 seats at the general election. There was a 12.6% swing against the PAP, reducing its support from 74% to 62% of the vote. J.B. Jeyaretnam [WP] and Chiam See Tong (Social Democratic Party) were elected. No eligible candidates accepted the non-constituency seats.

In 1984 Singapore's gross national product exceeded S\$12,300 per capita; inflation was at 2.6%; over 81% of the population was housed in Housing and Development Board flats; foreign reserves exceeded \$22.7 billion and unemployment was at 2.7%.

1985: Economic growth shrank by approximately 2%, with predictions of a serious economic recession.

The Minister of Home Affairs, Professor Jayakumar, announced only 1 political prisoner, Chia Thye Poh, was still detained under the ISA. A Constitutional amendment to Article 135(1) was passed providing for deprivation of citizenship after a person has lived overseas for a continuous period of 10 years and has not entered Singapore during that time on a travel document issued by Singapore authorities. The President of Singapore, Devan Nair, resigned amid allegations of improper behaviour and alcoholism, which were subsequently disputed.

A Commission of Inquiry [Sinnathuray Commission] was established to investigate allegations by J.B. Jeyaretnam of executive interference with the Judiciary in the transfer of Judge Michael Khoo. The retrial of J.B. Jeyaretnam resulted in his conviction on all charges. He was sentenced to 3 months imprisonment.

1986: Constitutional reforms were discussed for an Executive President with powers over revenue decisions and consolidation of constituencies into teams of 3 M.P.s all representing the same party. The Prime Minister responded to criticism of the 1986 style of government, during the National Day rally:

"I am often accused of interfering in the private lives of citizens. Yes, if I did not, had I not done that, we wouldn't be here today. And I say without the slightest remorse, that we wouldn't be here, we would not have made economic progress, if we had not intervened on very personal matters - who your neighbour is, how you live, the noise you make, how you spit. or what language you use. We decide what is right. Never mind what the people think. That's another problem."

(Quoted in The Straits Times, April 20 1987)

The Parliamentary Privileges Act was amended, replacing the power to 'fine, reprimand or suspend' with possible 'imprisonment, expulsion from the House or removal of immunity from civil prosecution' for an M.P. found guilty of an abuse of privilege. The Constitution was amended removing the right to counsel and production before a court within 48 hours in cases of arrest for contempt of Parliament under a warrant issued by the Speaker. In July the Sinnathuray Commission reported, dismissing allegations of interference with the judiciary as "wholly unfounded and scandalous". In September, the Parliamentary Privileges Committee convicted J.B. Jeyaretnam for breach of privilege arising from the Parliamentary debate on the Sinnathuray Commission findings and fined him \$1,000. J.B. Jeyaretnam lost his appeal from the 1985 party funds conviction. The High Court imposed 1 month's imprisonment and a \$5,000 fine. This resulted in his removal from Parliament and disqualification from sitting in Parliament for 5 years under amended Article 45 of the Constitution.

The Newspaper and Printing Presses (Amendment) Act permitted restrictions on circulation of foreign press deemed to have engaged in domestic politics. Circulation of 'Time Magazine' was restricted following its failure to publish in full Singapore Government letters seeking to correct alleged inaccuracies in its reports.

The Legal Profession (Amendment) Act was passed, removing the Law Society's right to comment on legislation unless requested to do so and restricting possible office holders. At the Parliamentary Select Committee hearing Law Society members, including TEO Soh Lung, TANG Fong Har, President FRANCIS SEOW and former detainee Subhas ANANDAN were summoned to testify on oath. Under the Parliament (Privileges, Immunities and Powers) Act they were required to answer all

questions, ranging from Law Society committee deliberations on the Newspapers and Printing Presses Act amendments, the requisitioning of an Extraordinary General Meeting of the Law Society to discuss the present Bill, past political and present activities with particular reference to Workers' Party sympathies, personal and financial matters, and previous disciplinary action. Comments addressed by the Prime Minister to TEO Soh Lung during her evidence to the Select Committee indicate the nature and tenor of the proceedings:-

"There is a serious purpose behind all my questions and the answers you are giving. At the end of these proceedings, I have to decide whether the amendments will stand as they are or whether they should be further added to or lessened, in order that the Law Society and the Council of the Law Society can exercise its proper functions with as much independence and freedom to exercise their judgment as is possible. If I am convinced that this was an aberration with Mr Seow or few others and that, in fact, the majority of members including you and your sub-committee are serious men and women determined to uphold the integrity, the honesty, the fearlessness, the independence, of the Bar and working within those professional confines, you will find this Government, including, myself, a strong supporter because I was a member of the Bar. But if I come to the conclusion that, in fact, as was the case with so many Chinese old boys' associations and musical gong societies, that some activists, through the indifference of the majority of members, have misled the Society to wilful ways unconnected with the profession, then I will find an answer to it. Because it is my job as the Prime Minister in charge of the Government of Singapore to put a stop to politicking in professional bodies. If you want to politick, come out. That is why I asked you. You want to politick, you form your own party or join Mr Jeyaretnam. But if you stay in the Law Society Council and politick, and at the same time you unconsciously or sub-consciously ally these activities to those of the Workers' Party, then inevitably damage must be done, unless the other members get up and do something about it. Because I am not taking flak from the lawyers without giving them as good a response as they would expect from me if I were a counter party in an action. Whether young or old, I think I am sufficiently known to all members never to evade, hide from or dodge an argument, a debate, a collision, a confrontation, whatever way it is. That is the reason why we are the Government. Whether you are a communist, Workers' Party or whatever, if you want a scrap with the Government, sure you will get one. But if you want to improve the profession, then it is the business of this Government to raise standards. Because if Singapore is to thrive and to prosper as a financial and a banking centre, we need at least two of these items. (1) A good strong judiciary, competent and winning in the confidence of bankers and people who decide where is the locus of the contract. And for that strong judiciary to discharge its duties, it needs an able, independent, competent Bar, men of integrity, men whose words can be believed, so that when they give you an undertaking, either as a fellow lawyer on the other side or to the Judge, you can accept it as an honourable commitment. Then we shall thrive. But if we are to reduce ourselves to a shambles of a Workers' Party - Law Society Council, the answer is simple. An alteration in the law which leaves you without that cover and therefore you have to form yourselves properly into a political society or a political association and the lawyers will have to learn the lesson of having allowed themselves to be manipulated. And in an interregnum until things are restored, they will be, as so many others are, without the special privileges of self-regulation. It is as simple as that. That is why I think it is important that all members of the Council should be here and that perhaps after this there should be a proper EGM to get the message across. I told him [Mr Barker] to see those representatives of the Council who wanted to see the Government, and to make quite clear that if you play it straight and honourably as lawyers, you will find this Government responsive. You think you can be smarter than the Government and outsmart it, well, if you win, you form the Government. If I win, we have got a new Law Society. It is as simple as that." [para 834, p. B 114-5]

1987 In January J.B Jeyaretnam was convicted of contempt of Parliament for publishing newsletters in contempt of the Privileges Committee. The maximum fine of \$25,000 was imposed. In May, J.B. Jeyaretnam, as editor of WP newspaper 'The Hammer', was fined \$10,000 and 'The Hammer' itself was fined \$5,000, by the Committee of Privileges for an article regarding the hearings before the Sinnathuray Commission.

Circulation of the 'Asian Wall Street Journal' was restricted following its failure to publish in full a Singapore Government letter seeking to correct alleged inaccuracies in reports.

In May TAN Wah Piow was notified in England of the deprivation of his citizenship under the 1985 constitutional amendment. Notification was dated May 21, the same day on which the 16 persons were arrested under the ISA.

In June former President Devan Nair returned to Singapore for the first time since his resignation in 1986. In a speech to the National University of Singapore Society he observed:

"We would do well to gratefully and proudly acknowledge the luminous achievements of this nation, before dwelling on present shadows. Let us make no mistake. The skyscrapers, the computers, the great vistas of new high-rise apartments which have replaced the sordid sprawling slums and malarial swamps of only three decades ago,

were achievements of muscle, wit and spirit, talent and hard work. The nation celebrated in Adam Smith's Money World television series does us a world of good with international decision makers and investors. They know that our streets are safe, the airport works, the phone works, the people speak English, and the level of education is high. A stable state, a solvent economy, well administered, are assets to be cherished. Long may they remain.

I will now come to the second major casualty of the descent into the abyss of statecraft without soulcraft. I refer to the increasing absence of the open argument in our public life. Oracular voices predominate. The younger generation of Singaporeans, accustomed as they are only to hectoring admonitions from the top, will find it difficult to conceive that in earlier times the atmosphere was indeed different. We do hear, fairly often now, calls to those who disagree to come out into the open and debate issues with the powers-that-be. If people do not appear willing to respond, it is because the government is known to react like a scalded polecat to even mild criticism. The manner and tone of such invitations, unfortunately bring to mind the image of a belligerent Cockney bawling out in a London street: "Come on out, so I can knock yer block off!" Not an invitation one would leap at. . . Rightly or wrongly too many Singaporeans have come to discern a striking equation between restrictive legislation, and incapacity to move the ground. Contempt for the ground, plus absence of the open argument, equals increasing resort to tampering with the rules of the game, in order to continue warming the seats of power. That, whether we like it or not, is how it is widely seen." (Devan Nair, 23 June 1987)

In late June Mr Francis Seow addressed the Lawasia Conference in Malaysia, after his removal as President of the Singapore Law Society following the passing of the Legal Profession Amendment Act 1986:

"The onus of acting as the sentinel of the people against invasions of fundamental liberties and human rights devolves, mainly and inevitably, upon the media and the Bar Associations. This is especially true in countries where there is little or no political opposition. A Bar Association would be remiss in its duty if it did not protect and assist the public in resisting infringements of or encroachments on fundamental liberties and human rights. It is through the cumulative strength of Bench and Bar that the fundamental liberties and human rights, which are so much cherished the free world over, can really and truly be upheld and safe-guarded in Singapore and elsewhere. It can never ever be upheld by a sycophantic judiciary and a timid Bar". (Francis Seow, Lawasia Conference, Malaysia, June 1987)

III. The Internal Security Act

The Historical Purpose of the I. S. A.

Singapore has not as yet adopted or ratified internationally recognised human rights instruments such as the United Nations Covenant on Civil and Political Rights. Nevertheless, Singapore's Constitution does guarantee such fundamental human rights as freedom of personal liberty, including freedom from unlawful arrest, right to legal representation of choice; free speech; freedom of movement, assembly and association and the right to habeas corpus. Their embodiment in the Constitution affirms the value placed upon such rights by the people and government of Singapore. Derogating from this, however, Article 149 of the Constitution then declares valid any legislation explicitly designed to stop or prevent action taken or threatened by any substantial body of persons, whether inside or outside Singapore, to:

- cause, or create fear in a substantial number of people of, organised violence against people or property;
- excite disaffection against the President or Government;
- promote ill-will or hostility between races or classes, likely to cause violence;
- procure alteration by unlawful means of anything established by law;
- or which is prejudicial to the security of Singapore.

The Internal Security Act relies on Article 149 for its validity, citing in its preamble the following justifications:

"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 (sic);

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

The ISA, initially enacted in Malaya in 1960, was the last of several Acts and Ordinances dealing with public security passed in Singapore and Malaya prior to the merger. It became law in Singapore after federation with Malaysia in 1963. Its extensive powers of preventive detention without charge or trial were provided for countering active anti-colonial and communist insurgency. It is of particular significance to this Mission that this legislation remains in place, and in use, despite the apparent economic prosperity and political stability prevailing within Singapore today.

