



# General Assembly

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## Human Rights Council

### Nineteenth session

#### Agenda item 3

#### **Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **Letter dated 16 March 2012 from the Permanent Representative of Singapore to the United Nations addressed to the President of the Human Rights Council**

I refer to the written statement submitted by Liberal International (LI) (A/HRC/19/NGO/108), and circulated as a document of the nineteenth session of the Human Rights Council under agenda item 3. In that statement, LI again made a number of false and unfounded allegations that the Government of Singapore had previously refuted. Organizations should act responsibly and check their facts when championing a cause. For the benefit of the readers of the written statement, and in particular the esteemed members and observers of the Human Rights Council, allow me to provide the clarifications below.

LI's allegation that there are "on-going severe limitations to freedom of assembly and freedom of speech in Singapore, including media censorship in favour of the ruling party", is unfounded. The Freedoms of speech, assembly and association are constitutionally guaranteed in Singapore. As in all other democratic societies, these freedoms are not absolute. Under the Constitution of Singapore, these freedoms may only be restricted by law if it is necessary and expedient to do so in the interests of the security of Singapore or public order. As in other jurisdictions that value the rule of law, the purpose of such lawful restrictions is not to stifle free speech, assembly or association; they serve to strike a balance between actualizing these freedoms and the freedoms and rights of the public at large, to continue their lives unimpeded and unaffected by such activities.

Anyone present in Singapore during its general elections last year would not have failed to observe the aggressive campaigning and unfettered local media coverage, including of criticisms of the ruling party, and the diverse political platforms championed by the many parties participating in the elections. We are bemused by LI's allegations about Singapore's political system and that democratic forces are not free to advocate their policies.

LI's reference to "constant harassment and judicial proceedings by the Singapore authorities of Dr Chee Soon Juan" is misleading. The facts pertaining to Dr Chee's activities and his subsequent brushes with the law were comprehensively set out in my Government's response in December 2009 to the "White Paper on the Repression of Political Freedoms in Singapore: The Case of Opposition Leader Dr Chee Soon Juan" by

the law firm Amsterdam & Peroff.<sup>1</sup> We take the view that public discourse should take place at a mature, truthful and civil level. For this reason, our laws of defamation and contempt of court exist not to stifle free speech and expression, but rather to safeguard the right of free speech against abuse. This is not the approach of just Singapore, but is also found in the case law of other Commonwealth jurisdictions, including that of the United Kingdom, with which Singapore shares a similar legal heritage.

LI's allegations with respect to the Internal Security Act demonstrate a misunderstanding of the Act as well as relevant international human rights law. First, the allegation that the Act is used to secure "prolonged" incarceration of "outspoken activists" is false. All individuals currently in custody under the Act were detained for terrorism-related activities, and their identities and cases have been made public. LI should name the "outspoken activists" whom they claim are in incarceration under the Act, if such exist, and not resort to wild, general allegations without proof. Second, like other countries, Singapore recognizes that there are no easy answers in situations involving security threats, where the standard trial process is not the optimal solution. The Government of Singapore is not alone in trying to work out an appropriate response to these security issues, within the parameters permitted under international human rights law. Many countries have also enacted tough legislations outside the standard legal process to deal with the scourge of terrorism. Similarly, Singapore's Internal Security Act is part of a comprehensive, institutionalized legal framework that is required to deal effectively with terrorism and all forms of violent extremism. There are safeguards in the framework, including the examination of every detention case by an Advisory Board chaired by a judge of the Supreme Court, and powers for the President of Singapore to veto the continued detention of an individual.

On Dr Chee's "travel ban", LI omitted the fact that his ability to travel overseas is restricted only because he is an undischarged bankrupt. Under Singapore's bankruptcy laws, all undischarged bankrupts, and not just Dr Chee, are required to seek permission from the Official Assignee to travel overseas. Like any other undischarged bankrupt, Dr Chee may apply for permission to travel. Such applications will be considered if the bankrupt cooperates with the Official Assignee by making, among other things, regular instalment payments towards discharging his or her debts. Dr Chee has, thus far, failed to make any contribution to his estate in bankruptcy. Despite this, in 2009, Dr Chee was allowed to travel overseas on compassionate grounds to visit his terminally ill father-in-law in Taiwan.

(signed) Tan Yee Woan

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<sup>1</sup> Available from <http://app2.mlaw.gov.sg/News/tabid/204/Default.aspx?ItemId=447>.