

**Statement of Chee Soon Juan submitted to the High Court, Singapore
at the Bankruptcy Petition Hearing on 10 February 2006**

Background: Dr Chee Soon Juan, secretary-general of the Singapore Democratic Party, was sued in 2002 by former Singapore prime ministers Mr Lee Kuan Yew and Mr Goh Chok Tong for defamation. The courts awarded the case to the plaintiffs and ordered Dr Chee to pay \$500,000 in damages. Messrs Lee and Goh then took legal action to declare Dr Chee bankrupt. In response Dr Chee submitted this statement at the bankruptcy hearing.

After much observation and having personally gone through the judicial process, I cannot but come to the conclusion that my case has not received the justice that it is entitled to; it has been crippled right from the beginning.

First, I was denied the services of QCs when the case commenced in 2002 because according to judge Tay Yong Kwang, the matter was not “complex enough”. This is in spite of the fact that I had made known the problem that few Singaporean lawyers would act for me because this involved politics. In this regard, it is instructive to note an AP report said criminal lawyer, Mr Subhas Anandan, was happy to represent “thieves and even terror suspects – but no dissidents, please.”

The fact that the plaintiffs, Mr Lee Kuan Yew and Mr Goh Chok Tong, had engaged Senior Counsel, Mr Davinder Singh, who is seasoned in handling PAP defamation lawsuits and the fact that I had no lawyer to argue my case for me seemed to not bother the courts at all. The US-based Lawyers Committee for Human Rights commented:

Neither at the hearing, on February 7 [2003], nor in the course of his judgment, did Justice Rubin display the least concern that Dr. Chee was unrepresented. The Lawyers Committee considers that this apparent lack of concern, coupled with the considerable latitude extended to Mr. Singh in his submissions to the Court, resulted in manifest unfairness in the course of the hearing and, specifically, the denial to Dr. Chee of a fair hearing that met the international norms to which we have referred.

Second, the case was awarded to the plaintiffs through Summary Judgment, which meant that I could not call witnesses and defend myself in open court. Again, the Lawyers Committee wrote:

The Lawyers Committee considers that there appear to be triable issues in this matter, such as whether or not the words spoken by Dr. Chee were defamatory and whether there was pressure brought to bear on Dr. Chee that should render his apology and admission void for duress.

In summary, not only did I not have legal representation but I also did not get a trial. It is well-known that Singapore has detention without trial. Now it seems that we also have defamation without trial.

To be sure my case is only the latest in several that have taken place through the years. Mr J B Jeyaretnam, one who has suffered the most under this legal tyranny, has had to endure much injustice. One case which he had appealed with Mr Wong Hong Toy to the Privy Council of London in 1988 will perhaps go down in judicial infamy. The Law Lords then had concluded that both the defendants had “suffered a grievous injustice” at the hands of the Singapore Judiciary and Law Society.

Another instance was the removal of former judge Mr Michael Khoo from the bench after he had passed a lenient sentence on Mr Jeyaretnam.

Through the years Mr Jeyaretnam has been hounded and was finally made bankrupt in 2001 which made him ineligible for the 2001 elections. He looks set to also be disqualified for this coming elections.

Then there was the case of Mr Tang Liang Hong who likewise was sued for defamation and made bankrupt in 1997. If ever there was any doubt as to the partiality of Singapore’s courts, this case and all its attendant proceedings removed it. It involved a police report that Mr Tang had made during the 1997 general elections about PAP leaders. Mr Lee Kuan Yew then got hold of the report, distributed it to the media, and then proceeded to sue Mr Tang for defamation.

The above have been but a small sample of instances showing the lack of independence and fairness of our judicial system. This has prompted international organizations to comment:

“Civil defamation suits are being misused by the Executive to intimidate and deter those Singaporeans holding dissenting views.” – Amnesty International

“[Defamation lawsuits have] done little to overcome the courts’ reputation as improperly compliant to the interests of the country’s ruling People’s Action Party.” – International Commission of Jurists

“What emerges...is a government that has been willing to decimate the rule of law for the benefit of its political interests. Lawyers have been cowed to passivity, judges are kept on a short leash, and the law has been manipulated so that gaping holes exist in the system of restraints on government action toward the individual. Singapore is not a country in which individual rights have significant meaning.” – New York City Bar Association

Our own former solicitor-general, Mr. Francis Seow said, “the judiciary...contort themselves into obscene positions to favour...the government.”

