

Public Statement

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Singapore: International trial observer to attend Court of Appeal as former opposition leader JB Jeyaretnam faces possible expulsion from parliament

A representative of Amnesty International and Lawyers' Rights Watch Canada, Mr Howard Rubin, will attend two appeals involving JB Jeyaretnam, former Secretary-General of the opposition Worker's Party, due to be heard before Singapore's Court of Appeal in the week commencing Monday 23 July 2001.

Amnesty International and Lawyers' Rights Watch Canada are concerned that the Singaporean government may be using libel laws in a manner that amounts to a violation of the fundamental rights to freely hold and peacefully express one's opinions. Such use of the libel laws and the awarding of damages which are not clearly in proportion to the harm suffered by the victim run the risk of having a serious chilling effect on freedom of expression in Singapore. To many Singaporeans the libel suits against JB Jeyaretnam and other government critics may act as a powerful deterrent to exercising their right to peaceful freedom of expression.

One appeal, relating to a bankruptcy order issued in January 2001 after JB Jeyaretnam failed to pay an installment of libel damages awarded to the organizing committee of a 1995 event promoting the Tamil language, may result in JB Jeyaretnam being confirmed bankrupt and so automatically removed from parliament and prevented from standing in future elections.

A second appeal relates to the revival of libel suits filed by Senior Minister Lee Kuan Yew and other senior members of the ruling People's Action Party (PAP) for an allegedly defamatory statement made by JB Jeyaretnam during the 1997 election campaign. Prime Minister Goh

Chok Tong was awarded S\$100,000 damages plus costs in 1998 because of this statement.

Amnesty International and Lawyers' Rights Watch Canada are concerned that a number of defamation suits against opposition members and perceived government critics, resulting in large damage awards, may have failed to achieve the requisite balance between protection of reputation and protection of freedom of expression and as such may be inconsistent with international norms protecting the fundamental right of freedom of expression.

The representative of Amnesty International and Lawyers' Rights Watch Canada will attend these appeal proceedings in order to assess respect for international norms and will report directly back to Amnesty International and Lawyers' Rights Watch Canada. The trial observation will form one part of the organizations' ongoing investigations into alleged violations of the right to freedom of expression in Singapore.

Background information:

JB Jeyaretnam

JB Jeyaretnam, 75, a former Senior District Judge, was elected as Secretary-General of the Workers' Party in 1971. In 1981 he won a by-election becoming the first opposition member in over fifteen years to sit in parliament with PAP parliamentarians. Following his re-election in 1984, J B Jeyaretnam was charged for alleged financial impropriety related to the collection of party funds. In 1986 he was acquitted by a District Court of all charges save one. The prosecution appealed the acquittal and the then Chief Justice allowed the appeal, with the direction that a re-trial be heard by a District Court. At re-trial JB Jeyaretnam was found guilty and sentenced to three months in jail, which was reduced by the High Court but with the addition of a S\$5,000 fine. The imposition of a fine of over S\$2,000 resulted in the

automatic disqualification of JB Jeyaretnam as a member of parliament and the conviction also triggered a Law Society hearing that resulted in him being disbarred.

JB Jeyaretnam's earlier application for the re-trial to be heard before the High Court rather than a District Court, which would have allowed any subsequent appeal to be pursued up to Singapore's then highest court, the Privy Council located in London, had been refused. After his conviction his appeal to the Privy Council was limited to consideration of his disbarment. In its judgement the Privy Council concluded that JB Jeyaretnam and a co-accused had been "fined, imprisoned, and publicly disgraced for offences for which they were not guilty" and directed the Law Society to reinstate JB Jeyaretnam. The government refused to heed the Privy Council's advice to facilitate a pardon for JB Jeyaretnam on the grounds that the criminal convictions had not been the subject of the Privy Council appeal. JB Jeyaretnam was subsequently re-instated as a lawyer, but prevented from standing again for election until 1997, when he ran and was returned as a non-constituency member of parliament.

The Appeals:

1) JB Jeyaretnam vs. Lee Kuan Yew *et al*

Shortly after the 1997 election Senior Minister Lee Kuan Yew, Prime Minister Goh Chok Tong and other senior PAP members filed suits against JB Jeyaretnam alleging that he had defamed them at an election rally by saying the words "And finally, Mr Tang Liang Hong has just placed before me two reports he has made to the police against, you know, Mr Goh Chok Tong and his people".

