



Note No. 243/13

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 (OHCHR) and has the honour to refer to the letter from the OHCHR dated 12 December 2013 conveying the Joint Urgent Appeal referenced UA G/SO 214 (67-17) G/SO 214 (107-9) SGP 4/2013 dated 12 December 2013 from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Mr Frank La Rue and the Special Rapporteur on the situation of human rights defenders Mrs Margaret Sekaggya 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 Frank La Rue and Mrs Margaret Sekaggya.

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

18 December 2013

Special Procedures Branch
Office of the High Commissioner for Human Rights





PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF SINGAPORE
TO THE UNITED NATIONS

18 December 2013

Mr Frank La Rue
Special Rapporteur
Promotion and protection of the right to freedom of opinion
and expression

Mrs Margaret Sekaggya
Special Rapporteur
Situation of human rights defenders

Dear Mr La Rue and Mrs Sekaggya,

Communication from Special Procedures
Joint Urgent Appeal UA G/SO 214 (67-17) G/SO 214 (107-9) SGP 4/2013

I refer to your letter dated 12 December 2013 regarding the contempt of court charge against Mr Alex Au Wai Pang (Mr Au). The Singapore Government sets out in the following, the context of the case as well as corrections and clarifications to the facts alleged in the summary of the case.

On 14 November 2013, the Attorney-General's Chambers (AGC) filed an application in the High Court to seek the Court's leave (i.e. permission) to proceed against Mr Au for contempt of court in respect of two articles published by him on his blog, yawningbread.wordpress.com.

On 27 November 2013, the High Court granted leave in respect of the article: "*377 wheels come off Supreme Court's best laid plans*", published on 5 October 2013. The court did not grant leave in respect of the second article: "*Church sacks employee and sues government – on one ground right, on another ground wrong*", published on 12 October 2013.

The article “377 Wheels Come Off Supreme Court's Best Laid Plans” by Mr Au contains allegations of wrongdoing by senior judicial officers. These allegations severely undermine their standing, and the authority of the judiciary as a whole. The hearing to determine whether the article is in contempt of court will be open to the public, and Mr Au will have every opportunity to rebut the charge against him.

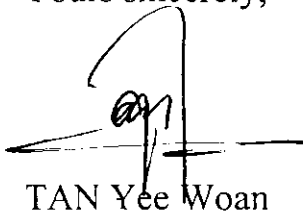
The AGC has filed an application in respect of the second article to the Court of Appeal, seeking leave to proceed against Mr Au for contempt of court. It is in the public interest that the law in this area is clear, so that there is clarity on what material is, and what material is not, in contempt of court.

Mr Au had previously scandalised the court in the article “Woffles Wu case hits a nerve” which he posted on the same website on 18 June 2012. On that occasion, legal action was not taken against him after he withdrew the article, apologised and undertook that “[he would] not in future put up any post to the same or similar effect”.

As the legal proceedings against Mr Au are pending, it would be inappropriate for the Singapore Government to comment further on the specific details of Mr Au’s case.

Singapore respects the fundamental human rights enshrined in the Universal Declaration of Human Rights (UDHR), including the right to freedom of opinion and expression. The UDHR recognises that individual rights must be subject to legal limits in order to protect the rights of others. In this case, Mr Au’s right to freedom of opinion and expression has to be subject to legal limits in order to protect the competing interest of safeguarding society’s confidence in the administration of justice and the judiciary.

Yours sincerely,



TAN Yee Woan