

Singapore: Stop harassment of human rights defender Jolovan Wham

13 December 2017

Bangkok, Thailand – The International Commission of Jurists (ICJ) today urged the Government of Singapore to end the harassment of human rights defender Jolovan Wham and to amend laws used to restrict the work of Jolovan Wham and other human rights defenders.

Jolovan Wham is to appear at a pre-trial conference on seven criminal charges today. Jolovan Wham is a well-known human rights defender in Singapore who previously worked for a group that advocates for the rights of migrant workers and plays a leading role against the death penalty and the promotion of freedom of expression.

“These charges are not only an impermissible attack on Jolovan Wham individually, but human rights work more generally in Singapore,” said Sam Zarifi, Secretary General of ICJ. “It is an unmistakable message to other human rights defenders that they may face the same harassment and intimidation if they continue their work.”

Jolovan Wham was charged in connection with facilitating a Skype conference with Hong Kong human rights defender, Joshua Wong Chi-Fung, on “civil disobedience and democracy in social change”. Other charges relate to his organizing peaceful public assemblies, allegedly without permits, to protest the death penalty and to commemorate the day when 16 individuals were arrested by Singapore authorities in 1987 and detained without trial under the country’s Internal Security Act (ISA). He was also charged for refusing to sign statements prepared by police authorities when he was taken in for investigation on 28 November 2017.

Most of the charges against Jolovan Wham were for alleged violations of Section 7 of the Public Order Act, which makes an offence the holding of a public assembly or public procession without a permit. The ICJ considers that aspects of Section 7, particularly as applied to the charges against Jolvan Wham, may serve to impermissibly restrict the exercise of the right to freedom of peaceful assembly in Singapore, which is protected under international standards.

“Singapore should immediately act to amend the Public Order Act with a view to ensuring that it is consistent with international human rights law and standards, particularly as they relate to the exercise freedoms of expression and assembly,” Zarifi said.

Under international law and standards, prior authorization of assemblies is generally inconsistent with the right to freedom of peaceful assembly, except for narrow

exceptions. The UN Special Rapporteur on the rights to freedom of peaceful assembly and association, in a 2012 report, clarified that prior authorization should generally not be necessary. At most, it should require notification that is not unduly burdensome, so as allow the authorities to facilitate the exercise of the right to peaceful assembly and to take measures to protect public safety and public order and the rights and freedoms of others.

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 (Declaration on Human Rights Defenders), emphasizes the right of human rights defenders. "to meet or assemble peacefully" and "to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms, and through these and other appropriate means, to draft public attention to those matters."

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Background:

Below is a table detailing all the charges filed on 28 November 2017 against Jolovan Wham:

1 st Charge	<ul style="list-style-type: none"> • Alleged violation of Sec. 7 of the Public Order Act, Chapter 257A, which states that "each person who organizes a public assembly or public procession in respect of which no permit has been granted under Section 7 or no such permit is in force, where permit is required by this Act shall be guilty of an offence." • On 26 November 2016, Jolovan Wham acted as a facilitator in a discussion on "civil disobedience and democracy in social change" where Joshua Wong Chi-Fung, a Hong Kong activist, gave a speech via Skype.
2 nd Charge	<ul style="list-style-type: none"> • Alleged violation of Section 180 of the Penal Code, Chapter 224, which states that "whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with imprisonment for a term which may extend to 3 months or with fine which may extend to SGD2,500 or with both. • On 20 December 2016, Jolovan was called in by police authorities for questioning and investigation regarding the 26 November 2016 activity (see 1st charge). The police instructed him to sign a statement that they prepared and

	Jolovan Wham refused.
3 rd Charge	<ul style="list-style-type: none"> Alleged violation of Sec. 7 of the Public Order Act, Chapter 257A, which states that "each person who organizes a public assembly or public procession in respect of which no permit has been granted under Section 7 or no such permit is in force, where permit is required by this Act shall be guilty of an offence." On 3 June 2017, Jolovan Wham organized a peaceful protest inside an MRT train to commemorate the 30th anniversary of "Operation Spectrum". This was the event in 1987 when sixteen (16) individuals were arrested by Singapore authorities in 1987 and detained without trial under the country's Internal Security Act (ISA).
4 th Charge	<ul style="list-style-type: none"> Alleged violation of Sec. 3 of the Vandalism Act, Chapter 341 Also on 3 June 2017, on the occasion of the peaceful protest inside an MRT train, Jolovan Wham affixed 2 sheets of A4-sized paper on a panel in the train, which said: "Marxist Conspiracy? #notodetentionwithouttrial" and "Justice for Operation Spectrum Survivors".
5 th Charge	<ul style="list-style-type: none"> Alleged violation of Section 180 of the Penal Code, Chapter 224, which states that "whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with imprisonment for a term which may extend to 3 months or with fine which may extend to SGD2,500 or with both. Following the event on the MRT train on 3 June 2017, Jolovan was called in by police authorities for questioning and investigation. They again prepared a statement for him, which he refused to sign.
6 th Charge	<ul style="list-style-type: none"> Alleged violation of Sec. 7 of the Public Order Act, Chapter 257A, which states that "each person who organizes a public assembly or public procession in respect of which no permit has been granted under Section 7 or no such permit is in force, where permit is required by this Act shall be guilty of an offence." On 13 July 2017, Jolovan Wham organized a vigil outside the Changi Prison Complex for the impending execution of Prabakaran A/L Srivijayan.
7 th Charge	<ul style="list-style-type: none"> Alleged violation of Section 180 of the Penal Code,

	<p>Chapter 224, which states that “whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with imprisonment for a term which may extend to 3 months or with fine which may extend to SGD2,500 or with both.</p> <ul style="list-style-type: none">• Following the vigil on 13 July 2017 outside the Changi Prison Complex, police authorities again called Jolovan Wham for questioning and investigation. They again prepared a statement for him, which he refused to sign.
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