Powers of Arrest and Detention under ISA

Under section 74 any person may be arrested without warrant whom a police officer has reasonable cause to believe

- could be made subject to a detention order under the ISA, to prevent "that person 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" and

- who "has acted or is about to act or is likely to act in any manner prejudicial to the security of Singapore".

That person may then be detained for questioning for up to 30 days.

At the expiry of 30 days the government may

- release the detainee unconditionally;
- release the detainee subject to an order restricting activities, residence, employment, public movements, addressing meetings, holding of office, participating in or advising organisations or associations, taking part in political activities, or travelling outside Singapore without permission. A restriction order may be for up to two years, renewable indefinitely;

- issue an order for detention for a period of up to two years, on the grounds that "the President is satisfied . . . 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".

This order may be renewed indefinitely; or

- lay criminal charges. (This is most uncommon.)

Legal Rights of Detainees under ISA

Although the ISA can override many of the rights embodied in the Singapore Constitution, the right to free and confidential access to legal representation of choice and habeas corpus remain. In addition, the right to silence exists under the ISA itself. It is not relevant to detention.

Also, under the ISA, no statement may be used in the trial of any charge under the Act if the Court finds that it was made under an inducement, threat or promise which related to the charge. It will also be inadmissible if the defendant has not been informed of her or his right to remain silent as soon as possible after arrest. This proviso only affects those who are brought to trial on specific charges.

Article 9 of the Singapore Constitution guarantees the right "to be informed as soon as may be of the grounds of arrest and shall be allowed to consult and be defended by a legal practitioner of choice." Although the Article validating the ISA appears to override this, it is not explicitly denied in the Act. This has been interpreted by the Courts as meaning that the right to legal counsel within a reasonable time is not inconsistent with the ISA, and that right has therefore been upheld. It appears, however, that this will not guarantee access for lawyers immediately upon arrest, before the initial interrogation of a detainee.

Review of Detention Orders

Article 151 of the Constitution requires an order for preventive detention to be reviewed by an Advisory Board within 3 months of arrest. The ISA requires notice of an order to be served on a detainee "as soon as may be" and advice given of the right to make representations before an Advisory Board. A statement must be provided of the grounds for the order, the allegations of fact on which it is based, and any other particulars considered necessary by the Minister for the making of representations to the Board.

The President appoints the three members of the Advisory Board in consultation with the Chief Justice and determines the Board's procedures. The Advisory Board is chaired by a Judge of the Supreme Court. Its role is purely advisory, and its recommendations must be conveyed to the President within three months of the date of detention. The decision of the President is final and cannot be challenged in court. Further reviews of detention orders are required to be undertaken by the Advisory Board every 12 months.

We understand that few detainees make representations to the Advisory Board.

Legal Challenges to ISA

There is very little scope for challenging detentions under the ISA through the Courts. In theory, some proceedings may be possible and have been attempted in both Singapore and Malaysia in the past. However, they have met with little success.

Habeas Corpus: The right under the Singapore Constitution to a writ of 'habeas corpus' requires the release of a person unlawfully detained. But those detained under the ISA within the initial 30 day period are expressly deemed to be in lawful custody. Some commentators feel there may still be some room for legal argument during this initial stage, but the chances of success are viewed as minimal.

Once a detention order has been made, several possible sources of challenge arise, although once more the likelihood of success is slim. If the required procedural steps have not been followed the detention might be declared unlawful and a writ of habeas corpus issued. This would apply if for instance the Advisory Board failed to report within the required time period.

Judicial review of the grounds for detention is considered virtually impossible. The President's decision, acting on the advice of the Minister, to issue a detention order is seen as purely subjective, and could not be overturned unless the detainee proved improper or bad motives on the part of the government. Once more, some legal arguments may be raised to challenge that interpretation, but they would require a significant change of direction from the Courts.

Mandamus: A writ of mandamus may be sought to enforce the detainee's right to counsel, although this would depend on complex matters of interpretation and the specific facts of the case. Such an order would not, however, affect the validity of the detention itself.

Defamation: An alternative means to secure a hearing of the allegations against the detainee is through a defamation suit. This could be brought against government officials for allegations made about the detainees, or against publications which have carried such statements. The truth of the allegations could then be tested publicly in a judicial arena. Once more, however, a successful claim would not directly affect the legality of the detention orders under the ISA itself.

Practicalities: Apart from the debatable legal grounds for such challenges, practical difficulties also affect the possibility of legal action. The chances of issuing a successful challenge diminish even further once a detainee has 'confessed', which frequently occurs within the first four weeks of detention. Further, should a case be successful, there is nothing to prevent immediate rearrest.

Other practical problems include the availability of competent and committed lawyers; ability of detainees and their families to pay for legal costs; access for lawyers to their clients, and free and confidential communication between them; and, perhaps most importantly, the willingness of detainees to authorise their lawyers to pursue a case against the government which is holding them.

Past Uses of the ISA

There were numerous arrests and detentions under the ISA during the 1960s and 1970s. Those arrested included prominent members of the Singapore opposition, especially the Barisan Sosialis, leaders and members of trade unions, workers, students and student leaders, as well as professionals such as lawyers, journalists, editors and businessmen. The common allegation was of subversion, usually based upon some form of communist connection. Some of those arrested were released after a short time, others were detained for up to 20 years without trial. Releases appear to have been almost always conditional upon a public, often televised, 'confession' where the original allegations made by government were confirmed by the detainee.

The security authorities were accused of maltreatment of detainees both in securing the 'confessions' and in the ongoing interrogation and incarceration. This included intensive and repeated periods of interrogation for days without sleep, psychological and physical torture, long-term solitary confinement and isolation, and denial of access to lawyers and families. The Prime Minister has justified the interrogation techniques adopted on the grounds that "all interrogations must wear down resistance of (detainees) by sustained psychological pressure, including physical fatigue, to get them to give leads to the next links in a well-established underground movement" (Far Eastern Economic Review, 24th February 1978).

These cases have attracted considerable international attention. Following the arrests in 1976-7, several observers from Amnesty International prepared a report on the Singapore situation, which stated:

"Amnesty International has found convincing evidence that the following fundamental human rights, set forth in the International Covenant on Civil and Political Rights as reflecting the Universal Declaration of Human Rights, have been violated by the Government of the Republic of Singapore: Article 7 (freedom from torture, cruel and inhuman treatment); Article 9 (freedom from arbitrary arrest and detention); Article 14 (equality before the law, right to a fair and public trial); and Article 19 (freedom of conscience). In effect the powers invested in the Singapore Government by the ISA, the Banishment Act and the Criminal Law (Temporary Provisions) Act,

and especially the ISA, endow the security authorities with almost unlimited powers of arbitrary arrest and preventive detention.

Although the numbers of persons held in preventive detention may seem small in comparison with many Asian countries, the Singapore authorities have used preventive detention ever since independence on a selective basis as a means of repressing and discouraging legitimate, non-violent opposition in Singapore. When the Government has felt that it faced growing criticism from influential circles, such as lawyers, journalists or students, it has often reacted by arresting and harassing individuals prominent in those fields, and so reduced them to the role of acquiescent observers. " (Amnesty International Report, 1978, p. 4, 18)

During the late 1970s and early 1980s, most of those detained were released. The terms of release, in addition to restrictions on free movement and association, included limitations on contact with other political prisoners, restriction on legal practice, withdrawal of citizenship, deportation or banishment. In 1985 the Minister of Home Affairs announced that only one detainee, Chia Thye Poh, remained in detention under ISA. Chia, a university lecturer and former member of the Singapore Parliament, was arrested in October 1966. His continued detention is founded on his refusal to denounce violence and communism, which Chia considers would imply an admission that he had in the past promoted such ideas and would, in turn, legitimate his detention.

From 1977 until the detentions this year, the preventive detention powers of the ISA appeared to have fallen into disuse.

IV. The 1987 Detentions

Chronology of Events

May 21: In the early morning Internal Security Department (ISD) officers of the Singapore Government arrested and detained sixteen young people active in Catholic church and community work, student bodies, legal aid, popular drama and publishing. Most were graduates of United Kingdom universities or Singapore university and Polytechnic. The majority of those arrested were women. Several had informal links with the Workers Party.

May 22: A statement on the arrests issued by the Ministry of Home Affairs alleging the sixteen detainees were arrested "in connection with investigations into a clandestine communist network" was given prominent coverage in the Straits Times.

Protests over the arrests were made by the Malaysian National Union of Journalists and the Confederation of Asian Journalists, and the Chairman of the Malaysian Bar Council. The Secretary General of the Workers' Party, Mr J.B. Jeyaretnam, condemned the arrests as part of a campaign of intimidation. Two Catholic priests Father Patrick Goh, national chaplain for the Young Christian Workers, and Father Edgar de Souza, editor of Singapore's 'The Catholic News', expressed total disbelief at the accusations.

May 25: The families of the detainees issued a joint press release: "We, the 13 families of the 16 arrested have been told by Members of Parliament and officials of the ISD that we can expect a detailed statement by Wed, 27. So far despite our letters of appeal, visits to the Home Affairs Ministry and numerous phone-calls we have not been given permission to see our loved ones. They claim that our family members are well and they assured us that the detainees have been told about our attempts to see them. 13 of us met today, pulled together by our common objective of seeking the release of our loved ones. We have agreed on a concerted action. We will be meeting on Wed at 9 am at the Ministry of Home Affairs to wait for their promised statement. We are concerned and frustrated that despite a press conference held on May 23, no further information has been released in local media. So far some of us have already engaged legal counsel to help us. Others have written letters of appeal to the President, ISD, Archbishop and some have seen MPs". (25 May 1987)

This was not carried in the local Singapore media. Later in the day, the families were notified they could visit the detainees on Wed, 27 May.

May 27: The Straits Times carried the first of five installments of a lengthy press release from the Ministry of Home Affairs alleging a Marxist conspiracy to overthrow the Singapore government. It accused student exile TAN Wah Piow of being the international mastermind, with Archdiocesan Justice and Peace Commission executive secretary, Vincent CHENG, as the local 'ringleader'. Families were allowed to see detainees for the first time. Archbishop Gregory Yong addressed a mass for the detainees which was attended by several thousand Catholic and non-Catholics.

May 28 : Archbishop Yong issued a statement of concern for the detainees and their families and affirming the confidence of the Church in their work. A telegram was sent to the Singapore Government by 120 national Catholic charitable organisations

meeting in Rome requesting immediate release of the detainees pending due process of law.

In the United Kingdom, TAN Wah Piow rejected the Singapore government allegations that he was a Marxist or the mastermind of a conspiracy.

May 29: TAN Wah Piow was informed by registered letter dated 21 May 1987 of the revocation of his citizenship under the 1985 amendment to Article 135(1) of the Singapore Constitution, allowing citizenship to be rescinded for any Singaporean citizen absent from the country for more than 10 years.

Amnesty International issued a press release expressing its belief that the sixteen people detained were prisoners of conscience arrested for the non-violent exercise of their human rights, and requested immediate and unconditional release or a fair trial.

May 30: Mr J.B. Jeyaretnam, Secretary General of the Workers' Party, was arrested and released on bail for "attempting to hold an unlawful meeting" whilst demonstrating against the detentions outside the Prime Minister's offices at the Istana.

May 31: A Pastoral letter and request for prayers for detainees and their families from the Archbishop was read out at Sunday mass at all Catholic churches.

June 1: Arrangements were made, after government prompting, for a meeting between the Archbishop, the Prime Minister and other Church and government officials. Several priests and others chosen by the Archbishop and his Senate for the delegation were refused permission by the Internal Security Department to participate in the meeting.

