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Note No. 023/14

The Permanent Mission of the Republic of Singapore to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to the communication referenced Allegation letter AL G/SO 214 (106-10) SGP 1/2014 dated 6 January 2014 from the Special Rapporteur on the human rights of migrants Mr François Crépeau to the Permanent Representative of Singapore to the United Nations, Ms Tan Yee Woan.

The Permanent Mission has the further honour to seek the assistance of the Office in transmitting the enclosed reply from Permanent Representative Tan to Mr Crépeau.

The Permanent Mission of the Republic of Singapore to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

GENEVA

3 March 2014

Special Procedures Branch  
Office of the High Commissioner for Human Rights





PERMANENT REPRESENTATIVE  
OF THE REPUBLIC OF SINGAPORE  
TO THE UNITED NATIONS

3 March 2014

Mr François Crépeau  
Special Rapporteur on the Human Rights of Migrants  
Office of the High Commissioner for Human Rights  
Palais Wilson  
Rue des Paquis 52  
CJ-12-1 Geneva

Dear Mr Crépeau,

### **ALLEGATION LETTER AL G/SO 214 (106-10) SGP 1/2014**

We refer to your letter of 6 January 2014 [Reference: AL G/SO 214 (106-10) SGP 1/2014]. Your letter refers to the riot which occurred on 8 December 2013 in Little India, Singapore and the alleged summary deportation of a group of 57 persons who were repatriated to their home countries.

In your letter, you asked for further information on the deportations which took place in relation to the Little India Riot of 8 December including whether an individual assessment was carried out in each case and if the migrant workers could appeal to have their cases reviewed. Additionally, you asked for information on the situation of 25 migrant workers who have been charged in relation to the said riot and whether investigations have been undertaken concerning the allegations of police brutality. We address these queries in turn below.

#### Facts of the Case

As you noted in your letter, the riot occurred after a fatal traffic accident in Little India. The events surrounding the riot are now the subject of an ongoing inquiry by a Committee of Inquiry ("COI") appointed by the Singapore Government. The COI was appointed on 13 December 2013 and the public hearing for the inquiry began on 19 February 2014. Upon the conclusion of the public hearing, the COI will consider the evidence presented and submit a report of its proceedings, findings and recommendations to the Minister for Home

Affairs, the appointing authority of the COI. Information on the ongoing hearing is publicly available.

In the days following the riot, the Singapore Police Force (SPF) interviewed almost 4,000 persons in relation to the riot. 420 persons were called up for further investigations. There was close examination of evidence, including forensic, video and photographic evidence as well as the accounts of witnesses and enforcement officers, to identify individuals involved in the rioting. SPF has completed its investigations, and actions have been or are being taken based on their findings. Barring any new developments, SPF does not expect to make many more arrests or repatriations related to the riot.

### Outcomes of Investigation

Following the completion of investigations, the Attorney-General's Chambers reviewed the evidence in each case and in exercise of its prosecutorial discretion, decided whether to charge or warn the individual in question, as follows:

- (a) **25** individuals actively participated in the riot, including committing egregious acts of violence, damage to property, defying police orders, or inciting others to do so. These 25 persons have been charged under the Penal Code with the offence of rioting. These 25 individuals were all offered pro bono legal assistance and representation administered by The Law Society of Singapore's Pro Bono Services Office. Most have taken up the offer while others have engaged their own legal counsel ;
- (b) Another **57** persons were individually identified through investigations as having knowingly joined or continued to participate in the riot, despite being ordered to disperse by the police. Thus, they defied police orders and impeded the riot control and emergency rescue operations. Such joining or continued participation in the riot despite the police's order to disperse constitutes an offence under the Penal Code. Warnings were issued to this group of 57 persons; and
- (c) Finally, 200 other persons were identified as being present at the scene, but their involvement was assessed to be relatively passive based on available evidence. These persons were issued with advisories and no further action will be taken against them in relation to the riot. They will

be allowed to remain and work in Singapore, so long as they continue to abide by our laws.

### **Repatriation of 57 individuals under the Immigration Act**

With respect to the 57 individuals who were warned, the Minister for Home Affairs considered each of the 57 cases individually and, in an exercise of his statutory powers under the Immigration Act, determined that each of these individuals was an “undesirable immigrant” under Section 8(3)(k) of the Immigration Act and as a consequence, each of these individuals would be a “prohibited immigrant” under Section 8(1) of the Immigration Act. The visit pass of each of these individuals was then cancelled by the Controller of Immigration under Regulation 17(a) of the Immigration Regulations and each of these individuals was repatriated by order of the Controller under Section 33(1) of the Immigration Act.

Under the Immigration Act (read with the Immigration Regulations), any person in respect of whom an order of removal has been made under Section 33(1) of the Immigration Act may appeal in writing to the Minister for Home Affairs against such order within seven days of receiving notice of such order. There were several opportunities during the deportation process for the subjects to raise such appeals or other objections. However, none of the 57 migrants raised an appeal or objection either during the cancellation of their visit passes, when notice of the order of removal was given or during visits by the Consular staff of their respective High Commissions. We would highlight that these 57 migrant workers did not suffer any sanctions or penalties, and were allowed to return to their respective home countries.

### **Allegation of Police Brutality**

You also queried whether investigations had been conducted into the allegations of police brutality by some of the migrant workers who were remanded during the investigations. Some of the accused persons alleged abuse by police investigators when they were first charged in Court. The Court then asked those who had alleged abuse to lodge an official complaint but none of the accused did so at that juncture. In spite of this, the Police’s Internal Affairs Office proactively carried out internal investigations and took statements from those who were known to have made such allegations, in view of the serious allegations made against the conduct of Police officers. It was only recently that several accused persons made official complaints through their counsel.

Investigations into these official complaints are on-going and accordingly, we are unable to comment further at this stage.


### **Status of 25 migrants facing criminal charges**

On your query regarding the other group of 25 migrant workers who were charged in relation to the riot, as of 3 March 2014, five of them (namely, Mr Chinnappa Vijayaragunatha Poopathi, Mr Singaravelu Vignesh, Mr Selvaraj Karikalan, Mr Thiagarajan Sribalamurugan and Mr Thangaiya Selvakumar) have been convicted in court for their offences. Their sentences ranged between 15 and 18 weeks imprisonment. We are unable to comment any further in respect of the remaining 20 accused persons as their cases are before the courts. Information on the charges against these 25 persons, and the outcomes of their proceedings is and will be publicly available.

Finally, let me conclude by noting that the riot of 8 December 2013 was the result of an unruly mob reacting to a fatal traffic accident. The riot was a serious incident which threatened the security and disrupted the peace of the area. It resulted in injuries to 49 officers from our enforcement agencies and damage to 23 emergency response vehicles. The deportation of these 57 migrant workers should be seen in light of their involvement in this serious incident.

I would like to reiterate that Singapore continues to respect the fundamental human rights enshrined in the UN Charter and the Universal Declaration of Human Rights. Under Singapore's immigration laws, the repatriation of foreign workers is a matter for the executive, and is subject to strict checks and balances. Singapore is not alone in having immigration laws that deal with the repatriation of foreign workers in this respect. In the present case, the rights of the 57 migrant workers who were deported were fully respected, and their repatriation was carried out in accordance with due process under our laws.

Yours sincerely



TAN Yee Woan