HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL
SGP 2/2015:

30 October 2015

Excellency,

We have the honour to address you in our capacities as 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 pursuant to Human Rights Council resolutions 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning charges brought against human rights defender and blogger Ms. Han Hui Hui.

Ms. Han Hui Hui is a human rights defender and blogger. Through her blog, she highlights issues relating to the right to health, housing and a good standard of living, as well as children's rights, and documents violations of human rights in Singapore. She organises programmes and events aimed at raising awareness of the right to freedom of expression within Singapore.

According to the information received:

On 27 September 2014, Ms. Han Hui Hui was one of the organisers of a peaceful public demonstration in Hong Lim Park, Singapore to raise awareness about alleged problems with Singapore's Central Provident Fund.

On 10 October 2014, Ms. Han was questioned by police at the Central Police Division in Cantonment in relation to the demonstration. In the course of the interrogation, which lasted approximately eight hours, Ms. Han was questioned as to her obtaining of permission to stage the protest.

On 27 October 2014, Ms. Han and five other protesters were charged with organising a demonstration without approval, and creating a public nuisance, in relation to the Hong Lim Park protest. On 20 September 2015, a letter was delivered to Ms. Han's home, requested her appearance at court on 23 September

2015 for the commencement of her trial on the above-mentioned charges. She did not attend the hearing as she was outside the country.

On 1 October 2015, Ms. Han received a second courts summons, requiring her appearance on 6 October 2015 for the commencement of her trial.

On 6 October 2015, the trial of Ms. Han and three of the other co-accused individuals began at Singapore State Court. It is alleged that none of the accused has had access to legal representation during the course of the trial. The next court date was scheduled for 24 February 2016. Pending the trial, Ms. Han is allegedly banned from organising events, attending demonstrations, using her blog or communicating about her case.

Concern is expressed at the trial of Ms. Han and her fellow protestors on charges which appear to be solely based on their efforts to promote and protect human rights and on their legitimate exercise of the rights to freedom of peaceful assembly and freedom of opinion and expression.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

2. Please provide information concerning the legal grounds for the charges brought against Ms. Han Hui Hui and her three co-accused.

3. Please indicate what steps have been taken to ensure that Ms. Han and her three co-accused's right to legal representation has been provided for in the course of their trial.

4. Please indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment, including exercising their rights to freedom of peaceful assembly and freedom of opinion and expression, without fear of threats or acts of persecution and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to refer to articles 19 and 20 of the Universal Declaration of Human Rights (UDHR).

With regards to the lack of access to legal counsel for Ms. Hui and her co-accused, we would also like to refer your Excellency's Government to the Basic Principles on the Role of lawyers, in particular principle 1 which provides for the right of access to a lawyer for everyone.

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which provides for the right to meet or assemble peacefully; and

- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.