



SINGAPORE: CIVIL, POLITICAL RIGHTS DIMINISH FURTHER

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC
REVIEW, 38TH SESSION OF THE UPR WORKING GROUP, 3-14 MAY 2021

AMNESTY
INTERNATIONAL



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CONTENTS

INTRODUCTION	4
FOLLOW UP TO THE PREVIOUS REVIEW	4
THE NATIONAL HUMAN RIGHTS FRAMEWORK	5
THE HUMAN RIGHTS SITUATION ON THE GROUND	6
THE DEATH PENALTY	6
FREEDOM OF EXPRESSION	8
FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY	10
RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW	11

INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Singapore in May 2021. In it, Amnesty International evaluates the implementation of recommendations made to Singapore in its previous UPR, including in relation to the death penalty, the rights to freedom of expression, peaceful assembly and association, and combatting the trafficking of women and girls.

It also assesses the national human rights framework with regard to the ratification of core human rights treaties, the absence of a National Human Rights Institution and legislation governing peaceful assembly.

With regard to the human rights situation on the ground, Amnesty International raises concern about the use of the death penalty, and the rights to freedom of expression and freedom of assembly.

FOLLOW UP TO THE PREVIOUS REVIEW

Singapore received a total of 236 recommendations during its review in 2016. Of these it accepted, in full or partially, 125 recommendations, and rejected 111 recommendations. Despite receiving numerous recommendations to repeal or restrict the death penalty¹ and to end the use of corporal punishment,² the government regrettably rejected all of them.

In its previous review, Singapore accepted recommendations to ensure the rights to freedom of expression, peaceful assembly and association, including online, and consider legislation to guarantee these rights.³ However, the government has continued to prosecute human rights defenders and critics for organizing peaceful meetings and criticizing authorities. It has also enacted or amended several laws which have been used to further restrict these rights.

In a positive step, in 2019, the government increased penalties for the trafficking of women and girls, making good on its acceptance of recommendations to strengthen measures to combat trafficking in 2016.⁴ Those found guilty of trafficking could face a jail term of up to

¹ Report of the Working Group on the Universal Periodic Review, Singapore, A/HRC/32/17, recommendations 166.156-168 (Spain, Netherlands, Sierra Leone, Slovenia, Finland, Holy See, Honduras, South Africa, Spain, Norway, Portugal, Switzerland, France, Italy, Mexico, Panama, Argentina, Germany, Chile, Greece, Ireland, Namibia, Uruguay, Paraguay, New Zealand)

² Report of the Working Group on the Universal Periodic Review, Singapore, A/HRC/32/17, recommendations 166.169 - 172 (Germany, France, New Zealand, Lebanon)

³ Report of the Working Group on the Universal Periodic Review, Singapore, A/HRC/32/17, recommendations 166.89, 166.91, 166.201, 166.202 and 166.203 (Costa Rica, Mexico, France, New Zealand, Jamaica)

⁴ Report of the Working Group on the Universal Periodic Review, Singapore, A/HRC/32/17, recommendations 166.178, 166.179, 166.180, 166.181, 166.182, 166.183, 166.184, 166.185, 166.186, 166.187, 166.188, 166.189 and 166.190 (Qatar, Serbia, Spain, Sri Lanka, Turkey, Bahamas, Cuba, Egypt, Fiji, Holy See, Honduras, Islamic Republic of Iran, Lebanon)

seven years and a maximum fine of S\$100,000 (\$70,000 USD) – a ten-fold increase compared to previous penalties. Unfortunately, less progress has been made on ensuring the protection of victims of trafficking, which were recommendations accepted by the government in 2016.⁵

THE NATIONAL HUMAN RIGHTS FRAMEWORK

To date, Singapore has ratified only four core human rights treaties. Its low ratification record is an indication of its reluctance to align national legislation with international human rights law. However, in 2017, the government ratified the UN Convention on the Elimination of all forms of Racial Discrimination.⁶

Singapore does not have a National Human Rights Institution or other national body with a human rights mandate, and at its previous review merely noted recommendations to establish one.⁷