June 2: Immediately following the meeting with government, the Archbishop told the press that he was unable to challenge the evidence presented to him by the government implicating the church workers in a Marxist conspiracy.

June 3: The families of the detainees met with the Archbishop, where they expressed their dismay at his public statement. The Archbishop accepted the resignation of four priests actively supportive of the detainees and closely connected with the groups with which they worked. Concerned for their own possible arrest, they left Singapore.

Catholic Archbishop of Malaysia called for the release of the 16 detainees "pending due process of law and justice", as part of a joint statement from Malaysian bishops.

June 8: The press announced that the confession of Vincent CHENG would be televised the following evening.

June 9: Vincent CHENG was interviewed on television by four Singapore journalists for an hour and a half about his religious and political views. The interview covered the same ground as previous government press releases. It was obvious that the videotape had been severely edited, with questions and answers appearing to follow a pre-determined pattern. At its conclusion Vincent CHENG admitted 'his errors' and apologized to the young people he had 'led astray'.

June 10: The Straits Times headlined Vincent Cheng's 'confession': "What I Did for Wah Piow".

June 11-19: Media and government were virtually silent until June 20, as were families and friends not wishing to jeopardise the detainees' chances for release at the end of the 30 day holding period.

Growing international concern over the detentions was expressed from the United States, Europe, Malaysia, Thailand, Philippines, Hong Kong, Japan, Korea, Sri Lanka, India, Australia and New Zealand, with demands for the release of the detainees or the laying and hearing of formal charges in court. Strong pressure was exerted through the resolution of the European Parliament, a statement from Catholic groups meeting at the Vatican, and inquiries from the foreign ministers of Canada, Australia, New Zealand and US Secretary of State Shultz at the ASEAN meeting held in Singapore.

June 14-21: Amnesty International fact-finding mission to Singapore.

June 20: Four detainees were released. One, a Malaysian journalist whose husband remained under a one year detention order, was released unconditionally and three others under restriction orders which, amongst other things, prevented them from taking part in political activity. The remaining twelve detainees were subjected to formal detention orders, Vincent CHENG for two years and the others for one year, all renewable indefinitely.

Early the same morning six more people were arrested by the ISD. These included a lawyer, a teacher involved in drama, the director of a typesetting company whose employees had earlier been detained, and three young Polytechnic student leaders.

June 21: The release of the four women detainees was reported under the headline: "We Weren't Ill-treated Say Freed Women".

June 25: Concern over the detention of its president, ex-president and three former members was expressed by 'Third Stage' drama group, who also rejected suggestions of manipulation of the group to further any subversive ends.

The Singapore Polytechnic Students Council was dissolved after a spate of resignations followed the arrest of 3 Polytechnic student leaders on June 20 including acting president Ms FAN Wang Peng. Earlier she had sent a letter of protest to the Minister of Home Affairs on behalf of the Council regarding the sixteen May 21 arrests.

June 26: TAN Wah Piow's book responding to the Singapore government allegations, "Let The People Judge" was launched in Kuala Lumpur by former Malaysian opposition leader Tan Sri Dr Tan Chee Khoon.

At the conclusion of its fact finding mission Amnesty International issued a press release stating its belief that "12 people detained without charge or trial by administrative order in Singapore last week were prisoners of conscience who should be released immediately" and that all had been detained "because of their legitimate, non-violent activities in church, community, arts, workers and students groups".

June 27: An attack by Senior Minister S. Rajaratnam on 'liberation theology' as a new form of Marxism was published in the Straits Times. Doubt was also cast on the motives for "protests from about 200 organisations in the United States, Europe, Thailand, Philippines, Australia, New Zealand, Malaysia and Hong Kong", with claims that "world wide stakes are involved".

June 28-9: Singapore television presented a two-part production "Tracing the Conspiracy". In this documentary style programme short statements by different detainees were linked by an extensive commentary and supplemented by historical material. All sixteen who were subjected to detention orders on May 21 appeared in the documentary, which sought to detail the form and purpose of the alleged conspiracy.

July 4: A letter from ten United States Congressmen to the Minister of Home Affairs, outlining concern over the detention of people involved in peaceful social and political activities was carried in the Straits Times along with Professor Jayakumar's response which justified the exercise of power under the ISA given Singapore's fragility and the threat of communism.

July 6: The speech by the Home Affairs Minister to a PAP Youth Wing seminar was extensively covered in the Straits Times. Under the headline "WAH PIOU PUPPET IN DEADLY GAME-Marxist conspirator being manipulated by others more cunning and sinister: Jayakumar", he contended that TAN Wah Piow "could not have been the mastermind". Rather, TAN was himself a puppet of an "unseen hand" in "a larger, more sinister and dangerous game". Particular reference was made to the Communist Party of Malaya, which it was claimed was still committed to the violent overthrow of the governments of Singapore and Malaysia. The question and answer session of the seminar was carried on Singapore evening television.

July 8: The Straits Times published further articles on the Minister of Home Affairs' July 5 speech. Particular emphasis was given to Professor Jayakumar's categorisation of groups protesting the detentions into the well-intentioned ill-informed; those who protest automatically; those affiliated to groups implicated in the 'conspiracy'; and those with an axe to grind.

Subsequent to the Mission's visit, on July 19 the government announced that three of those detained on June 20 had been placed under one year renewable detention orders, and the remaining three (the young students) were released under restriction orders. In the evening Singapore television broadcast a half-hour 'news special' featuring the three detainees being interviewed together by a television newsreader. The Singapore Law Society was mentioned for the first time as a target of the alleged 'Marxist infiltration'.

V. The Charges Against The Detainees

The Government's Allegations

The following statement from the Ministry of Home Affairs presented the essence of the government's allegations:

"The Internal Security Department has uncovered a Marxist conspiracy to subvert the existing social and political system in Singapore through communist united front tactics to establish a communist state. 16 persons involved in this conspiracy were arrested on 21 May 1987 under the Internal Security Act. The directing figures behind this conspiracy were TAN WAH PIOW, a 35-year-old Marxist and former student agitator who evaded National Services and fled to the UK in 1976, and VINCENT CHENG, a 40-year-old Marxist who is a full-time Catholic lay worker. Together with other activists, mostly former student agitators, they have since the early 1980s executed a systematic plan to infiltrate and subvert lawfully-established organizations for political agitation. They targetted their efforts principally at two main fronts — Christian groups and student organizations. The organizations infiltrated are the Justice and Peace Commission (a body established by the Catholic Church), Catholic students' societies in the NUS and Singapore Polytechnic, the Student Christian Movement of Singapore, the Geylang Catholic Welfare Centre, the Young Christian Workers' Movement, and the Singapore Polytechnic Students' Union. They also infiltrated the Workers' Party, and formed their own front organization, the Third Stage (an English language drama group).

The modus operandi of this Marxist group involved (a) manipulating organizations from behind the scenes, while deliberately refusing to come out into the open to accept responsibility and to be openly identified; (b) concealing their ideological inclinations and subversive intentions from other members, and holding themselves out as dedicated social workers fighting against alleged injustices and oppression. Through such tactics, they have succeeded in establishing and expanding their clandestine network in recent years.

Their activities were calculated to revive class hatred and conflict, breed disaffection towards the existing political and economic system, and revive political instability. These activities included infiltrating and manipulating non-political organizations like student and Christian groups, steering them away from their traditional and legitimate activities and using them as a cover for political agitation. They organized communist-style indoctrination sessions and produced publications to disseminate Marxist ideas and radicalize the student and Christian activists. These are familiar united front tactics traditionally resorted to by communists in Singapore and elsewhere in preparation for a communist revolution. Their subversive activities are prejudicial to the security of Singapore and if left unchecked would lead to unmanageable political instability and chaos."

Drawing from one of the Detention Orders, those charges are condensed into "acting in a manner prejudicial to the security of Singapore by being involved in a Marxist conspiracy to subvert the existing social and political system in Singapore, using communist united front tactics, with a view to establishing a Marxist state."

The Singapore Government has made it abundantly clear that they have no intention of bringing the detainees to trial on these charges. The Prime Minister has stated "It is not a practice, nor will I allow subversives to get away by insisting that I've got to prove everything against them in a court of law or [produce] evidence that will stand up to the strict rules of evidence of a court of law". (Straits Times, 2.6.87)

The Mission's Response

It is not the purpose of the International Mission of Jurists to judge the charges levelled against the detainees by the ISD. That should be the task for the courts.

Nevertheless, after a comparison between the statements of the Prime Minister and the Minister of Home Affairs, the televised statements of the detainees and the information which the Mission gathered during its time in Singapore, the Mission feels it must express its view that the available evidence does not sustain such allegations.

(i) No Evidence of Actual or Planned Violence

No accusation of carrying out, or preparing to carry out, any specific or general act of violence has been made against any of the twenty-two people detained. The Government has sought to link these detentions with violence by frequent reference to a statement by Vincent Cheng in the first televised 'confession'. The relevant extract of the Vincent Cheng 'confession' follows:

Int: Did you have a goal in mind, was it to change Singapore society? If so, in what way?

V.C. For me then is that when you have established more and more of these

groups within the church you can consolidate them actually into a strong, also a pressure group.

Int: Power base?

V.C. Power base too. So that you can also, it can also be a pressure group that can be, that can oppose the government on issues that affect such .

Int: This goes back to the discussion we had about Tan Wah Piow?

V.C. Yes, yes, yes, that's right.

Int: Part of the idea of Tan Wah Piow?

V.C. Yes that's right.

Int: How strongly do you feel about this? Were you prepared to go and ever invite turmoil in order to bring about these ends once you had this base?

V.C. I could only foresee myself building up these bases to the point actually of a strong pressure group which would, these could perhaps lead to some kind of political turmoil, but beyond this if this political turmoil turns to violence, I didn't address myself to this problem.

Int: Who would?

V.C. I thought that perhaps others would. I suppose other leaders who would have emerged by that time or Tan Wah Piow would have been back to take care of the problem. Because I myself, I wouldn't be able to handle it. I wouldn't be able to handle it. And I personally also am not inclined towards violence.

Int: In this case you are creating the conditions for violence? Do you agree to that?

V.C. Yes. You, you, yeah that's right. You, you, I, I would be creating the conditions towards violence but not, you know, not knowing the consequences that would take place and being unable to handle it when it comes.

Int: What do you exactly mean by not knowing of the consequences?

[Video edit here - this next answer recorded at a different time to the previous one]

V.C. I would have foreseen that the building up of pressure groups would develop to a stage where they would come into open confrontation with the government. This confrontation with the government would, would start off with peaceful protest, public mass petitions, which could lead further to more mass events like mass rallies, mass demonstrations, strikes where more people are mobilised and leading to public disorder and maybe even rioting and bloodshed.

Int: Did you have a time frame? When at that point in time? What, how many years would this take?

V.C. I would foresee maybe a time when the Prime Minister would not be in power.

Int: Did you discuss this with Tan Wah Piow?

V.C. Actually it was Tan Wah Piow who gave me this understanding and explanation that the time would be quite mature only when the Prime Minister is out of the scene and when the second echelon leadership would be in power and he foresaw that political blunders and mistakes would be made. So he was talking about 10, 15 years. 10, 10 years.

Int: Do you think Wah Piow would have stopped if he brought it to a peaceful revolution that could not bring about an overthrow? Do you think he would have stopped at that?

V.C. I think he would proceed further maybe. I am making actually conjectures but I would think that he would be one, he would be a person actually to achieve his aim to overthrow the government.

Int: Through violent means, you mean?

V.C. Yes. If peaceful means don't work out.

