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Singapore: Conviction of activists must be overturned

The Singapore government should end the harassment through the legal system of peaceful protesters and government critics Han Hui Hui, Ivan Koh Yew Beng and Janet Low Wai Choo, who have been convicted and fined for the peaceful exercise of their right to freedom of expression. The three activists will attend an appeal hearing on Wednesday, 22 February.

In September 2014, Han Hui Hui, Ivan Koh Yew Beng and Janet Low Wai Choo took part in a peaceful protest that called on the Singaporean government to return Central Provident Fund pension savings to members. The demonstration took place in Hong Lim Park, the only space in the country where people are able to assemble and demonstrate without a police permit. Following the protest, Han Hui Hui and several others were investigated and charged by police for allegedly overstepping the parameters set by the National Parks Board that impose limitations on assembly and speech. The protest took place at the same time as another event in the park, which the group was accused of encroaching on.

In June 2016, the three activists were convicted for an offence of committing public nuisance. Han Hui Hui was convicted for a second offence for allegedly organizing a demonstration without the approval of the Commissioner of Parks and Recreation. Han Hui Hui has been fined SGD \$3,100 (USD \$2,281), and faces four weeks and six days of imprisonment if she defaults on the payment, while Ivan Koh Yew Beng and Janet Low Wai Choo were each fined SGD \$450 (USD \$323) and face four days of imprisonment if they do not pay the fine. Two others previously pled guilty to related charges and paid fines.

Amnesty International believes the prosecution of Han Hui Hui may be politically motivated. According to Singaporean law, as Han Hui Hui's fine exceeds SGD \$2,000 (USD \$1,438), she will be barred from running for office for the next five years, including the general elections in 2020.

Han Hui Hui, her co-accused and her legal counsels have faced various forms of threats harassment and intimidation following the demonstration. They have also not been provided with any form of legal representation or legal aid and have represented themselves in the Singapore State Court. Their previous lawyer, M. Ravi, was unable to represent them after his licence to practice law was revoked. Amnesty International is concerned that the revocation of his licence may be politically motivated.

Under international law, states must put into place adequate protection mechanisms and procedures to ensure that the freedom of expression and assembly are accessible and practically enjoyed by all. The right to freedom of expression and assembly can only be restricted by law and for certain specified purposes, such as protecting national security, public safety or public order. All restrictions must be necessary for and proportionate to the intended purpose.

The Singapore Constitution provides for the right to peaceful assembly but allows the state extensive powers to impose restrictions on it. Currently, broad restrictions are in place to protect interests of security, public order or morality and prevent against contempt of court, which render the rights to assembly and expression illusory.

Amnesty International calls for the convictions and fines of Han Hui Hui, Ivan Koh Yew Beng and Janet Low Wai Choo to be overturned as they are based on the exercise of their rights to the freedom of expression and assembly. The organisation is also calling for the repeal or amendment of all legal provisions that unjustifiably restrict the rights to freedom of expression and assembly, including section 142 of the Penal Code and section 290 of the Public Nuisance Act. Additionally, the Singapore government should take all necessary steps to end the intimidation and judicial harassment of government critics in the country.

Background

On 27 October 2014, activist Han Hui Hui along with blogger Roy Ngerng Yi Ling, Janet Low Wai Choo, Chua Siew Leng, Goh Aik Huat and Ivan Koh Yew Beng were charged for public nuisance. Han Hui Hui and Roy Ngerng were then additionally charged with allegedly organizing a demonstration without approval.

On October 7 2015, Roy Ngerng pleaded guilty to the charges against him and was fined S\$1,900. Goh Aik Huat was then granted a discharge not amounting to an acquittal on 23 October 2015 when he made a public apology in court. He was released with a 'conditional warning'. Chua Siew Leng pleaded guilty as well.

Political activists, bloggers and the LGBTI community have faced reprisals for the legitimate exercise of the rights to freedom of expression, peaceful assembly and association in Singapore which has created a chilling effect on free speech. Full, practical enjoyment of the right to freedom of expression and peaceful assembly is hampered by many restrictions, including the Newspaper and Printing Presses Act, which heavily regulates the media. These restrictions promote self-censorship and the persecution and harassment of activists and citizen journalists.

Bloggers in particular, have faced reprisals for the legitimate exercise of their right to freedom of expression. On 1 June 2016, bloggers Teo Soh Long and Roy Ngerng were subjected to hours of criminal investigation and had personal electronic equipment seized after making Facebook posts concerning a by-election 'cooling off' day, which prohibits campaigning on the eve of elections. Amnesty International has also raised concerns about the prosecution of 17 year old blogger Amos Yee.