In April 2017, amendments to the Public Order Act, which imposes further restrictions on organizers of public events, were passed into law.⁸ The Act has since been used to crackdown on peaceful assemblies. The Administration of Justice (Protection) Act (AJPA), which came into effect in October 2017, has also been used to target human rights defenders and other individuals for criticizing the courts or the administration of justice.⁹ In 2019, the Protection from Online Falsehoods and Manipulation Act (POFMA), came into force, giving the authorities even more excessive and overly broad powers to clamp down on dissenting views online.¹⁰

⁵ Women continued to face arrest and deportation for engaging in sex work. See for example, Amnesty International, *Human Rights in Asia-Pacific: Review of 2019 - Singapore*, 29 January 2019, <https://www.amnesty.org/en/documents/asa01/1354/2020/en/>; *Stakeholders report by sex workers in Singapore*, UN Doc CEDAW/C/SGP/CO/6, 2017, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/INT_CEDAW_NGO_SGP_29070_E.pdf

⁶ In its second review, Singapore rejected recommendations to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, among others. Report of the Working Group on the Universal Periodic Review, Singapore, A/HRC/32/17 recommendations 166.1-56 (apart from 166.5, in which it accepted to sign and ratify treaties accepted in its previous review)

⁷ Report of the Working Group on the Universal Periodic Review, Singapore, A/HRC/32/17 recommendations 166.57, 166.100-104 (Greece, Poland, Timor Leste, Malaysia, Republic of Korea, Uganda, Costa Rica)

⁸ Punishments under the regulations include a fine of up to S\$20,000 (USD14,297), imprisonment for up to a year, or both. Permit applications can be rejected if the gathering is for a “political purpose” or is attended, organized or funded by foreign nationals.

⁹ Punishment for contempt of court offences include up to three years’ imprisonment and fines of up to S\$100,000 (US\$70,000).

¹⁰ POFMA provides for severe criminal penalties, including up to 10 years’ imprisonment, for anyone found guilty of breaking the law. It also requires social media companies such as Facebook to remove content or display prominent corrections at the government’s direction on their platforms, or face fines of up to SGD 1 million (US\$730,000). Amnesty International, *Singapore: Chilling fake news law will ‘rule the news feed’*, 8 May 2019 <https://www.amnesty.org/en/latest/news/2019/05/singapore-chilling-fake-news-law-will-rule-the-news-feed/>

THE HUMAN RIGHTS SITUATION ON THE GROUND

THE DEATH PENALTY

The death penalty continues to be retained as the mandatory punishment for several offences, including drug trafficking, murder and discharge of firearms with intent to kill or harm in certain circumstances.¹¹ Amnesty International opposes the death penalty in all cases without exception.

In recent years the death penalty has been imposed mainly for murder and drug-related offences, including possession of controlled drugs above certain amounts. More than two-thirds of the 39 executions carried out in the past ten years (2010-2019) were drug-related (30). The use of the death penalty for crimes that do not meet the threshold of the “most serious crimes”, as well as the imposition of mandatory death sentences, is prohibited under international law.¹²

The mandatory death penalty continues to be imposed in the majority of cases, and the death penalty remains imposed in murder cases even when judicial discretion is available; and for the trafficking of relatively low amounts of prohibited substances, meaning that many of those being sentenced to death were holding low-ranking positions in drug trafficking chains.¹³

The authorities do not provide public notification of scheduled executions and only publish figures of executions carried out by offence. On rare occasions they provide detailed information about prisoners’ names, offences they were executed for and dates of the executions. International standards require that in countries which have not yet abolished the death penalty, authorities must ensure that disaggregated data on its use is made publicly available and that prisoners under sentence of death and their families are given reasonable notice ahead of a scheduled execution.¹⁴ The notification period should be sufficient to allow the prisoner to take any further recourse that may be available at the national or international level. In Singapore, this is typically a week in the case of Singaporean nationals, and two weeks for foreign nationals.

¹¹ The death penalty can be imposed under the Armed Forces Act, section 15 for mutiny if committed in the face of the enemy or it involved the use of violence and section 112(1), for murder of other offences under any written law had he been convicted by a civil court for such other offence; under the Arms Offences Act, sections 4 and 5, for using or attempting to use any weapon, or using or attempting to use any weapon while committing or attempting to commit another offence, or for accomplices that do not prevent the use of weapons; under the Misuse of Drugs Act, section 33, for trafficking prohibited substances above specified amounts if certain conditions are not met; under Terrorism (Suppression of Bombings) Act, section 3(1) for intentionally and without lawful excuse delivering, placing, discharging or detonating an explosive or other lethal device with intent to cause death or serious bodily injury and death is caused; and under the Penal Code, for murder committed with an intention to kill (section 300(a)), committing or attempting to commit murder while carrying out piracy (s.130(b)), killing of a person while committing genocide (s.130(e)).