The Government's portrayal of those words conveys a very different, and the Mission believes highly distorted, meaning:

"So it was not their looks that were relevant, Prof Jayakumar concluded, but their ideas, how furtively and conspiratorially they went about implementing them and, finally, where it all led to. And long before the conspirators reached their final destination - that of a classless society - it was inevitable that disorder, turmoil, violence, bloodshed - using Vincent Cheng's words - would set in.

So let us make no mistake about it: We are dealing with people - some of them still unseen - who are playing a deadly and dangerous game". (Straits Times, 6 July 1987)

It is clear from what Vincent CHENG actually said that his commitment was to peaceful change through democratic processes, and expressed his aversion to violence. Any disorder would be the undesired product which may result in ten to fifteen years, if the democratic processes of change are stifled. Given the conditions under which this statement was obtained, and the extensive editing of the video tape, this evidence cannot be treated as a credible basis for the government's claim.

(ii) The 'Marxist Conspiracy' Theory

The 'Marxist' ideas and methods which the suspects are accused of disseminating are vague and unsubstantiated. A number of the detainees are known to have examined left wing, including Marxist, theories within the framework of their studies. This is the normal case with most students in these days, and many university courses require

study of such theories. None of the detainees statements evidenced a convincing knowledge of the ideology which they were allegedly proselytising. Further, it appears that the individual detainees did not themselves have a picture of the Marxist conspiracy of which they were alleged to be a part.

During his long televised 'confession' Vincent Cheng confined himself to stressing the notion of 'class struggle'. Although he eventually, on the insistence of his interviewers, acknowledged the Marxist contribution to 'liberation theology', this was restricted to the sense in which it reflected his concern for the underprivileged and his wish to see a more just and equal society.

Other detainees admitted their "sympathy for workers", their "wish to improve their lot", their dissatisfaction with regard to the government in power and their support for the opposition. But at no time did any of the detainees identify themselves with or advocate a seizure of power other than by democratic processes to obtain a "collective appropriation of the means of production".

There was total disbelief amongst those we talked to who knew the detainees, including their families and colleagues, that they were 'communist agents'. Many of the detainees knew each other, either from their time as students in England during the 1970s or from their activities within Singapore. It is not unusual for individuals and groups who have similar views about social justice to know each other, to have overlapping membership, to exchange ideas or to assist each other in particular projects. Many would consider such interaction to be a pre-requisite to effective community development.

From reading a range of material written by many of the detainees prior to their arrest, there emerges a strong commitment to democratic change through the political and parliamentary processes, to freedom of the press, to a strong and independent legal profession and judiciary, and to economic and social justice.

VI. Profiles Of The Detainees:

Arrested on May 21 1987

1. Mr Vincent CHENG Kim Chuan, 40. Masters degree in Theology. Executive Secretary, Catholic Archdiocesan Justice and Peace Commission; former seminarian; earlier worked with Jurong Industrial Mission and Student Christian Movement; connected with the Urban Rural Mission of the Christian Conference of Asia.

2. Ms Teresa LIM Li Kok, 33. Managing director of 'Asiapac' publishing company; partner in 'Single Spark' book shop; Committee member of Association of Women for Action and Research (AWARE); former executive council member of University of Singapore Students' Union.

3. Mr CHIA Boon Tai, 36. B.Sc(Hons) from UK. Malaysian citizen; civil engineer with own engineering firm; previously involved with drama group 'Third Stage'.

4. Mr Kevin Desmond DE SOUZA, 26. LLB (Hons)(Sing); full-time worker with Catholic Students' Society of Singapore Polytechnic; former president of Catholic Students' Society of National University of Singapore.

5. Ms CHUNG Lai Mei, 22. Deputy Secretary-General of Asian Students Association in Hong Kong 1985-7; former executive committee member of Singapore Polytechnic Students' Union.

6. Ms LOW Yit Leng, 28. Polytechnic graduate, employee in typesetting firm, Wordmaker; volunteer with Catholic Justice and Peace Commission; former deputy secretary-general, Asian Students' Association (Hong Kong) 1981-83; and previously general secretary of Singapore Polytechnic Students' Union;

7. Mr TAN Tee Seng, 28. (Married to Low Yit Leng); employee in type-setting firm, Wordmaker; volunteer with Catholic Justice and Peace Commission; assisted with Workers' Party official publications; Youth Intern with the Christian Conference of Asia in 1983; Vice-President of Singapore Polytechnic Students' Union 1976-77.

8. Mr TAY Hong Seng, 36. BSc(Hons) from UK; Singapore Broadcasting Corporation translator; previously involved in Third Stage drama group.

9. Ms TEO Soh Lung, 38. LLB(Hons); Lawyer and partner in law firm of Teo, Lai & Lee; Council member of Singapore Law Society; legal advisor to the Catholic Centre for Foreign Workers; assisted in establishing Criminal Legal Aid Scheme, chairperson of Legislation (Civil) Special Assignments Committee of the Law Society.

10. Mr Kenneth TSANG Chi Seng, 34. BA(Hons)(UK); media analyst and advertising executive; volunteer worker for official publication of the Workers'

Party, 'The Hammer'; volunteer with the Catholic Centre for Foreign Workers, and the Archdiocesan Justice and Peace Commission.

11. Ms. WONG Souk Yee, 29. Bachelor of Accountancy; senior research executive, former Council member of University of Singapore Students' Union founder, 'Third Stage' drama group.

12. Mr William YAP Hon Ngian, 39. UK graduate; translator, Singapore Broadcasting Corporation; previously involved in 'Third Stage' drama group.

13. Ms MAH Lee Lin, 22. Polytechnic graduate; staff person of the Chai Chee Catholic Centre; former general secretary of Singapore Polytechnic Students' Union.

14. Ms NG Bee Leng, 23. Staff person of the Catholic Centre for Foreign Workers; former president of the Singapore Polytechnic Students Union.

15. TANG Lay Lee, 33. LLB(Hons); former lawyer; full time worker with Young Christian Workers; former staff person of Catholic Students' Society of University of Singapore and International Movement of Catholic Students, Hong Kong.

16. Ms Jenny CHIN Lai Ching, 30. BA(Hons) UK; (Married to Kenneth TSANG); Malaysian citizen; journalist with Malaysian New Straits Times, volunteer with the Catholic Justice and Peace Commission.

Detained

- two-year renewable detention order: Mr Vincent CHENG
- one-year renewable detention order:

Ms CHUNG Lai Mei
Ms TEO Soh Lung
Ms Teresa LIM Li Kok
Ms LOW Yit Leng
Mr CHIA Boon Tai

Mr TAN Tee Seng
Mr TAY Hong Seng
Mr Kevin Desmond DE SOUZA
Mr Kenneth TSANG Chi Seng
Ms WONG Souk Yee
Mr William YAP Hon Ngian

Released

- unconditionally: Ms Jenny CHIN Lai Ching
- under restriction orders: Ms MAH Lee Leng
Ms NG Bee Leng
Ms TANG Lay Lee

Arrested on June 20, 1987

17. Mr CHEW Kheng Chuan, 30. BA(Hons)(Harvard); also studied at London School of Economics; distinguished National Service record; former investment officer with Development Bank of Singapore; managing director of Wordmaker Design and Typesetting Services, which typeset legal and financial publications, including some for the government, and the 'Catholic News' and Christian Conference of Asia publications; Secretary of the Harvard Club of Singapore and editor of its periodical.

18. Ms CHNG Suan Tze, 38. Master's degree in linguistics from UK; English teacher at Swiss School of Singapore until 1981; Lecturer in English at Singapore Polytechnic; playwright and president of 'Third Stage' drama group.

19. Ms TANG Fong Har, 32. LLB(Hons); lawyer; volunteer advisor to the Catholic Centre for Foreign Workers; involved in establishing Criminal Legal Aid Scheme of Singapore Law Society; formerly involved in 'Third Stage' drama group; summoned to give evidence before Parliamentary Select Committee on Legal Profession Amendment Act 1986; member of Legislation (Civil) Special Assignments Committee of the Singapore Law Society.

20. Ms FAN Wang Peng, 18. Student and acting President of Singapore Polytechnic Students' Union.

21. Mr Ronnie NG Soon Hian, 22. Student, honorary General-Secretary Singapore Polytechnic Students' Union.

22. Mr Nur Effendi SAHID, 21. Polytechnic graduate, National Serviceman, former student leader at Singapore Polytechnic.

Detained

- one year renewable detention orders: Mr CHEW Kheng Chuan
Ms CHNG Suan Tze
Ms TANG Fong Har

Released

- on restriction orders: Ms FAN Wang Peng
Mr Ronnie NG Soon Hian
Mr Nur Effendi SAHID

VII. Description Of The Organisations Implicated

1. Archdiocesan Justice and Peace Commission (J&PC)

The Commission was set up in 1978 under the auspices of the local Bishops' Conference in accordance with Pope Paul VI's call for an instrument of peace and justice to implement the social doctrines of the Church. It is a commission of the archdiocese of Singapore, one of several which assists the Archbishop in the specific church ministries. Its functions, drawn from its Constitution, include:

1. "To study in depth the social doctrine of the church's magisterium (teaching authority), spread knowledge of it by appropriate means, and endeavour to ensure that it is put into practice at all levels of society;

2. To collect and synthesize all studies referring to the development of peoples, peace, human rights, viewed in their cultural, moral, educational, economic and social aspects;

3. To be in regular contact with the Pontifical Commission on Justice and Peace (in the Vatican);

4. To collaborate with existing church organisations and with other organisations in this field of human development, justice and peace;

5. To endeavour to obtain information on cases of poverty, of denial of justice, violations of human rights and injustices occurring in concrete situations and to gather objective and complete information on these cases; the Commission shall express Christian solidarity with those who suffer injustice wherever the gravity of the situation or the facts justify it after having come to an agreement with the Archbishop and the Senate of priests regarding any such declaration and initiative."

Debate on social justice in the Catholic Church was intense during 1986-7, with a clear commitment being called for in its Senate Advisory Committee in March 1987. The active role of the Justice and Peace Commission was clearly focal to this development.

The Commission is involved with several publications. 'Singapore Highlights' was the J&PC monthly round-up of current events in social, political, economic, legal, educational and health fields which the Mission was told it sought to reflect on from a Church standpoint. This publication was reportedly subjected to a survey of 115 priests in October 1986, who "all acknowledged it provided a useful summary and was most beneficial". The Mission was told that the 'Justus' columns in 'Catholic News' were during 1986 submitted to the Archbishop for his signed approval, and that Vincent CHENG wrote only one such column.

The Commission also forged links with other international organizations similarly interested in peace and justice issues in Asia, and maintains regular contact with the Pontifical Commission on Justice and Peace. Vincent CHENG was one of the two Executive Secretaries at the time of his arrest. Others involved as volunteers with the Commission were: LOW Yit Leng, TAN Tee Seng, and Kenneth TSANG. It is apparent that Vincent CHENG was due to leave Singapore to work for the Labour Communications Project of the Centre for the Progress of Peoples in Hong Kong at the end of 1987. From documents sighted by the Mission, it is clear he was prevailed upon by the groups he was working with not to take up such a position during 1986, but to remain with J&P for another year.

2. Coalition of Organisations for Religion and Development (CORD)

CORD was formed in 1985 to meet informally to discuss common problems and to identify areas of co-operation. The groups involved were the Justice and Peace Commission, Catholic Students Society (Singapore Polytechnic), Student Christian Movement of Singapore, Geylang Catholic Welfare Centre, Young Christian Workers' Movement, Young Christian Students' Movement and Christian Family Social Movement. All eight are claimed to share the same concern with relating Christian faith to life and working collectively to find solutions to problems; for example the lack of resources and information on Church and society and how to help members link faith to life.