Tang Liang Hong, a Workers' Party parliamentary candidate, had filed a police report alleging that the PAP leadership had defamed him during the campaign by publicly labeling him an "anti-Christian, Chinese

chauvinist". The PAP leaders listed in the police reports, alleging that they had been defamed by Tang Liang Hong through the reports, sued and were awarded damages of S\$8.08 million (US\$5.6 million) reduced on appeal to S\$4.53 million (US\$ 2.3 million). Tang Liang Hong was subsequently declared bankrupt.

In his suit against JB Jeyaretnam, Prime Minister Goh Chok Tong was awarded S\$20,000 increased on his appeal to S\$100,000 plus full costs. Amnesty International representatives observed both trial and appeal and expressed concerns that the suits against JB Jeyaretnam were politically motivated. In 1998 Goh Chok Tong began bankruptcy proceedings against JB Jeyaretnam but later agreed to accept payment of the damages awarded to him in installments. Bankruptcy proceedings resumed when JB Jeyaretnam failed to meet an installment but the Prime Minister discontinued them with S\$31,000 remaining unpaid. In December 2000, Goh Chok Tong's co-plaintiffs including Lee Kuan Yew and other PAP members, took steps to revive their 1997 suits which had not yet come before the courts. It is the dismissal of JB Jeyaretnam's application to dismiss these libel actions for failure to proceed for a period of over three years that is the subject of the appeal before the Court of Appeal in July 2001.

2) JB Jeyaretnam vs. Indra Krishnan *et al* (the 'Tamil Language Week' case)

A 1995 article in the Workers' Party newspaper alleged that an event called the 'Tamil Language Week' was an ineffective means of advancing the Tamil language and that a number of those involved were political opportunists beholden to the government. The article resulted in two parallel libel suits against the author of the article, JB Jeyaretnam as editor and members of the Workers' Party party's central committee.

In the first suit, involving Minister of Foreign Affairs S Jayakumar and four other PAP parliamentarians, the defendants agreed to apologize publicly and to pay S\$200,000 in damages. In February 1998, after paying S\$100,000 in three installments, the defendants were unable to make further payments and the plaintiffs did not pursue the matter at that time.

The second suit was lodged by Indra Krishnan and 9 other members of the 'Tamil Language Week' organizing committee, one of whom is now a PAP Member of Parliament. Although the author admitted that he was wholly responsible for the article, the High Court awarded the plaintiffs S\$265,000 damages and S\$250,000 costs jointly against all the defendants. Two of the plaintiffs subsequently began bankruptcy proceedings against JB Jeyaretnam alone, but were paid off in installments. Subsequently the other eight plaintiffs also began bankruptcy proceedings against JB Jeyaretnam, and one day after JB Jeyaretnam failed to pay an agreed installment in January 2001, he was declared bankrupt. On 16 July 2001 JB Jeyaretnam offered to pay off the remaining damages in three further installments. JB Jeyaretnam's final appeal against this bankruptcy order will be heard before the Court of Appeal between 22-27 July 2001. If JB Jeyaretnam is confirmed bankrupt he will be automatically removed from parliament.

Amnesty International has learned that a contributory factor in JB Jeyaretnam's failure to pay the agreed installment to Indra Krishnan and her fellow plaintiffs by one day in January 2001 was the unexpected petition by Minister of Foreign Affairs S Jayakumar and the 4 other PAP plaintiffs. After making no demands since receiving a third installment towards their S\$200,000 award in 1998, these plaintiffs applied successfully to the courts in December 2000 to seize a sum of S\$66,600 awarded to JB Jeyaretnam that month against a lawyer who

owed him costs. JB Jeyaretnam had reportedly intended to use that money to meet his agreed January repayment. The Minister of Foreign Affairs and his fellow plaintiffs pursued the balance of payments of their damages award against Jeyaretnam alone and not against the other Workers' Party defendants. ENDS.../

For further information please see the following documents on www.amnesty.org

Singapore: *JB Jeyaretnam - the use of defamation suits for political purposes* (AI Index: ASA 36/04/97) 15 October 1997:

<http://web.amnesty.org/ai.nsf/Index/ASA360041997?OpenDocument&of=COUNTRIES\SINGAPORE>

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