¹² See, for example, UN Human Rights Council resolution 30/5 of 1 October 2015.

¹³ According to judgements analyzed by Amnesty International between 2013 and 2017, figures paint a picture in which the death sentence does not appear to be reserved as a “quite exceptional measure”, as required under international law and standards. Between 2013 and 2017, 40 out of 93 cases of people tried and convicted of capital offences involving murder or drug trafficking, or who were resentenced under the revised laws, resulted in death sentences while 38 people, or 41%, were spared the death penalty. Twenty-seven of the 82 men escaped the gallows, while 9 of the 10 women did so. Amnesty International, *Cooperate or die: Singapore’s flawed reforms to the mandatory death penalty*, 24 October 2017, <https://www.amnesty.org/en/documents/act50/7158/2017/en/>, p.6

¹⁴ See, for example, UN General Assembly resolution 173/75 of 17 December 2018; UN Human Rights Council resolution 30/5 of 1 October 2015. Human Rights Committee, *Pratt and Morgan v Jamaica*, Communications No. 210/1986 and 225/1987, UN Doc. Supp. No. 40 (A/44/40) at 222, 6 April 1989

In 2013, legislative amendments to the Penal Code and Misuse of Drugs Act introduced some sentencing discretion in certain circumstances of the offences of intentional murder and drug trafficking. Of particular concern is the requirement, for those found guilty of drug trafficking or importing prohibitive substances over certain amounts, to prove, on a balance of probabilities, that their involvement in the offence was restricted to that of a “courier”; and to obtain a “certificate of substantive assistance” from the prosecution to show that they had rendered assistance to the Central Narcotics Bureau in disrupting drug trafficking activities. Only when both these conditions are met, can a judge exercise discretion to either impose the death penalty or life imprisonment and 15 strokes of the cane.

Requiring a “certificate of substantive assistance” from the prosecutor before the judge can exercise discretion whether or not to impose the death penalty violates the right to a fair trial as it places life and death decisions in the hands of the prosecutor who is neither a judge nor a neutral party in the case. If the prosecution does not provide a “certificate of substantive assistance”, the court must sentence the accused to death.¹⁵ In addition, those who are alleged as the “couriers” are more likely lower in the drug trafficking hierarchy, and therefore less likely to be capable of providing meaningful “assistance” to the Central Narcotics Bureau and consequently, more likely to face execution.¹⁶

The authorities continue to target human rights defenders and individuals who publicly criticize and challenge the imposition of the death penalty. In 2018, amendments to the Criminal Procedure Code came into force, restricting the grounds on which people can appeal to the courts after their conviction and sentence become final.¹⁷ While regulation of post-conviction appeal is common in other national and international criminal justice systems to allow review of convictions and sentences, the evidentiary threshold that must be met in Singapore for these is higher than in other countries and only pertains to the probability of miscarriages of justice and not, for example, to manifestly excessive punishments.¹⁸ This, coupled with the possibility for the relevant court to order the applicant to pay costs should it deem the review application “frivolous or vexatious or otherwise an abuse of the process of the relevant court,” has had the result of limiting the possibility for appeals in death penalty cases, even when executions are imminent.¹⁹

In 2017, lawyer Eugene Thuraingam who acted as counsel for several death row prisoners was fined SG\$6,000 (US\$4,400). The High Court convicted him of making statements that were in contempt of court in a Facebook post hours before one of the prisoners he represented was executed for drug trafficking on 19 May 2017.²⁰ The Attorney General’s Chambers has also increasingly threatened Malaysian lawyers representing Malaysian death row prisoners in Singapore who have been critical of the government.²¹

¹⁵ See, for example, Amnesty International, *Cooperate or die: Singapore’s flawed reforms to the mandatory death penalty*, 24 October 2017, <https://www.amnesty.org/en/documents/act50/7158/2017/en/>

¹⁶ Amnesty International found that between 2013 and 2017, 34 out of 51 people (32 men and 2 women) were sentenced to the mandatory death penalty for drug trafficking, as they did not meet both or either requirements necessary to qualify for discretionary sentencing. For more information, see: Amnesty International, *Cooperate or die: Singapore’s flawed reforms to the mandatory death penalty*, 24 October 2017, <https://www.amnesty.org/en/documents/act50/7158/2017/en/>

¹⁷ Criminal Justice Reform Act, Act 19 of 2018.

