



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE  
UNITED NATIONS | GENEVA

7 March 2018

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

Mr Michel Forst  
Special Rapporteur on the situation of human rights defenders

Dear Mr Kaye & Mr Forst,

I refer to your letter dated 22 December 2017 [Ref: aps] to my Minister for Foreign Affairs on the criminal prosecution of Mr Jolovan Wham. As Wham's case is still before the courts, we can respond to many of the points raised in your joint communication only after the conclusion of the trial. In the interim, I would like to clarify the legal charges against Wham, and the basis upon which Wham was required to surrender his passport.

Information on Charges against Wham

Singapore's legislation and law enforcement measures are in full conformity with our international law obligations, and are applied equally to all individuals and groups. Cases before the courts are adjudicated upon by an independent judiciary. Following investigations, Wham was charged in Court on 29 November 2017 as follows:

- (a) One charge for having, on 26 November 2016, allegedly organised a public assembly at The AGORA, in respect of which no permit under Section 7 of the Public Order Act ("the POA") had been granted, which is an offence punishable under Section 16(1)(a) of the POA.

(b) One charge for having, on 3 June 2017, allegedly organised a public assembly on Mass Rapid Transit (“MRT”) trains, in respect of which no permit under Section 7 of the POA had been granted, which is an offence punishable under Section 16(1)(a) of the POA.

(c) One charge for having, on 13 July 2017, allegedly organised a public assembly in the vicinity of a bus stop along Upper Changi Road North outside Changi Prison Complex, in respect of which no permit under Section 7 of the POA had been granted, which is an offence punishable under Section 16(1)(a) of the POA.

(d) One charge for having, on 3 June 2017, allegedly committed an act of vandalism by affixing two sheets of A4-sized paper on a panel of an MRT train, which is an offence punishable under Section 3 of the Vandalism Act.

(e) Three charges for having, on 20 December 2016, 19 June 2017, and 13 September 2017 respectively, allegedly refused to sign a statement made by him when required by a public servant legally competent to require him to sign the statement, which is an offence under Section 180 of the Penal Code (“the Penal Code”).

Regarding the information that you received on an event that took place on 13 November 2016, Wham has not been charged for any offence under the National Emblems (Control of Display) Act. Following investigations, he received a stern warning in lieu of prosecution for the offences of allowing the Singapore flag to touch the ground under Rule 4(2) read with Rule 14(4) of the Singapore Arms and Flag and National Anthem Rules, displaying national emblems in public under Section 3 read with Section 8 of the National Emblems (Control of Display) Act, and refusing to sign a statement made by him, when required by a public servant legally competent to require him to sign the statement, under Section 180 of the Penal Code.

#### Legal Basis for Wham’s Surrender of Passport

On 28 November 2017, the day before he was charged, Wham was required by the police to surrender his passport, pursuant to Section 112 of the Criminal Procedure Code. After he was charged in court, one of the conditions for bail, as identified in Section 94 of the Criminal Procedure Code, was the surrender of his passport. It is possible for a person to apply to the court for the return of a passport for overseas trips, and it will then be for the court to decide on the matter.

## Freedom of Expression and Freedom of Peaceful Assembly in Singapore

Singapore fully respects the fundamental human rights enshrined in the United Nations Charter and the Universal Declaration of Human Rights. Our Constitution protects the rights to freedom of speech and expression and freedom of peaceful assembly and association. We welcome vibrant and responsible public discourse because it encourages greater civic participation. To describe Singapore as having an “increasingly hostile environment for civil society”, a “broader pattern of restrictions on civil society space”, and “increasing[ly] shrinking ... civil society space”, would be unfounded. In fact, in recent years, we have seen vigorous debates on policies and politics on various platforms in Singapore, in particular on social media. In the past five years, 176 peaceful demonstrations were organised at the Speakers’ Corner in Singapore.

Nevertheless, the rights to freedom of speech, expression, peaceful assembly and association are not unqualified. As you are aware, the Universal Declaration of Human Rights recognises limits on these rights. Similarly, Singapore holds the view that these rights must be exercised responsibly in accordance with the rule of law and the context of broader societal interests, which can only be determined nationally by Singaporeans for ourselves. Our Public Order Act ensures adequate space for the individual’s rights of political expression whilst preserving public order in our multi-racial, multi-religious and densely populated small city state.

Yours *Sincerely,*



Nedyam Nitya Menon  
Charge d’Affaires a.i.  
Deputy Permanent Representative