The US embassy in Singapore expressed concern over “the ruling party’s use of the court system to intimidate political opponents.”

Stuart Littlemore, QC, reporting for the International Commission of Jurists wrote: “The Singapore leadership has a long-standing record of using the high court as a mechanism for silencing its opponents – by suing them for statements that, in any comparable jurisdiction, would be seen as part of a robust political debate inseparable from democratic freedoms, and by being awarded such unconscionably high damages and costs as to bankrupt the defendants, forcing them out of parliament.”

More recently, Chief Justice Yong Pung How sued his former remisier, Mr Boon Suan Ban, for defamation when Mr Boon allegedly harassed Mr Yong over some financial matters. Mr Boon was subsequently arrested and remanded at the Institute for Mental Health at the “pleasure of the President.” The papers pertaining to the case were then sealed.

In 2005, High Court Judge Mr V K Rajah ruled that a silent protest staged by four activists calling for transparency and accountability from the Singapore Government was “incendiary” and that such protests would “improperly undermine both a hard-won national dignity and a reputable international identity.” This is in spite of the fact that the Singapore Constitution clear states that only five or more persons gathered in a public area constituted an illegal assembly.

The question of the independence of Singapore’s judiciary is also the subject of a dispute between two commercial companies that is taking place presently in Ontario, Canada. The arguments of one party can be found on: http://uy.http3.net/Corrupted_Singapore_Regime_Judiciary.pdf

Through the decades opposition politicians have been, and continue to be, hounded, persecuted, and prosecuted by the PAP through the courts. All this time no one in Singapore has dared to say anything. There comes a time, however, when one must look deep into oneself and ask how much more of the persecution one has to suffer in silence. Today I have made the decision not to remain silent any more and tell you what you don’t want to hear: That the judiciary in Singapore is, sadly, not independent especially when it comes to dealing with opposition politicians.

I wish I didn’t have to do this. I wish I could say that my country’s judicial system is independent and fair. But I can’t because that would be a lie. It would be a much easier decision for me, and more importantly for my family, to walk away from this bankruptcy hearing and accept the punishment that the court has meted out. But my conscience dictates otherwise and I must take the path that in all likelihood will lead to dire consequences.

However, making this statement is a decision that I have chosen and, having made it, to accept the consequences that it brings. I hope to make this statement a start to a campaign to pry the country’s judiciary from the clutches of the PAP Government.

I may or may not succeed in my endeavour, but I would rather live my life having spoken and fought for the truth than to share it with cowardice and deceit. In my little way, I would have stood up for Singapore, my home too.

Chee Soon Juan
10 February 2006

cc

Mr Lee Kuan Yew, Mentor Minister
Mr Lee Hsien Loong, Prime Minister
Mr Goh Chok Tong, Senior Minister
Mr Yong Pung How, Chief Justice
Mr Philip Jeyaretnam, President, Law Society
Mr J B Jeyaretnam
Mr Francis Seow
Mr Tang Liang Hong
Amnesty International
Human Rights Watch
Human Rights First
Asia Human Rights Commission
International Commission of Jurists
Lawyers' Rights Watch Canada
American Bar Association
New York City Bar Association
Indonesian Bar Association
India Bar Association
Council of Asian Liberals and Democrats
Alliance for Reform and Democracy in Asia
National Endowment for Democracy (NED)
International Republican Institute (IRI)
National Democratic Institute (NDI)
Kim Campbell, President (Club de Madrid)
Korea Democracy Foundation
Taiwan Foundation for Democracy
Forum Asia
Swedish International Liberal Centre
Olof Palme Centre
Jarl Hjalmarsson Foundation

World Movement for Democracy
Community for Democracies
George Soros Foundation
International Freedom for Exchange and
Expression
Southeast Asia Press Alliance
Reporters Without Borders
Freedom House
Political and Economical Consultancy
Transparency International
Non-violent International
John McCain, Chairman (IRI)
Madeleine Albright, Chairman (NDI)
David Kilgour, MP (Canada)
Raynell Andreychuk, Senator (Canada)
Graham Watson, MEP, Leader (ELDR)
Martin Lee, QC
Stuart Littlemore, QC
David Wingfield, Council for Eternorth
US Embassy
German Embassy
Swedish Embassy
Belgium Embassy
French Embassy
Netherlands Embassy
Canadian High Commission
Australian High Commission
New Zealand High Commission
British High Commission
European Commission