



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE
UNITED NATIONS | GENEVA

24 December 2015

PERMANENT REPRESENTATIVE

Mr Karim Ghezraoui
Chief a.i.
Special Procedures Branch
Office of the High Commissioner for Human Rights
Palais des Nations
CH 1211 Geneva 10

Dear Mr Ghezraoui,

I am writing in response to your letter of 30 October 2015 conveying the joint communication from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders (reference AL SGP 2/2015).

I would be most grateful if you could assist transmitting our reply (enclosed herewith) to them.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

FOO Kok Jwee
Ambassador and Permanent Representative



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Mr David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mr Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mr Michel Forst

Special Rapporteur on the situation of human rights defenders

Office of the High Commissioner for Human Rights

Palais des Nations

CH 1211 Geneva 10

Dear Mr Kaye, Mr Kiai, and Mr Forst,

We refer to your joint communication of 30 October 2015 [Reference: AL SGP 2/2015] regarding the case of Ms Han Hui Hui (“**Ms Han**”) and three other co-accused individuals in relation to an incident in Hong Lim Park that occurred on 27 September 2014.

Legal grounds for the charges brought

2. In your joint communication, you asked for information on the legal grounds for the charges brought against Ms Han and the three co-accused individuals you mention.

3. Ms Han is charged with organising a demonstration at the Speakers' Corner in Hong Lim Park on 27 September 2014 without the approval of the Commissioner of Parks and Recreation, which is an offence under Regulation 23(1)(a) read with Regulation 8(3) and punishable under Regulation 23(2)(b) of the Parks and Trees Regulations (Cap. 216, Rg 1).

4. Ms Han is also charged with committing a public nuisance in furtherance of a common intention to disrupt a YMCA event, which acts did disrupt the event and caused annoyance to the public. This is an offence punishable under Section 290 read with Section 34 of the Penal Code (Cap. 224). The other two co-accused face the same charge. The YMCA event in question was YMCA's annual charity event, involving children with disabilities and other persons.

Right to legal representation

5. Your joint communication repeated an allegation that "none of the accused has had access to legal representation during the course of the trial". This allegation is false. The facts in relation to the ongoing State Court proceedings are as follows:

- (a) From the first court date on 27 October 2014 until 6 August 2015, Ms Han and the other co-accused individuals were represented by legal counsel.
- (b) On 6 August 2015, Ms Han and the other co-accused individuals discharged their last counsel on record. We do not have information on why this decision was made. Their last counsel on record is Ms Violet Netto of M/s L.F. Violet Netto.
- (c) The State Courts then adjourned the proceedings to allow Ms Han and the other co-accused individuals to engage new legal counsel. The original trial dates of 12 to 14, 19 and 20 August 2015 were also vacated.
- (d) On 1 September 2015, Ms Han and the other co-accused individuals informed the State Courts that they wished to defend themselves in person without the assistance of legal counsel.

Additional information

6. Your joint communication states the allegation that Ms Han received two letters requesting her appearance in court on 23 September 2015 and on 6 October 2015 respectively “for the commencement of her trial”. We wish to inform you that Ms Han’s trial did not and was never scheduled to commence on either of these dates. The State Courts sent two letters dated 16 September 2015 and 1 October 2015, informing all parties to the proceedings that this case had been scheduled for a pre-trial conference on 23 September 2015 and 6 October 2015 respectively. In the Singapore legal system, the pre-trial conference is a preliminary proceeding that deals with administrative matters ancillary to the trial.

7. The trial commenced on 13 October 2015. As the cases of Ms Han and the remaining two co-accused persons are still pending determination before the State Courts, it would not be appropriate for the Singapore Government to comment further on this matter at present. We will respond to the remaining points raised in your joint communication after the conclusion of the trial.

8. We reiterate that Singapore takes its international human rights obligations seriously, and respects the fundamental human rights enshrined in the Universal Declaration of Human Rights. These include the right to freedom of speech and expression and freedom of peaceful assembly, which are all constitutionally-protected rights under Singapore law. These rights, however, are not unqualified rights under either Singapore constitutional law or international human rights treaties. For example, the International Covenant on Civil and Political Rights recognises limits on these rights, including those provided by law and those necessary for the respect of the rights and reputations of others, for the protection of national security, public order or public health or morals.

Yours sincerely,



FOO Kok Jwee
Ambassador and Permanent Representative