3. Catholic Students' Society of Singapore Polytechnic (CSS-SP)

The claimed objective of this organization 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. Their premise is that 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 a full-time volunteer with CSS-SP at the time of his arrest.

4. 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 primary 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 established various small groups in Catholic parishes and in the YCW Jurong Centre. They meet regularly with the aim of enhancing members' religious faith and leadership skills, and emphasize the fostering and active concern for fellow workers suffering injustice in their work situations. The YCW Centre provided legal counselling, basic labour law education, English language tuition, library services, recreational activities, informal talk sessions for sharing experiences related to work and other problem areas.

YCW projects include: A December 1983 survey on the social effects of the 12 hour shift system (in conjunction with the J&PC and the Christian Family and Social Movement); studies of the major changes effected by the Amendment to the Employment Act of 1984, and the publication of bulletins on the implications of relaxing the limits on work hours and night work; and 1985 and 1986 studies and publications for church members on the effects of widespread worker retrenchment. At the time of her arrest, Ms TANG Lay Lee was a full-time worker with the YCW, having left legal practice to take up this work after being invited to do so by the YCW Chaplain.

5. Young Christian Students' Movement (YCS)

The Movement is concerned with the formation of students into total Christians in their daily social environment. It seeks to discover the real needs of students and aims at transforming the school into a community where Christian values are lived.

6. Catholic Centre for Foreign Workers (Formerly the Geylang Catholic Centre)

This Centre was opened in 1980 with the objective of making the Church present among sectors of the population that ordinarily might have no contact with it. TEO Soh Lung and TAN Tee Seng were among the first volunteers, Ms TEO until 1982 and Mr TAN until 1984. Vincent CHENG worked full-time at the Centre from June 1982 to June 1983, co-ordinating the volunteers and various activities. In mid-1984 the Geylang Centre began 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 heavy workload led to NG Bee Leng being employed by the Catholic Welfare Services as a full time worker. The domestic workers' programme provides shelter facilities and community centre activities and help to foreign domestics facing problems with their employers and immigration problems with the Labour Ministry. The Catholic Centre seeks co-operation with the Ministry of Labour and has assisted the Ministry in various procedures related to work permits and immigration.

7. 'Third Stage' Drama Group

This group is a legally registered society which stages plays written locally. These plays are mainly social commentaries and satires based on Singapore life and values. It is alleged that this drama group propagated Marxist doctrine through popular theatre. The group worked openly, with their plays subjected to and approved by the Ministry of Community Development and, in at least one case, the script of the play was altered on their suggestion. They received financial support for performances and workshops from the Government, whose own eminent representatives attended performances. Indeed, a Minister of State was seen to warmly applaud one such satirical play. As recently as 20 April 1987 the Minister of Community Development again praised the role of the "Third Stage" in assuring the cultural promotion of Singapore and invited its members to a meeting with a view to "establish closer links between your organisation and our Ministry".

Mr WONG Souk Yee is the former President of the group. TAY Hong Seng stopped his involvement in the group eighteen months ago, while William YAP and CHIA Boon Tai took little part in its activities after its initial formation. TANG Fong Har was also involved in backstage work in several Third Stage productions. CHNG Suan Tze is currently its President.

8. Singapore Polytechnic Students Union (SPSU)

This union remained the only politically active student body in Singapore, after restrictions were placed on the University of Singapore Students' Union (U.S.S.U.) in 1976. It has reportedly been subjected to constant pressure from the government in recent years. Ms NG Bee Leng was a former president of SPSU; Ms LOW Yit Leng a previous General Secretary; Mr TAN Tee Seng Vice-President during 1976-77; Ms CHUNG Lai Mei a former Executive Committee member. At the time of their arrest Ms FAN Wang Peng was a student and acting President, Mr Ronnie NG a student and honorary General Secretary and Mr Noor Affandi SHAHID a student leader. Ms CHNG Suan Tze also lectures at the Polytechnic.

9. Commscord

This is an internal newsletter begun with the purpose of supporting Polytechnic graduates about to begin their National Service. The newsletter claims to provide supportive suggestions on coping with life and work in the Army in a human, caring way.

10. Asian Students Association (ASA)

Founded in 1969, and based in Hong Kong, this is the only regional student organisation in Asia. Membership of ASA is open to national student unions. ASA has consultative status with UNESCO. According to the Secretariat, it is funded by the subscriptions of member organisations, occasionally receiving grants for specific projects from non-governmental organisations or international agencies such as UNESCO. Both LOW Yit Leng and CHUNG Lai Mei were deputy secretaries-general of the organisation, from 1981-3 and 1985-7 respectively.

11. The Workers' Party

This political party was created in the 1960s under the early leadership of former Chief Minister of Singapore, Mr David Marshall. Since 1972 it has been led by lawyer and former District Court judge J.B. Jeyaretnam. In the parliamentary elections since then the Workers' Party, and in particular Mr Jeyaretnam, have secured a significant proportion of votes. It was not until the Anson by-election in 1981 that Mr Jeyaretnam secured a seat in Parliament. Both before and after 1981 there has been a series of legal battles between the party, Mr Jeyaretnam on the one hand and the Prime Minister and his P.A.P. government on the other. This intensified after Mr Jeyaretnam's re-election in 1984. Amendments to legislation, especially affecting parliamentary privileges, has seriously affected the Workers' Party and resulted ultimately in the exclusion of Mr Jeyaretnam from Parliament for five years from 1986. Mr Jeyaretnam is the editor in chief of the Party's newspaper, 'The Hammer'. Kenneth TSANG and TAN Tee Seng assisted with Workers' Party publications, including production of 'The Hammer'. Lawyer TEO Soh Lung was a polling agent and an authorised election agent for the Workers' Party in the 1984 election and nominated as treasurer of the Anson Community Council. TANG Fong Har was also an authorized election agent in the 1984 elections. LOW Yit Leng also assisted in election activities. None were actual members of the Workers Party.

12. The Law Society of Singapore

The Singapore Law Society was also allegedly "made use of as a political pressure group at the suggestion of Paul Lim Huat Chye" by TEO Soh Lung and TANG Fong Har. In recent years the Singapore Law Society had been outspoken on legislation affecting press freedom, and on a subsequent Bill aimed at limiting the Law Society's powers to comment on legislation and who was entitled to hold office. The Select Committee hearings on the Legal Profession Amendment Bill were, by common law standards, extraordinary. Witnesses summoned to appear were required to testify on oath, being cross-examined regarding their role in preparing submissions on the Newspaper and Printing Presses Bill, their political activities involving the Workers Party and their part in mounting opposition within the Law Society to the current Bill, including the requisitioning of an Extraordinary General Meeting. The two lawyers detained by the ISD were amongst those summoned and questioned. From the Mission's discussions with lawyers and Law Society representatives and from viewing the Select Committee hearings, the activities of Ms TEO and Ms TANG within the Law Society appear to have been those of responsible and socially concerned lawyers seeking to promote a strong and independent bar.

VIII. Evidence To The Mission

In the current situation it is not advisable to present the detailed individual testimonies received by the Mission. The following account reflects the themes which emerged consistently through the evidence presented to the Mission. Care has been taken to ensure that all information has been derived from several sources, thus providing a reliable basis for comment. The Mission was unable to check these statements with the detainees themselves, as it was not allowed to meet with them. Nevertheless, the lawyers and those close to the detainees have been able to gain quite detailed insights into their treatment. This has been possible despite the close surveillance which has been imposed on such communications and gives details imparted under such conditions a special credibility.

The Arrests

The first wave of sixteen arrests on 21st May and the second wave of six arrests on 20 June, followed a similar pattern.

The detainees were all arrested at their homes between about two and six o'clock in the morning. In each case a number of Internal Security Officers were involved, some of whom gained entry to the homes on the pretext of searching for illegal immigrants. They carried out lengthy searches of the houses, or the suspect's rooms, and seized books, letters and personal papers. The homes of several family members were also searched, as were the offices of several detainees. A client's file, that of Tan Wah Piow, was taken from Ms Teo's legal office. The behaviour of the arresting officers was described in most cases as courteous and non-violent. Following the completion of the searches those arrested were driven away. The ISD officers refused to answer requests for information from the suspects or their families, beyond citing the Internal Security Act as the basis for the arrests. No specific grounds for arrest were provided, nor any details on where those arrested were being taken. Despite numerous requests, the families were provided with little or no information on where their relatives were or when they would be able to see them. This continued for five days. The only information available was the initial government press release carried by newspapers and television alleging those arrested were participants in a "Marxist conspiracy". All the families expressed shock and disbelief at these accusations, as being incompatible with the character and past and present activities of their members. Upon arrival at the detention centre, it is clear that the detainees were subjected to

The Interrogations And 'Confessions'

intensive interrogation. The extent and form of this appears to have varied, but in most cases followed the same general pattern. This involved continuous sessions of interrogation carried out by several teams of ISD officers questioning them in relays. This usually continued for two full days, followed by a brief break of less than an hour, followed by a further three days of interrogation without sleep. During their first visits, the families observed the detainees to be very tired, and "haggard, as though drugged".

In a number of cases additional measures were used. There was clear evidence of blows used against several detainees. One woman required medical treatment and was later hospitalised in Changi prison hospital where she was handcuffed to the bed. At least one other detainee was required to stand for most, if not all, of the period of interrogation. In many cases questioning appears to have taken place in extremely cold rooms whose air conditioning was manifestly too powerful, which in some cases was aggravated by periodic dousing with cold water. Their warmly clothed interrogators worked in shifts.

It is clear, however, that more extreme forms of physical abuse and torture were not used against these detainees. The process instead was described as having the dual functions of extracting information and psychologically wearing down detainees so they became more receptive to self-criticism and internalised the Government's theory of a 'Marxist conspiracy'.

It appears that once the first interrogations were completed, the case officers gave each detainee a detailed list of questions to which they were required to provide written answers. It was these questionnaires which formed the basis for the televised 'confessions'. Each response was discussed in detail during further interrogations and modified at the suggestion of the case officer. Once in its final form, it was memorised by the detainee and practiced a number of times before the actual filming. In the case of Vincent Cheng it appears from the video itself, and from testimony received, that the taping took place over several sessions and probably several days, and that the content was extensively edited. This was confirmed by an expert analysis of the tape carried out for the Mission. The journalists involved were reportedly instructed to wear identical clothing for all the recording sessions.

Several families identified factors showing the contrived nature of the 'confessions'. These included unusual fluency by those whose English was usually hesitant, disjointed presentation by others who were generally very coherent and talkative,

unusual displays of humour, uncharacteristic mannerisms, and use of words which were not normally within that person's vocabulary.

According to lawyers and families the facts stated by the detainees were relatively close to what they know of the activities of those concerned. However, the facts presented were selective and taken out of context. Further, the commentary of the interviewer or reporter distorted and reinterpreted them in an unfavourable light, so they appeared to support the theory of a 'conspiracy' promoted by the Government.

This point is confirmed by the transcripts of the interviews and close examination of the video recording of the programmes viewed by the Mission.

It is significant that these 'confessions' all occurred prior to the expiry of the 30 day holding period and before detention orders were confirmed. It is clear from reported statements of the detainees and ISD officers that such a 'confession' was a prerequisite to any possible release. Other forms of pressure included threats to arrest and interrogate other family members.

Following the initial interrogations, the process became less intensive and the conditions of detention improved. The case officer allocated to a detainee sought to establish rapport and a co-operative relationship, whilst continuing questioning. Detainees were described as 'having to work very hard' during this time, writing a detailed self-critical account of their past and recent activities and their contacts. Several detainees have reportedly written continuously from morning to night, writing well over a hundred pages under the supervision of the case officer.