¹⁸ The Online Citizen, *Criminal defamation suit: Lawyer M Ravi asking for costs order to be made against Public Prosecutor*, 6 April 2020 <https://www.onlinecitizenasia.com/2020/04/05/criminal-defamation-suit-lawyer-m-ravi-asking-for-costs-order-to-be-made-against-public-prosecutor/>

¹⁹ The Online Citizen, *Criminal defamation suit: Lawyer M Ravi asking for costs order to be made against Public Prosecutor*, 6 April 2020, <https://www.onlinecitizenasia.com/2020/04/05/criminal-defamation-suit-lawyer-m-ravi-asking-for-costs-order-to-be-made-against-public-prosecutor/>

²⁰ Straits Times, *Lawyer fined \$6k for contempt of court*, Straits Times, 8 August 2017, <http://www.straitstimes.com/singapore/courts-crime/lawyer-fined-6k-for-contempt-of-court>

²¹ Amnesty International, *Human Rights in Asia-Pacific: Review of 2019 - Singapore*, 29 January 2019, <https://www.amnesty.org/en/documents/asa01/1354/2020/en/>

FREEDOM OF EXPRESSION

Freedom of expression continues to be curtailed using repressive laws. Political activists, human rights defenders and government critics face targeted prosecution and other reprisals for the exercise of their right to freedom of expression.

The few independent media outlets in the country have been subjected to ongoing harassment by authorities. The Online Citizen (TOC) has repeatedly been hit with criminal charges for content on its website. In 2018, the Attorney General's Chamber charged TOC's editor Terry Xu with criminal defamation for publishing an article in September 2018 that linked the government to corruption allegations.²² If convicted, Xu faces a maximum sentence of two years' imprisonment or a fine, or both. The author of the article, Daniel Augustin De Costa, faces the same charge, as well as a further charge of "unauthorized access to computer material" under the Computer Misuse Act.²³ A pre-trial hearing was held on the case in June 2020, following several legal challenges brought by Xu and de Costa to try to have the charges dismissed.²⁴

In December 2018, Prime Minister Lee Hsien Loong filed criminal defamation charges against blogger and political activist Leong Sze Hian, after he shared an article on his Facebook page, which alleged that the Prime Minister had links to the Malaysian 1MDB financial scandal.²⁵ The trial remains ongoing.²⁶

In 2019, human rights defender Jolovan Wham and John Tan, a senior member of the Singapore Democratic Party, were convicted under the Administration of Justice (Prevention) Act (AJPA) for "scandalising the judiciary." Wham was convicted for his Facebook post in 2018 stating that "Malaysia's judges are more independent than Singapore's for cases with political implications." In 2020, Wham served a one week jail term in lieu of a fine of SG\$5,000 (US\$3,500) after his appeal was rejected. Tan was convicted of the same offence and paid a fine of SG\$5000 (US\$3,500) for posting on his Facebook page that Wham's prosecution "only confirms that what he said is true" and was prevented from running in elections for five years.²⁷

In 2020, police conducted raids of both the office of human rights lawyer M Ravi and the home of Terry Xu, editor of independent media outlet The Online Citizen (TOC). Both M Ravi and Terry Xu were placed under investigation for contempt of court under the AJPA for an article on TOC's website about the case of Mohan Rajangam, a client of M Ravi, and how he challenged the legality of Rajangam's extradition from Malaysia in 2015.²⁸

²² Amnesty International, *Singapore: Government must end harassment of online news platform targeted over critical article*, 21 November 2018, <https://www.amnesty.org/en/latest/news/2018/11/singapore-government-must-end-harassment-of-online-news-platform-targeted-over-critical-article/>

²³ Amnesty International, *Singapore: Joint Statement on the Sentencing of Human Rights Defender Jolovan Wham*, 22 February 2019 <https://www.amnesty.org/en/documents/asa36/9895/2019/en/>

