



Asamblea General

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Consejo de Derechos Humanos

12º período de sesiones

Tema 4 de la agenda

Situaciones de derechos humanos que requieren la atención del Consejo

Nota verbal dirigida por la Misión Permanente de Singapur a la Oficina del Presidente del Consejo de Derechos Humanos

La Misión Permanente de Singapur ante la Oficina de las Naciones Unidas y otras organizaciones internacionales en Ginebra saluda atentamente a la Oficina del Presidente del Consejo de Derechos Humanos y tiene el honor de transmitir una carta del Embajador y Representante Permanente de Singapur ante la Oficina de las Naciones Unidas en Ginebra (véase el anexo)*. La Misión Permanente solicita a la Oficina que distribuya la carta como documento del 12º período de sesiones.

* La presente nota verbal se distribuye en todos los idiomas oficiales. El anexo de la nota se distribuye como se recibió, en el idioma original únicamente.

Anexo

H.E. Alex Van Meeuwen
Ambassador and Permanent Representative of Belgium
President of the Human Rights Council
United Nations
Geneva

Excellency,

I refer to the written statement submitted by Liberal International (LI), and circulated as an official document of the twelfth session of the Human Rights Council under agenda item 4 (A/HRC/12/NGO/32 dated 8 September 2009). In that statement, LI repeated certain unfounded allegations which the Singapore Government has previously refuted. However, for the benefit of the readers of A/HRC/12/NGO/32, and in particular, members and observers of the august Human Rights Council, allow me to respond to LI's statement in order to provide the following clarifications.

The freedom of speech, assembly and association is constitutionally guaranteed in Singapore. But other democratic societies also accept the basic principle that this freedom is not absolute. In particular, the law of defamation and the law relating to contempt of court are not unique to Singapore. In Singapore, as in other jurisdictions that value the rule of law, the purpose of these laws is not to stifle free speech and expression. It is to negotiate the delicate balance between actualising these freedoms and safeguarding wider public considerations. There is no international human rights norm that recognises the unfettered right to malign the reputation of others or cast aspersions on the integrity of the judiciary with impunity.

In its statement, LI reproduced a paragraph from the International Bar Association Human Rights Institute (IBAHRI) report which insinuates the "actual or apparent lack of impartiality" of the Singapore judiciary in "cases involving PAP litigants or PAP interests". This insinuation has no merit. Anyone may seek to vindicate their reputation by commencing an action in the Singapore courts if they feel that they have been defamed. Both ruling party and opposition politicians have done so. Ruling party politicians have also paid damages to opposition politicians for defamatory remarks. In every case, the accuser must prove his allegations. The courts' decisions are matters of public record. They can be analysed, and have withstood public scrutiny.

The Singapore judiciary has an outstanding international reputation and has been frequently ranked highly in many independent international surveys. In the Global Competitiveness Report 2008-2009, Singapore was ranked 15th out of 134 countries on the "independence of the judiciary from political influences", ahead of many leading developed countries. The Hong Kong-based Political & Economic Risk Consultancy Ltd (PERC) has also, since 2005, consistently ranked Singapore 2nd in Asia for the quality of its judicial system.

LI also cites a number of 2008 cases to support what it says is the Attorney-General's Chambers' "complicit role" in the "suppression of freedom of expression, assembly and procession." The Attorney-General's Chambers is an organ of the State. It is independent of the executive, legislative and judicial branches of Government. It is headed by the Attorney-General, who is neither a Minister nor a parliamentarian nor a member of the governing party. The independence of the Attorney-General is constitutionally protected. As the Public Prosecutor, the Attorney-General's duty is to uphold the rule of law and to safeguard the public interest. It is in the public interest to protect the administration of justice by bringing attacks on the integrity of the judiciary to the courts'

attention, in order that it may be decided whether appropriate sanctions should be imposed under the law relating to contempt of court. If there is such an attack, the Attorney-General's Chambers will act, regardless of political affiliation.

LI has not contextualised the cases it cites. The Attorney-General's Chambers does not institute contempt proceedings lightly. In the first case, the contemnors publicly wore identical t-shirts depicting a kangaroo dressed in judge's robes, thereby levelling the worst form of insult possible against the judicial system by calling it a kangaroo court. They did this in and around the Supreme Court building. In the second case, the contemnors accused the judge of "rubber-stamping" every application made by the other party's lawyer, and said, "Justice has been gagged, bound up, kicked, raped, quartered, and then, at the last moment, the dagger plunged right through." In the third case, the contemnor wrote that the judge "was throughout prostituting herself during the entire proceedings, by being nothing more than an employee of Mr Lee Kuan Yew and his son and carrying out their orders." Finally, the deputy editor of the *Wall Street Journal Asia* did not contest the court's finding that the three articles in question were in contempt of court.

In the case of the protest, LI omitted the fact that the activists had proceeded with their rally although their application for a permit had been considered and turned down by the Deputy Commissioner of Police. The Attorney-General's Chambers preferred charges against the activists for blatant disregard of the law.

There is no question that the Attorney-General's Chambers' exercise of prosecutorial discretion was entirely justified in all of these cases.

I request that this letter be circulated as an official document of the twelfth session of the Human Rights Council.

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

(Signed) TAN York Chor