Those placed under detention orders have been required to continue this writing to 'fill in the details', with the incentive of early release before the expiry of the detention order.

This process of intensive and prolonged interrogation and 'confession' is widely recognised to be a form of brainwashing. It has reportedly left some detainees mentally confused, profoundly disoriented and unable to make and adhere to decisions. This has resulted in some expressing doubts regarding the real purpose of the activities in which they were involved, and being prepared to consider the possibility that some conspiracy did exist, of which they had been unaware.

Conditions of Detention

There is no doubt that the physical treatment and conditions of custody improved markedly after the initial period of detention, and in particular once they had agreed to appear in the televised 'confessions'. Whilst it seems that most were initially held in small cells, they were later moved to larger rooms with facilities for exercise. There were no complaints about food and hygiene. Some detainees are reported to have gained, and others lost, weight.

All detainees arrested on May 21 were permitted to meet with their families five to seven days after their arrest. Some of those arrested on June 20 had longer waits. These, and all subsequent visits, took place in small rooms in the presence of each detainee's 'case officer' who closely monitored their conversations. They were permitted only to talk of family matters. All families were warned not to discuss the circumstances of the case, or the treatment of the detainees, otherwise the visits would be terminated. In some cases families were pressured by ISD officers to convince the detainee to co-operate 'in order to be released earlier'. In others, detainees asked their families not to take any action which may displease the ISD because they believed this would jeopardise their chances of release.

Families have been permitted one visit every week, for half an hour. Only two people are allowed to visit at once, although some flexibility has allowed more visitors to share the time between them. In addition to family members, some boyfriends or girlfriends have been able to visit. After several weeks families were allowed to bring limited reading materials and food, and necessary business documents have been passed on to detainees to be signed.

Those wishing to see a priest were able to do so after several weeks. Rosaries and Bibles brought for some detainees immediately after their arrest were not received until some time later.

Access to Lawyers

It is clear that officers of the ISD have exerted various forms of pressure on detainees and their families to prevent lawyers becoming involved in these cases and mounting legal challenges to the Government's allegations of a 'Marxist conspiracy'.

The commonly reported line was "You are your best defence. There is nothing a lawyer can do. You will only be wasting your money. Co-operate with us and you will be released quickly. Your lawyer will only complicate things and delay your release." This appears to have been effective. Several detainees refused to meet with lawyers arranged by their family, and others later dismissed their lawyer or changed them for those seen to be more conservative.

Pressures have also been exerted on lawyers not to accept detainees' cases. Several families reported difficulty in finding a lawyer prepared to take on the case. Some

lawyers who have agreed to act have been followed by the ISD and placed under varying levels of surveillance.

Lawyers for the first sixteen arrested were not able to gain access to their clients for about ten days, and those for the second group for fifteen days. Before each visit, special authorisation must be sought in writing. Some lawyers complained that their initial visit was limited to half an hour, though on later visits they were able to spend an hour with their client. Most lawyers were certain that their conversations with their clients had been secretly monitored.

Lawyers stressed the virtual absence of the right to take effective legal action under the ISA. Pressure on the detainees has made them extremely reluctant to even consider the few legal options which may be available to them in the courts or before the Advisory Board. The lawyer is, of course, unable to take such action without their client's instruction. The lawyers also emphasised the difficulties they face from being denied access to the dossier and detailed charges against their clients. They are forced to rely on the public statements by the government and the very brief and general allegations contained in the detention order itself.

The Released Detainees

At the time of the Mission's visit four detainees had been released. Three were placed under severe restrictions as a condition of their release and were advised that they would be rearrested if they failed to comply with them. One detainee, Jenny Chin, was released without explicit conditions. However, her husband is still being held by the ISD under a one year renewable detention order.

According to the Straits Times of 21 June, the detainees who have been released cannot leave Singapore without the written approval of the ISD or help any society without the ISD's written consent. They were also required to undertake "not to take part in any activity or organisation which by its publications, declarations or other activities has shown that it contributes to the propagation of Marxism or Communism".

The Straits Times' report that the three ex-detainees it could contact, rejected any suggestion of ill-treatment must be placed in context. It was made clear to the Mission that the released detainees remain under the close control of the ISD, to whom they must account for their activities and are required to maintain frequent contact with their case officers. There is a real fear of being rearrested, interrogated and not released next time.

The Families

Families and some friends of detainees have been harassed by the ISD, especially during the days following the arrests. Several reported still being under surveillance. Those involved in organising a press conference were warned that they were worsening the situation of their relative or friend, delaying his or her release and might themselves be detained.

Testimonials to the Detainees

The Mission was provided with extensive dossiers outlining the background and past and present activities of those detained, and testimonies to their integrity and commitment to social justice. The accusations levelled against the detainees are clearly inconsistent with these accounts. The Mission felt it important to present a selection of those testimonies:

Ng Bee Leng

"Through our voluntary work at this Centre [Catholic Centre for Foreign Workers], we know **Ng Bee Leng** to be a person who is truly concerned for the well-being of others, especially foreign domestic workers, and find it extremely hard to believe that she could be involved in a "clandestine communist network". She put in such a lot of time and energy helping maids with problems, often beyond office hours, that it is hard to imagine where she would find more time and energy for involvement with a "clandestine communist network". (The volunteers from the Catholic Centre for Foreign Workers)

Ms Tang Fong Har

"My wife, **Ms Tang Fong Har** is currently detained under this act (ISA) as a Marxist conspirator. She has shown me that she has no desire to establish a classless society or a communist Singapore, let alone trying to form one in a clandestine communist network. She has however shown that she is a lawyer who cares about human rights and welfare of the people of Singapore in her professional and daily life. She has rendered free legal advice at the Geylang Catholic Center in addition to her work as legal assistant in her office. As a member of the law society she offered her professional opinion on the newspaper amendment bill. She is also one of the founding members of the Criminal Legal Aid Scheme. Her involvement in the drama group "Third Stage" is a desire to express her reflections of life outside her profession. Her activities are back stage and she only worked in two earlier productions. Alas, she could not find time to help out in the later plays. I sincerely hope that Singapore Authorities reinstates her freedom or gives her the right to reply in its court of law." (Peter Poon, husband)

Ms Tang Lay Lee "We are shocked and deeply troubled by this allegation as it is totally unfounded. **Ms Tang Lay Lee** is an active Catholic and has at all times endeavoured to live a life of service to others. In the last seven years, she has devoted her life to service of workers in and through the Young Christian Workers Movement. She has given generously her time and energies to responding to the problems, needs and welfare of workers. She has kept faithfully to the Young Christian Workers Movement's objective of promoting and developing workers so that they may become better and better persons and Christian workers within their workplaces and environment. We have not the slightest doubt that her commitment and motivation are based on her deep belief in the teachings of Jesus Christ as revealed in the Gospels and her deep desire to follow Him in the service of His Brethren. In no way can her involvement and commitment be termed "involvement in the clandestine communist network". (Young Christian Workers' Movement)

Ms Ng Bee Leng
Ms Mah Lee Lin "The reason for the detention of **Ms Ng Bee Leng** and **Ms Mah Lee Lin** is alleged to be in connection with "a clandestine communist network". We are shocked and deeply troubled as we think that it is totally unfounded. Ms Ng's involvement in the Catholic Centre for foreign workers is so total she would have little time for anything else. Far from being communist, she expressed a few weeks ago the desire to take up a Bible class. The detention of these two persons is creating disruption in the work of the two Centres ... as well as anxiety for their relatives. We therefore strongly appeal to you honourable minister to grant them immediate release from detention". (The Priests of the East Coast Parishes of the Singapore Roman Catholic Diocese.)

Mr Kevin Desmond De Souza "Mr **Kevin Desmond De Souza** has been actively involved as a Catholic, undertaking a life for the service to others. At all times he has been expending energy, devoting his life by responding to the welfare, needs and problems of students. He has abided faithfully by the objectives of the Catholic Students' Society by promoting a deeper understanding of the Gospel and how as students, we can put these teachings into practice in our lives, campus and society. His involvement is based firmly on and motivated by a deep Christian belief, whose roots are the Gospel and the teachings of our Lord Jesus Christ. Furthermore his involvement gives him little or no time for his rest and recreation, let alone being involved in what has been termed a "clandestine communist network"...

Therefore we strongly appeal to you, Honourable Minister, that Mr Kevin Desmond De Souza be granted immediate release from detention and that all suspicions that may be held against him be removed." (Catholic Students Society, Singapore Polytechnic.)

Mr Vincent Cheng "Mr **Vincent Cheng** joined the Jurong Industrial Mission staff in early 1971 (if I remember correctly). He had graduated from the Roman Catholic Seminary in Penang after studying there for nine years, and as he was young, was advised by his professors to get more experience in the community before deciding whether to become a priest or not. He later furthered his theological studies at Trinity College in Singapore. I have remained in contact with Mr Cheng ever since and can verify that his commitment to work with the poor is motivated by his deep Christian faith... I don't know the reasons behind Mr Cheng's confession on June 9th, but anyone can imagine the pressure that Mr Cheng must have faced... Everyone knowing Mr Vincent Cheng cannot but be impressed by his humility; Mr Cheng has been a personal inspiration for me over the years. I believe that the Power of Humility will finally triumph." (Ronald Fujiyoshi, Kyoto, Japan, missionary and former Staff Supervisor at Jurong Industrial Mission.)

Mr Chia Boon Tai "Mr **Chia Boon Tai** is a professionally qualified mechanical engineer registered with the Malaysian and Singaporean Board of Professional Engineers... He is a managing partner of an engineering consultancy company which is extensively involved in the designing and supervision of mechanical and electrical installations of some of the major reputable electronic manufacturing factories in Singapore. Since his return from England where he obtained a B.Sc(Hons) in Engineering, Mr Chia Boon Tai has been very busy pursuing his career as a professional engineer - a fact which is proven by his highly successful professional practice. On many occasions he has to spend long hours working out the designs and details of mechanical and electrical installations. Besides his heavy office commitment, Mr Chia Boon Tai has a family to care for. He is married to a Singaporean and the couple have an 18-month old baby girl. He has no time for any other activities. It is totally unfounded that he is a marxist collaborator. We urge the Singapore government to release him immediately and unconditionally." (Family of Chia Boon Tai)."I write offering myself as a character witness for Miss Teo Soh Lung whom ... I have known as a personal friend and colleague for seven years. Most recently, we both served on the Law Society's Criminal Legal Aid Sub-Committee.

I can vouch that in all my contacts with Soh Lung, she has presented herself as a person who is keenly aware of social injustices around her and who has put that awareness admirably into concrete action. She has inspired me by her dedication and her sacrificial spirit in expending her time, energy and material resources to helping the less fortunate in society. I have witnessed the tremendous effort she has put into defending destitute criminally accused persons without any remuneration; teaching English to illiterate factory workers and giving tuition to school children coming from

poor families; and providing comfort, shelter and legal advice to Filipina maids who have suffered economic exploitation and occasionally physical violence.

There has not been a single instance when Soh Lung has given me any reason to believe that her motivation for providing all such help is founded upon some pro-Communist manifesto intent upon the destruction of Singapore. On the contrary, I strongly believe that her dedicated service to the less fortunate around her is fired solely by her love for her country.

I earnestly hope that Soh Lung's true motivation for her actions will be recognised and appreciated for what it is and that she will be released from detention." (Stanley Yeo, Law Faculty, University of Sydney, Australia)

Responses from Other Individuals Implicated

Responses have also been made by, or on behalf of, others directly implicated by the Government in the 'Marxist conspiracy'.

