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Singapore: Drop charges against peaceful activists and politician

Amnesty International calls on the Singapore government to drop contempt charges against peaceful activist, Jolovan Wham and politician John Tan following a hearing at the High Court on 17 July 2018. The charges against both individuals are the first use of the Administration of Justice (Protection) Act to suppress freedom of expression. Charges have also been brought against local artist and activist Seelan Palay for a peaceful protest he staged outside Parliament, further evidence of the country's ongoing crackdown on dissent.

On 11 May 2018, the Attorney-General's Chambers of Singapore (AGC) charged two activists, Jolovan Wham and John Tan, for "scandalising the judiciary". Jolovan Wham, a human rights activist was charged for his Facebook post on April 27, 2018 stating that "Malaysia's judges are more independent than Singapore's for cases with political implications." Senior member of opposition Singapore Democratic Party (SDP) John Tan faced the same charge for expressing the opinion on his Facebook page that Wham's prosecution "only confirms that what he said is true." The charges are the first of their kind under the new Administration of Justice (Protection) Act, which came into effect in October 2017. Amnesty International previously expressed concern that the Act would be used to criminalise people for criticising the courts or the administration of justice in Singapore, under the guise of protecting the judicial system.

On 17 May, the AGC charged Seelan Palay, a local artist, for his involvement in a public procession on 1 October 2017. The procession featured a political art piece titled '32 years: The Interrogation of a mirror'. The art piece commemorated 32 years of detention without trial of former elected Member of Parliament, Chia Thye Poh. Palay obtained a permit for this protest, and walked from Hong Lim Park to Parliament with his art, wherein the police sought to remove him. Police alleged that Palay did not specify in his permit request his intention to move from the park to outside Parliament. He was deemed to have committed an offence under Section 7 of the Public Order Act.

The charges against the three individuals take place in a climate where activists regularly face harassment, investigation and charges for no other reason than the peaceful expression of their views, and for organising peaceful gatherings. While international human rights law allows for the exercise of the rights to freedom of expression, association and peaceful assembly to be subject to some restrictions, any such restrictions must be narrowly and precisely defined. They must be, first, provided by law; second, placed for the purpose of protecting certain public interests (national security or public safety, public order, protection of public health or morals) or the rights and freedoms of others; and, third, demonstrably necessary for that purpose. Any restrictions imposed which do not meet all elements of this "three-part test" constitute a violation of these rights. The charges against the three activists mean that the Singapore authorities have clearly failed this test.

Amnesty International calls on Singapore authorities to end all criminal proceedings against the three activists, and amend the Administration of Justice (Protection) Act to ensure that the

human rights to freedom of expression and peaceful assembly are enjoyed by all and not subject to arbitrary restrictions.

Background

The charges against Wham and Tan were brought under the contempt laws that took effect under the Administration of Justice (Protection) Act 2016, in October 2017.

The Act includes a procedural mechanism that deals with publications deemed contemptuous in the social media age – and imposes punishments of fines up to \$100,000 SGD and or imprisonment for up to three years.

Amnesty International is concerned that the law will bar human rights defenders and civil society from discussing any judicial proceeding, including cases of public interest and crucial importance to the enhancement of human rights in the country.