²⁴ Straits Times, *Man loses third bid to mount constitutional challenge*, 3 June 2020,

<https://www.straitstimes.com/singapore/courts-crime/toc-case-man-loses-3rd-bid-to-mount-constitutional-challenge>

²⁵ Amnesty International, *Singapore: Government must end harassment of online news platform targeted over critical article*, 21 November 2018, <https://www.amnesty.org/en/latest/news/2018/11/singapore-government-must-end-harassment-of-online-news-platform-targeted-over-critical-article/>. Criminal defamation has been used to great effect to silence critics, in particular those who allege the Prime Minister's involvement in the mispending of public funds. For example, In December 2015, Blogger Roy Ngerng was ordered by the High Court on Thursday to pay Prime Minister Lee Hsien Loong \$150,000 for defamation, after he suggested that he had misappropriated money paid by citizens to a state-administered pension fund.

²⁶ Straits Times, *PM Lee's libel suit adjourned after Leong Sze Hian decides not to take the witness stand*, 7 October 2020 <https://www.straitstimes.com/singapore/politics/pm-lees-libel-suit-adjourned-after-leong-sze-hian-decides-not-to-take-the-witness>

²⁷ TODAY News, *SDP's John Tan cannot run in upcoming General Election, High Court rules*, 6 November 2019 https://www.todayonline.com/singapore/sdps-john-tan-cannot-run-upcoming-general-election-high-court-rules?cid=h3_referral_inarticlelinks_03092019_todayonline

²⁸ Amnesty International, *Singapore: Drop investigations under abusive contempt of court law*, 25 March 2020 <https://www.amnesty.org/en/documents/asa36/2034/2020/en/>

Also in 2020, Li Shengwu, who is a nephew of Prime Minister Lee Hsien Loong, was convicted of contempt of court and ordered to pay a fine of SG\$15,000 (US\$11,000) or one week imprisonment for posting on his Facebook page an allegation that the government was “highly litigious” and that the courts were “pliant.”²⁹ His post was linked to a dispute between the Prime Minister and his family over his fathers’ (former Prime Minister Lee Kuan Yew’s) housing estate.

In the aftermath of the general elections held in July 2020, Singapore’s Elections Department filed a police report against independent online media outlet New Naratif for “illegal conduct of election activity” in September 2020. New Naratif was accused of publishing five unauthorised paid advertisements on Facebook, and investigated under the Parliamentary Elections Act. New Naratif regularly publishes articles critical of the government. The police seized the laptop of PJ Thum, New Naratif’s founder and Managing Director after he reported to the police station for questioning. The police’s investigation remains ongoing.³⁰ Authorities previously investigated political activists Roy Ngeng and Teo Soh Lung for breaching election regulations on Facebook ahead of previous elections in 2016.³¹

The Protection of Online Falsehoods and Manipulation Bill (POFMA) has been repeatedly used by authorities to target critics and political opponents.³² Of particular concern is the law’s lack of clear definition of what constitutes a falsehood. The law provides for severe criminal penalties of up to 10 years’ imprisonment, and requires social media companies, such as Facebook, to remove content or display prominent corrections on their platforms at the government’s direction, or face fines of up to SGD 1 million (US\$730,000).³³

Many human rights groups, including Amnesty International, expressed fears that the law would be used to target government critics.³⁴ These fears were confirmed when government ministers issued multiple correction directions under POFMA for posts on social media within the first two months of the law’s enactment in 2019.³⁵ These correction directions were issued against Facebook posts made by critics of the ruling People’s Action Party. Social media companies such as Facebook have expressed concerns over being forced to comply with POFMA orders, including the blocking of the pages of independent website States Times Review.³⁶ In September, the Court of Appeals reserved judgement on the first legal challenges to POFMA, brought by the Singapore Democratic Party and The Online Citizen.³⁷

²⁹South China Morning Post (AFP), *Singapore PM’s nephew Li Shengwu to pay contempt of court fine but won’t admit guilt*, 11 August 2020 <https://www.scmp.com/news/asia/southeast-asia/article/3096875/singapore-pms-nephew-li-shengwu-pay-contempt-court-fine>