TAN Wah Piow:

"First and foremost, I wish to categorically deny having any ideological or organisational links, let alone being the mastermind of any alleged attempt to set up a communist state in Singapore. If ever there were any attempt by any group to set up such a communist state, I shall be the first to oppose.

The Singapore government is well aware that my ideological position falls between democratic socialism and social democracy. Hence for the Singapore government to make those most outrageous allegations, and to put me as the most wanted person for the Internal Security Act, is an absolute abuse of power.

My primary political concern, especially after coming to Oxford to read law at Balliol, is how best we, as Singaporeans, can strengthen the guarantee of civil liberties which are espoused in the Singapore Constitution. The Singapore government is well aware that I intend to propagate these legitimate jurisprudential views, and the government is also fully aware that I am one who is capable of putting the most complex of social ideals into language which the layman can understand. Combining these ideas with my skill, they become a lethal threat to the Singapore government which opts to rule by abuse of law rather than according to law. I had made my position in no uncertain terms in many public speeches in London in the 70s and 80s that there is a need to bring about social changes in Singapore. I have never attempted to conceal my contempt for the abuse of human rights in Singapore, and I shall continue to do so. I have always held the view that the only long term solution to this problem in Singapore is to work towards replacing the ruling PAP with another political party committed to the rule of law. And I have always stressed that the only legitimate channel for change is through the parliamentary system. That also explains why in recent times, I have expressed my concern to friends both in Singapore and abroad, on the prospect of the government revamping the rulings and structure of the parliamentary system, which I see as the last bastion of democracy.

Having those views do not in any way suggest that I am involved with any illegitimate plot, let alone a marxist plot. To have a plot implies having an organisation, which I have none. Not having an organisation should not deprive me of my fundamental rights to express my views and propagate my ideas. Isn't that what intellectuals are for?

It is most extraordinary that the Singapore government and its Professor of Law, the Minister of Home Affairs could decide to deprive the most fundamental rights of 16 individuals solely on the basis of suspicion about my intentions or activities, without even verifying with me. Fundamental tenets of natural justice would demand that the accused be given a fair hearing. And if any allegations were to be made, they must be factual.

Whatever is done by the government can still be undone. I am prepared to meet the Singapore government, in the presence of journalists, the church and other neutral or bias third parties in a neutral place of our mutual choice. I am prepared to be grilled in public. This exercise is necessary since the rights and freedom of 16 people are now placed under my account.

For the people of Singapore campaigning for the release of the detained, our sole and primary concern at this point is the release of the detainees. I shall do my best to campaign for the release of the 16, in the same way as I have done in the past." (Issued May 28 1987)

Paul LIM Huat Chye:

"My first refutation of these allegations is that subtract "marxist conspiracy" and "marxist conspirators" from them, they describe legitimate activities for a Singapore citizen exercising his political rights. "Helping" an opposition party is legitimate so is discussing party politics.

Secondly, the allegation of a plot or conspiracy from Europe is absurd. I believe that I have been brought into the Ministry's fabrication of a conspiracy in order to link Tan Wah Piow to Vincent Cheng and the others as I was in Singapore physically at that time. The packaging with such words like "pass messages", "provide guidance", "reminding Vincent Cheng about Tan's instruction" etc. is the only way as the PAP has no factual grounds to substantiate any conspiracy or plot.

Equally I have never provided guidance to any of those arrested. Vincent Cheng and the others can think for themselves. They are not my or Tan's puppets; neither am

I at Tan's bidding. They are civic-minded and upright citizens imbued by religious and humanist beliefs to be concerned with social justice for the less fortunate of society.

This primary purpose of (PhD) research does not exclude my right to meet up with friends among the 16. Why can't I socialise with them? Why can't I talk politics with them legitimately and lawfully? In fact to have their views on the political developments of Singapore is also part of my research.

What does the PAP mean by this label of "marxist" and "marxist" conspirator? The PAP knows very well that it cannot accuse Vincent Cheng, the others and myself of advocating the overthrow of the legitimately elected PAP government by force of arms to set up a Communist State nor can it accuse us of being members of the illegal Communist Party of Malaya. So, what the PAP government seems to say now is that reading Marx is also a crime and enough to make one a mortal enemy of the PAP. Does the study of Marxism in the seminaries around the world make all priests communists and marxists?" (Paul Lim, Belgium)

Juliet CHIN:

"We also vehemently deny that our eldest daughter Ms Juliet Chin is a communist nor has she joined any illegal underground organisation. The Singapore government's allegation that she joined the Malayan National Liberation Front and the Malayan People's Army is totally untrue. We would like to clarify that Ms Juliet Chin was released in 1976 and worked for two years in an architectural firm in Kuala Lumpur. After that she went to Europe. At present she is pursuing her post-graduate degree in Architecture in Paris, France." (Parents of Jenny and Juliet Chin)

Al SANTOS:

"I met Vincent Cheng, the man whom the government accuses as the central figure in a Marxist conspiracy, a total of three times in a span of six years. In stating these circumstances, I do not mean to disassociate myself from Vincent Cheng, a man I respect so much for his commitment to serving the underprivileged. Rather, it is meant to straighten out the facts which have been distorted by the absurdity of your government's statements to media.

On my association with Third Stage, I admit that I have a special affinity with this group. I admire them so much for their dedication to the theatre arts. I hold in high esteem their vibrant hopes of nurturing to life a local theatre infused with the vigour and colorful tradition of Singaporean culture, a treasure which, as in many parts of Asia, is gradually dying away. I met the group twice or thrice in Singapore.

I am a foreigner but I have had the occasion of meeting some of (those detained). The few moments I have been with them, I truly felt that they are among your nation's treasures. Because they care for your people. I've listened to their thoughts, their dreams and their visions, and I, a foreigner, have never felt as inspired by their dedication and enthusiasm. They love life and live life fully.

I pray that you will soon set them free. Prison was never meant for humans. More so for men and women who dream of freedom for their fellow humans.

As to my bizarre involvement in what your government describes as a "Marxist conspiracy", I am not a member of the "New Peoples Army" as your Home Affairs Ministry has pictured me. I am only an artist of the theatre, but a dedicated one, I am proud to say. In the interest of truth and fairness, I believe I have the right to demand your government to:

- (1) Publish this letter in all Singaporean newspapers which have maligned me;
- (2) Retract all statements issued by your government linking me with the supposed "Marxist conspiracy" in Singapore and describing me as a "member of the New People's Army".

Lastly, if I may base this on the Ministry of Home Affairs' ridiculous and false accusations against me and my personal knowledge of some of the Singaporeans your government has imprisoned, I am inclined to believe the accusations against those arrested are equally ridiculous and false." (Al Santos, Philippines)

Responses of Groups Implicated

The groups and associations which were allegedly infiltrated are legally and democratically organised. The Mission has been able to find no evidence that they have fulfilled anything but a legitimate and constructive purpose.

A number of the religious groups implicated in the 'conspiracy' stated their position unequivocally:

Student Christian Movement of Singapore

Student Christian Movement of Singapore: "We wish to declare categorically that the decisions, policies and activities of the SCMS are not motivated by Marxism, Communism or any other similar doctrines or ideologies but by a sincere belief in the teachings of our Lord Jesus Christ. It is an independent decision-making body. In accordance with our Constitution all decisions are discussed in the EXCO and voted upon by the EXCO members. We wish to state that Mr Cheng has never taken part in either deliberations or decisions of the present EXCO. Indeed he has never attended any of the EXCO meetings. We note from our records that Mr Cheng was appointed office bearer in the 70s. We appendix a copy of Mr Cheng's letter of resignation. We reiterate that thereafter he has ceased to partake in the decision-making of the Movement. The present members and leaders are unrelated to the SCMS of the 70s and earlier. It is a new group who knows little about Vincent Cheng. We have

- in the past invited Mr Cheng to attend our Annual General Meetings as an observer. And he has occasionally attended these annual meetings as such.
- Coalition of Organisations for Religion and Development** Coalition of Organisations for Religion and Development: "CORD was initiated in 1985 when the lay apostolate groups at the Catholic Welfare Services realized the need to come together for informal meetings to discuss common problems and to identify common areas of co-operation. Vincent Cheng and Kevin de Souza were asked by CORD representatives to assist. Their task was to co-ordinate the dates and times of the meetings, which were held once in two months. The agenda of the meetings was always decided by all the representatives at the end of each meeting. The chairing of the meetings are on a rotation basis. Vincent Cheng and Kevin de Souza have never tried to impose their ideas on the others in CORD. All representatives contributed to the discussions based on their experiences in the individual movements. The representatives of the CORD affirm that the objectives of CORD are to promote Religion and Development through our commitment to the Gospel under the guidance of the teachings of the bible. CORD is not manipulated by any individual or group for its own purposes."
- Workers' Party** Accusations that the Workers' Party had been infiltrated by several detainees, and 'The Hammer' made a vehicle for Marxist dogma, was emphatically denied by its Secretary-General. As the editor in chief of the publication he claimed complete control of all the material published which was in no way reflective of Marxist ideology. He claimed that the assistance which was provided by several of the detainees during the past election was minor. They were not members of the Workers' Party and exercised no power over its direction or decisions.
- Singapore Law Society** The Singapore Law Society issued the following short press release on May 27: "While the Council of the Law Society is aware that the provisions of the Internal Security Act are to be administered with care, the Council remains deeply concerned over the continued detention of Ms Teo Soh Lung. The Council urges that investigations be completed as speedily as possible with a view to releasing Ms Teo Soh Lung or preferring charges against her." No further official moves were made by the Law Society in relation to the detention of Ms Teo, and no action was taken over the later detention of Ms Tang Fong Har. It is understood, however, that the Law Society has since provided a testimonial for Ms Teo's and Ms Tang's case before the Advisory Board. Also in response to claims of manipulation of the Law Society in the election of Francis Seow as president, a letter from the Law Society was sent to the Straits Times explaining that the election of its president is a matter of the Law Society Council and, at the time of Francis Seow's election, neither Ms Teo nor Ms Tang were members of the Council.
- Malaysian Bar Council** By contrast, the neighbouring Malaysian Bar Council has continued to be vocal in its criticism of the detentions. Its strongly worded statement immediately following the arrests read: "I read with deep concern this morning that the Internal Security Department under your Ministry has detained 16 people under the ISA. I note that one of them is a council member of the Singapore Law Society and among the others are six church workers involved in the Justice and Peace Commission. As a lawyer you will appreciate that preventive detention without trial infringes the rule of law and basic human rights. Lawyers and those committed to the promotion and protection of human rights should not be viewed as threats to the national security of the nation. If in the course of their activities they had committed offences, it is only proper that they be charged in court. Subjecting them to preventive detention without trial will be viewed as oppressive. On behalf of the 2,300 Malaysian lawyers, I appeal to you to charge the 16 in court if they have committed offences. Otherwise in the name of justice please release them unconditionally."
- Catholic Church** Other bodies which had originally spoken out against the detentions, withdrew to a non-committal position following discussions with the government. Foremost amongst these was the Catholic Church.
- On 30 May, Archbishop Gregory Yong publicly commended the detainees' work on behalf of the Catholic organisations with which they were involved, and affirming his "confidence and continued support" for these organisations. The statement continued "To the best of our knowledge, the full-time workers have been fully committed to the work of the Catholic organisations in which they served. The six voluntary workers have generously contributed their time and talents to specific work in the Catholic organisation with which they were associated. We hope and pray that justice will be done and be seen to be done. We also hope the detainees will be treated justly and humanely." The June 14 issue of the 'Catholic News' in which this statement was to be carried was subsequently withdrawn by the Archbishop and banned in Singapore.
- Following his lengthy meeting with the Prime Minister on June 1, the Archbishop placed a distance between himself and the Catholic staff and volunteers detained. In a press conference immediately after the meeting, he stated (with the Prime Minister present) "After going through the deposition made by the person concerned himself [Cheng], I have no way of disproving this deposition. I have to take things at their face value for the time being". This was subsequently reported under the headlines "Archbishop Accepts Evidence" and "Archbishop Conceded Case". Since then, the Catholic church has sought to avoid any involvement in the case.

