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HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the human rights of migrants

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the human rights of migrants pursuant to Human Rights Council resolution 17/12.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning the **summary deportation of 57 migrants, 56 Indians and one Bangladeshi**.

According to the information received:

On 8 December 2013, a riot started shortly after a fatal traffic accident between a private bus and an Indian national construction worker in the area known as Little India. Approximately 400 migrants, mainly Indian nationals, were allegedly involved in the riot that continued for about two hours. At least 18 people, including law enforcement officials, were injured.

Reportedly, a total of 28 migrants were initially charged in relation to the riot. The charges against four of them were dropped. The police have identified further 53 migrants as having participated in the riot and failed to disperse despite the police orders to do so. These 53 migrants, in addition to the four whose charges had been dropped, were deported in December 2013. Additionally, they are reportedly prohibited from returning to Singapore. The decision was allegedly based on the police investigative findings only, without an opportunity for the migrants to refute these findings.

All 57 deported migrants were reportedly deemed "a threat to the safety of Singaporeans". Under the Immigration Act of Singapore, the Controller can order a foreigner to leave the country based on an assessment that the presence of the person in Singapore is unlawful. This can be done, inter alia, if the person contravened any condition stated in his or her permit.

Despite the fact that the Immigration Act allows an appeal to the Minister of Home Affairs concerning the decision of deportation, the 57 migrants were allegedly not informed of this option, or provided with an opportunity to do so. Further, the Minister is not obligated to disclose the rationale in case an appeal is denied, and is not required to assign any reason for the making of an order of removal.

There have also been allegations of police brutality by some of the migrants who were remanded during the investigations.

Concern is expressed at the summary nature of the deportation of the 57 migrants. Concern is further expressed at the reported police brutality in connection with the riot.

Without in any way implying any conclusion as to the facts of the case, I would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth *inter alia* in the Universal Declaration of Human Rights (UDHR). The UDHR further provides the right of everyone to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights.

Regarding the deportations, I would like to refer to the Declaration on the human rights of individuals who are not nationals of the country in which they live (A/RES/40/144) article 7, which states that “An alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons why he or she should not be expelled and to have the case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority.”

Moreover, since it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would greatly appreciate receiving additional details from your Excellency's Government. I would in particular appreciate to receive information on the following points:

1. Please indicate if the information above is correct.
2. Please provide further information about the deportations that took place in December 2013, including whether an individual assessment was carried out in each case, and whether those concerned were allowed to submit the reasons why he or she should not be deported, and to have the case reviewed by the competent authorities.
3. Please provide information on how the legal framework concerning the deportation of migrants was applied in this case, including the right to appeal.
4. Please indicate if investigations have been undertaken concerning the allegations of police brutality.

5. Please provide information on the situation of the 24 migrants who were charged in relation to the riot, including details on the charges against them, their current whereabouts, and the status of the legal proceedings against them.

I would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

François Crépeau
Special Rapporteur on the human rights of migrants