³⁰ Joint statement, *Singapore: Drop police report against independent media outlet New Naratif*, 2 October 2020 <https://www.amnesty.org/en/documents/asa36/3157/2020/en/>

³¹ Amnesty International, *Singapore: Government critics, bloggers and human rights defenders penalised for speaking out*, 16 June 2016, <https://www.amnesty.org/en/documents/asa36/4216/2016/en/>

³² Channel News Asia, *POFMA Office instructed to issue correction directions to Online Citizen Asia, Facebook pages of SDP, Peoples Voice and Sin Rak Sin Party*, 4 July 2020, <https://www.channelnewsasia.com/news/singapore/pofma-office-correction-online-citizen-asia-sdp-peoples-voice-12901836>; New Naratif, *New Naratif’s response to the POFMA correction direction of 5 July 2020*, 19 July 2020 <https://newnaratif.com/journalism/new-naratifs-response-to-the-pofma-correction-direction-of-5-july-2020/>

³³ See for example information on the government’s “POFMA office” website: <https://www.pofmaoffice.gov.sg/regulations/protection-from-online-falsehoods-and-manipulation-act/>

³⁴ Amnesty International, *Singapore: Chilling fake news law will ‘rule the news feed’*, 8 May 2019, <https://www.amnesty.org/en/latest/news/2019/05/singapore-chilling-fake-news-law-will-rule-the-news-feed/>

³⁵ Ministers that issued orders included the Minister for Education, the Minister of Manpower, the Finance Minister and the Home Minister

³⁶ Amnesty International, *Singapore: Social media companies forced to cooperate with abusive fake news law*, 19 February 2020 <https://www.amnesty.org/en/latest/news/2020/02/singapore-social-media-abusive-fake-news-law/>

³⁷ TODAY News, *Court of Appeal reserves judgement on TOC, SDP’s Pofma challenges*, 17 September 2020, <https://www.todayonline.com/singapore/court-appeal-reserves-judgement-toc-sdps-pofma-challenges>

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Human rights defenders and government critics continue to be investigated and prosecuted for organizing or participating in peaceful public assemblies.

In 2016, human rights defender and political activist Han Hui Hui, and political activists Ivan Koh Yew Beng and Janet Low Wai Choo, were convicted and fined SGD \$3,100 (USD \$2,281) [Han] and SGD \$450 (USD \$323) [Beng and Choo], for organizing a peaceful protest in 2014 that called on the government to return Central Provident Fund pension savings to members. The demonstration occurred in Hong Lim Park, the only space where people can assemble and demonstrate without a police permit.³⁸

In 2017, nine individuals who held a silent protest were investigated for “assembly without a permit” under the amended Public Order Act. In addition, ten individuals were investigated for holding a peaceful vigil for death row inmate Prabakaran Srivijayan on the eve of his execution that July.³⁹

In October 2018, the State Court of Singapore convicted artist and activist Seelan Palay for carrying out an “illegal assembly” under the Public Order Act, imposing a fine of S\$2,500 (US\$1,849). Palay had stood outside Parliament in October 2017 with a piece of art commemorating Chia Thye Poh, who had been detained on politically motivated grounds.⁴⁰

Human rights defender Jolovan Wham has faced multiple charges for his role in numerous peaceful assemblies, including the silent protest and vigil for Prabakaran Srivijayan, which are pending trial.⁴¹ In 2019, Jolovan Wham was found guilty of “organising a public assembly without a permit” under the Public Order Act and sentenced to a fine of S\$3,200 (US\$2,367), or by default, 16 days in jail. In 2020, he lost his appeal and opted to serve a jail term instead of the fine. The conviction and sentence concerned an event on “Civil Disobedience and Social Movements” that Wham had organized in 2016. The event featured speakers such as Hong Kong pro-democracy activist Joshua Wong, who joined the discussion via Skype. Human rights groups

³⁸ 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. As Han Hui Hui’s fine exceeded SGD \$2,000 (USD \$1438), she was barred from running for office for the next five years, including in general elections in 2020. Amnesty International, *Singapore: Conviction of activists must be overturned*, 20 February 2017 <https://www.amnesty.org/en/documents/asa36/5746/2017/en/>