IX. Conclusions

As a result of its investigations the Mission concludes:

1. The Activities of the Detainees

It is the view of the Mission that the activities of these detainees were a legitimate exercise of civil rights, which should be defended and applauded in a healthy democracy. They have done nothing more than their sense of responsibility and commitment to the welfare of country and people has demanded of them. The Singapore government should be proud of such dedicated and responsible young men and women who share its vision of a strong and just Singapore.

There is no reliable evidence that those detained were motivated by other than their spiritual beliefs and humanity, which inspired them to seek social justice to the benefit of their fellow citizens and ultimately to their country. Their courage in speaking out, when so few of their fellow Singaporeans are prepared to do so, deserves respect and praise within Singapore and throughout the international community. It is sad that their commitment to a praiseworthy cause has earned them the ire and punishment of the government and its condemnation as enemies of Singapore.

2. The Rule of Law in Singapore

The Singapore government has steadfastly refused to put its evidence of a Marxist conspiracy to proof in an open trial and to allow those charged to defend their integrity and their liberty. This must seriously undermine the credibility of the government's claims to have discovered "a Marxist conspiracy aimed at subverting the political and social system in Singapore by using Communist united front tactics in order to establish a Communist state and carrying out a systematic plan to infiltrate and subvert legally established organisations for purposes of political agitation."

The Government claims that such charges are, by their invisibility and covert nature, difficult to prove in accordance with the technical requirements of the law. The extraordinary procedures of the ISA are therefore invoked to ensure that the inadequacies of the law do not undermine state security.

To cite the invisibility of a conspiracy as proof of its sinister and devious nature, places absolute power in government hands to declare any group or people at any time to be a 'Marxist conspiracy'. Absence of provable evidence becomes proof in itself. With no independent judicial evaluation of the allegations, the government and security forces can arbitrarily detain without charge or trial anyone it sees fit. The fundamental principles of the rule of law and natural justice are abandoned to the whim of the rulers and the legal institutions and judiciary of the nation denigrated. The Mission condemns the Singapore government, as it would any other government, for this abrogation of the fundamental protection of the rule of law for its citizens.

3. Singapore Government's Motives for the Detentions

The Mission found that prevailing scepticism about the charges was accompanied by a cynicism that the ISA in these cases, as in the past, has been used by the Government as a tool to destroy opposition and to silence critics. The particular targets were seen to be the Singapore Law Society and the Catholic Church, whose increasing outspokenness over the past two years have incurred the ire of the government.

The government's hostility towards the Law Society was clearly evidenced to the Mission in the televised Select Committee hearings on the Legal Profession (Amendment) Bill 1986. Law Society Council members ordered to testify at that hearing were subjected to condescending lectures, intolerance, insults, intimidation, threats, and interrogation on personal matters and political beliefs, of a type irreconcilable with the Parliamentary tradition. During his cross-examination of Ms Teo, the Prime Minister disclosed that the Ministry of Law had bugged the Law Society's Emergency General Meeting called to discuss the Bill, by which means he had obtained a transcript of Ms Teo's address to that meeting. In response to this vitriolic attack from PAP members of Parliament, led by Prime Minister Lee Kuan Yew, those witnesses stood firm and refused to be intimidated.

The passing of the Legal Profession Amendment Act disqualified the then President from holding office in the Law Society. The recent detention of the two young women who stood up to the Prime Minister in that Select Committee hearing has removed another source of future challenge and sent a clear warning to any other potential legal reformers. The Law Society became the new recipient of the tactics used against the Workers' Party and its Secretary -General Jeyaretnam for a number of years.

Government threats of similar moves to control the Catholic church, the detention under the ISA of its young leaders and the resignations and departure overseas of the

four priests, appear to have effectively repressed the mounting demands for increased commitment by the church to social action.

The lesson of the Law Society has clearly not been lost on either the new leadership of the Society or the Catholic church. The result has been a compliant and timid leadership in the Law Society and the Catholic church and a fearful and sycophantic legal profession and priesthood. Their silence over the detention of their members has spoken volumes.

The Mission believes these events lend credence to the view that these detentions aimed to 'nip in the bud' emerging democratic opposition to continued PAP dominance, not to avert a violent communist takeover. They also provide some insights into the process of interrogation to which those arrested will have been subjected in seclusion and isolation, casting once more the gravest of doubts over the worth of the public confessions.

4. The Communist Threat and Guilt by Association

Even if the Government's allegations were in some part well-founded, the Mission is uncomfortable with the implication that there is something inherently unlawful about sympathising with Marxist beliefs or associating with others who do.

Ironically, the PAP's own success in developing Singapore into one of the most advanced Asian economies is built upon its early alliance with the Communist Party of Malaya (CPM), which was instrumental in the PAP's overwhelming victory in the 1959 general election which brought Lee Kuan Yew's government to power. Following the termination of this alliance and the accompanying purge of 'pro-communist' elements in 1961, the PAP has pursued a relentless 'anti-communist' campaign, primarily through detention without trial under the ISA. During that time the labels 'communist' and 'Marxist' have become virtually synonymous with any dissent or opposition in Singapore. Their mere application, with no right to independent judicial hearing of the charges, has ensured the continued PAP domination of Singapore politics and life and insulated it against any effective criticism and opposition.

This strategy, as practiced on the early supporters of the CPM and extended to those who questioned the power, policy and practices of the PAP over the next two decades, is now being applied to the next generation of young social workers and professionals who advocate increased social justice to complement Singapore's undoubted economic achievements. In the 1960s, the Singapore government justified this departure from normal democratic methods as an interim step of 'wetnursing' on Singapore's path towards full democracy. Twenty-five years into nationhood, Singapore appears no closer to full democracy.

The Singapore government would doubtless reject claims that the PAP's former relationship with the CPM amounted to a Marxist conspiracy, despite its explicit collaboration to bring about a new state. The evidence of a conspiracy amongst those detained in 1987 lacks even this level of contact, planning and organisation. The government merely points to an informal and social network of community development groups and workers, some of whom may have an intellectual knowledge of Marxist theory amongst other theories. The Mission cannot see how this, in itself, constitutes an imminent threat to the security of Singapore justifying detention without trial under the ISA, or how it warrants the labelling of those detained as 'Marxists' or 'communists'.

5. Church and State in Singapore

As PAP leaders must be well aware, there is a fundamental antipathy in their theories and practices between communism and religion. An alliance in Singapore between the CPM or any other communists and dedicated Catholics, with shared goals and tactics, is in the Mission's opinion an untenable allegation. Indeed, the recent speech of Senior Minister S. Rajaratnam entitled "Is God a Liberation Theologian", attacking religion and religious social workers committed to social justice and human rights, resembled the atheism found in communist doctrine more than any of the published statements of the detainees.

The Mission is tempted to draw parallels between the detention without trial of religious dissidents in Soviet labour camps and the religious and human rights workers in Singapore's detention centres.

6. Maltreatment of the detainees

The Singapore Government has avoided a direct denial of such interrogation techniques as those described in this Report, by claiming that none of the released detainees, especially Jenny Chin in her interview with the *New Straits Times*, nor any of the lawyers or families of detainees have alleged such maltreatment. That position can no longer be sustained.

The Mission received numerous reliable and detailed complaints of such maltreatment from extremely concerned lawyers and families of detainees. Many were fearful

of the repercussions for their clients, relations still under detention and themselves of making their concerns public. The uncertainty whether further arrests would take place added to their reticence. Those who talked to the Mission under such circumstances therefore bring an enhanced credibility to their testimony.

The Mission was only able to meet with one of the released detainees. Whilst it was clear that she was not free to talk frankly about the details of her detention, the Mission accepts that not all detainees were subject to the same form and extent of interrogation. That does not, in any way, derogate from the Mission's very grave concern over the clear and extensive violations of human rights of those detained by the Singapore government.

7. Concern for Human Rights is Concern for Humanity

The belief in humankind's common origin and destiny renders the protection of human rights and fundamental freedoms a concern for all humanity, transcending political and national boundaries. Therefore claims of a nation's sovereign right to regulate and determine its people's life, human rights and basic freedoms, without obligation to accept criticism and concern of other nations and people, is tenable only so long as that sovereign nation abides by other recognised principles and procedures. No government can rightly contend that it alone knows best what its people need, nor that it is accountable only to its people for what it decides, when it systematically violates those safeguards. This is a basic question of right and wrong, in which the task of international moral judgement is to protect the human rights and fundamental freedoms of the victim. In the case of these detentions, that imposes an obligation on other governments, non-government bodies and concerned people and groups to intercede on behalf of these detainees, and to exert moral suasion and any other appropriate pressure on the Government of Singapore. They should seek the release of the detainees and the lifting of all restrictions on those released. But they must also demand an end to the use of the Internal Security Act by the Singapore Government.

The international community must make it clear to the Singapore Government that it will not tolerate future attempts to suppress the legitimate democratic rights of its citizens through the use of the Internal Security Act. The Mission is calling for a clear statement to that effect from all governments and organisations, specially those whose self-interest and diplomatic priorities have so far kept them silent. Their silence has permitted this grave violation of basic human rights to be perpetrated on these young citizens of Singapore.

The Mission therefore concludes that the arrest and prolonged detention of the 18 Singaporeans under the ISA stands on very tenuous ground. The steadfast refusal of the Singapore government to allow an open trial under due process of law demonstrates the weakness of its position. This negative stance of the Singaporean government strengthens the validity of world opinion that the real ground for the detentions is the government's over-sensitivity to opposition and criticism, rather than a matter of security and welfare of Singaporean society.

On 15 August, legal representations to the Advisory Board were made by Ms Teo Soh Lung and Ms Tang Fong Har. Further representations were made on 29 August by Mr Chew Kheng Chuan and Ms Chng Suan Tze. Representations by Mr Kevin De Souza were not allowed to be heard as they were filed out of time.

On 12 September, Mr Chew Kheng Chuan and Ms Tang Fong Har had their detention orders suspended and were released under restrictions imposed by Section 10 of the Internal Security Act. According to the 19 September overseas edition of the Straits Times, these restrictions involve the following: "The Government warned, however, that the suspension of the detention orders against Chew and Tang would be revoked if either was to get involved again in subversive activities. Nor are they to leave Singapore without the written approval of the Director of the Internal Security Department; they cannot join or help in any society without his written consent; and they cannot associate with any organisation which has shown itself to be used in propagating Marxism or communism."

In addition they are subject to forfeiture of a bond of \$3,000 should they breach any of the conditions of their release.

On 26 September, the following detainees had their detention orders suspended and were released subject to the same restrictions as those above: Mr Kevin Desmond DE SOUZA, Ms CHUNG Lai Mei, Ms LOW Yit Leng, Mr TAN Tee Seng, Ms TEO Soh Lung, Ms WONG Souk Yee, Ms CHNG Suan Tze.

As of 26 September, six of those arrested on May 21 and June 20 were still held in detention without trial: Mr Vincent CHENG, Ms Teresa LIM Li Kok, Mr CHIA Boon Tai, Mr TAY Hong Seng, Mr Kenneth TSANG Chi Seng, Mr William YAP Hon Ngain.