³⁹ Participants included TOC editor Terry Xu, and activist Kirsten Han. The Straits Times, *17 people under police investigation over possible illegal assembly outside Changi Prison*, 9 September 2017 <https://www.straitstimes.com/singapore/seventeen-people-under-police-investigation-over-possible-illegal-assembly-outside-changi>

⁴⁰ Amnesty International, *Singapore: Arrest of Lone Protestor Widens Crackdown on Rights Defenders*, 4 October 2017 <https://www.amnesty.org/en/documents/asa36/7225/2017/en/>

⁴¹ In 2017 for example, Jolovan Wham faced three charges under Section 7 of the Public Order Act; three charges for the refusal to sign cautioned statements under Section 180 of the Penal Code on different occasions; and one charge under Section 3 of the Vandalism Act. The three charges under Section 7 of the Public Order Act related to his alleged failure to obtain a permit for three different and distinct peaceful assemblies over the course of a year. One of the charges under Section 7 of the Public Order Act and the Vandalism Act relate to a public assembly organized by Jolovan Wham in June 2017 to commemorate the 30th Anniversary of ‘Operation Spectrum’, an event remembering those who have been arrested and detained without charge or trial under Singapore’s Internal Security Act (ISA). This protest took place on the Mass Rapid Transit (public train). Another one of the public assemblies listed among the alleged offences was a vigil held for Prabakaran Srivijayan, a Malaysian national sentenced to death and executed on 14 July 2017. Several activists were investigated by police in connection with this vigil, however Jolovan Wham is the only activist who has been charged for organizing this public assembly without a permit. The final public assembly was an event featuring Hong Kong student activist, Joshua Wong, who spoke at a forum via Skype in 2016. Amnesty International, *Singapore: Activist Faces Seven Charges for Peaceful Protest*, 29 November 2017, <https://www.amnesty.org/en/documents/asa36/7516/2017/en/>

condemned the decision as another attempt to deter Singaporeans from sharing views that are critical of the government.⁴²

In 2019, Wham was also investigated by police for another “illegal assembly” in which he posed for a photo in front of a court building and urging the government to drop defamation charges against editor Terry Xu and Daniel de Costa. In 2020, he was investigated again by police for posing outside on a street in a photo carrying a smiley face, in solidarity with two other youths who faced their own probe after taking photos with a placard on climate change.⁴³

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF SINGAPORE TO:

THE NATIONAL HUMAN RIGHTS FRAMEWORK

- Ratify international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Establish a National Human Rights Institution in line with the Paris Principles.

THE DEATH PENALTY

Pending full abolition of the death penalty:

- Establish an official moratorium on executions with a view to abolishing the death penalty.
- Bring provisions in national legislation that allow for the use of the death penalty in line with international human rights law and standards, including by removing the mandatory death penalty and restricting the scope of this punishment to intentional killing.
- Ensure rigorous compliance in all death penalty cases with international fair trial standards, including by ensuring those facing the death penalty have legal representation from the time of arrest.
- Regularly publish full and detailed information, disaggregated by gender, age, offence, nationality and ethnic background, about the use of the death penalty which can contribute to a public debate on the issue.

⁴² Joint Statement, “Singapore: Joint statement on the sentencing of human rights defender Jolovan Wham,” 22 February 2019, <https://www.amnesty.org/en/documents/asa36/9895/2019/en/>

⁴³ Coconuts Singapore, *Police summon Jolovan Wham for posing in public with smiley face*, 22 May 2020, <https://coconuts.co/singapore/news/police-summon-jolovan-wham-for-posing-in-public-with-smiley-face/>

FREEDOM OF EXPRESSION

- Amend or repeal the Sedition Act, the Administration of Justice Act, the Protection from Online Falsehoods and Manipulation Act and all other legislation that unduly restricts the right to freedom of expression to ensure that they comply with international human rights standards.
- End the intimidation and harassment of human rights defenders, social media users and government critics, including through the misuse of the criminal justice system, and ensure human rights defenders can carry out their work without fear of reprisals.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

- Revise or repeal the Public Order Act and relevant sections of the Penal Code to allow peaceful demonstrations without undue restrictions, and to guarantee the right to peaceful assembly to all people in Singapore, without discrimination.
- Repeal all laws and regulations that impose an authorization requirement prior to the holding of public demonstrations, and ensure that organizers are not penalized for the mere act of organizing peaceful assemblies.

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