

# Seeing the State: Witnessing Human Rights in Southeast Asia

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## Abstract

Southeast Asia has some of the harshest anti-drug laws in the world. In this article I will be discussing the human toll of the so-called drug wars by looking at two specific states namely, Singapore and the Philippines. By highlighting the use of the death penalty in the former and extra judicial killings in the latter, I aim to bring to the fore issues of governmentality and the use of values in the pursuit of a ‘clean’ drug free environment. I will then contrast this with the plight of those most affected by this through the works of groups documenting the human face of these wars. By doing this I state that the power of witnessing and of the individual narrative will blunt the force of statist violence perpetrated in the name of its citizens.

## Keywords

Southeast Asia, human rights, war on drugs, narratives, witnessing

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## Human Rights in Southeast Asia

In the Philippines, there is a practise during a funeral wake of placing chicks on top of the coffin pecking away at its surface feeding on seeds causing them to move around incessantly. This would seem strange to those outside of the Philippines, but since the beginning of Rodrigo Duterte’s tenure as the Republic’s president, these chicks have become the only way victims of his so-called war on drugs have to seek justice. The chick represents the hopes of the families as it symbolically pecks away at the conscience of

those responsible for the deaths of their loved ones. Just days after Duterte's inauguration, the official death toll stands at 6,000 (Johnson & Giles, 2019). However, the Philippines Commission of Human Rights as well as non-governmental organisations quote a figure five times higher. Regardless, families continue to live with this legacy of violence even as the Duterte administration faces charges of crimes against humanity (Reuters, 2022).

At the southern tip of Southeast Asia, Singapore's recent spate of executions of alleged drug dealers has given rise to heated debates within its society on the efficacy of its death penalty, bringing into light an issue long kept from the public eye. For many years, Singapore's death penalty has been a mainstay of its legal armoury, used to deter any threat which includes the illicit use and trafficking of addictive chemical substances. The death penalty and the detention-without-trial Internal Security Act amongst others have long been touted as being indispensable in maintaining law and order amongst its multi-racial population. However, given the rise and even a sense of urgency in the state's use of this form of punishment, the families of those sent to the gallows have grown more vocal, criticising the severity of the punishment, revealing to the public the trauma suffered by loved ones and the weight of the burden they carry. There are currently more than 50 prisoners on Singapore's death row awaiting their turn to the gallows.

The war waged on drugs by these two countries brings to fore the absolute power the state has over life and death. However, the legacy of these executions, is something which never surfaces, hidden beneath the veneer of protecting the people's interests. In essence, the deaths caused by the state's need to maintain a clean society is often in turn justified by what criminologists and political scientists have referred to as being 'penal populism' (Curato, 2016). This form of populism pushed by politicians is tethered to the notion of a 'securitised' society where force and violence are needed to keep it disciplined. It is founded on the idea of retribution, where threats to the wellbeing of society face the vengeful force of the state, with death being its weapon of choice. Stigmatised family members are then tarred and feathered into silence with their plight ignored by normal citizens. The complexities of their lives, the nuances, and stories are lost even as executions continue through the state's law and order narrative. But with the work of a growing cadre of activists, the state's use of punitive measures whether legal or extra-legal is now laid bare. This paper, looks at the work of archivists,

documenting and bringing to light the stories of the condemned, exposing the relationship these societies and their governments have with punishment and violence. These include human rights activists, journalists, and organisations as they document the human death toll incurred by states in their war on drugs. However, there is also a need to understand why states take such punitive measures. This paper will provide a background to the issues analysed in this paper by highlighting the notion of Asian values and a history of violence in the two states mentioned. Both elements form an important framework to understand the state's actions and reactions towards the issue of illicit drugs. This paper will also provide a brief historical description of state formation and the role it has taken in the lives of its people. The main crux of this paper however will investigate the work done by civil society groups as they navigate their often-perilous roles as archivists and witnesses. More importantly, I will be looking closely at the methodology employed by these groups to make what is invisible, visible. I state that through the use of photographs, websites and stories these groups bring about greater visibility to the burden borne by families but at the same time, they also indicate an attempt to disrupt the states' stranglehold over the meta-narrative. I posit that this is done through shifting a perspective based on the greater needs of the society to one which looks at individual humanity.

## Death Penalty as an Asian Value

In a white paper entitled 'Shared Values' elucidating the Singaporean state's national ideology, it is explicitly stated that in the grand scheme of things, society is placed below the nation while the individual occupies the lowest rung. In line with a "Confucian" interpretation of social hierarchy, the individual is beholden to the needs of nation and community. The report states that, "...many Confucian ideals are relevant to Singapore. For example, the importance of human relationships and of placing society above self are key ideas in the Shared Values" (President of the Republic of Singapore, 1991: 8). What is even more interesting, notes political scientist Sangmin Bae, is that the state places the nation at the highest point in its 'shared values' pyramid. As such the death penalty, according to Bae and its use in Singapore follows the, "...notion that cultures with Asian values prioritise the security of the community over individual rights..." and that, "...the belief that protection of the community and the rights of the individual are mutually exclusive". (Bae, 2008: 52)

Therefore, the nation and the community are given greater prominence than human and individual rights. This was foundational to the idea of an existing set of ‘values’ which made Singapore and its fellow Southeast Asian states distinct from what was opaquely referred to as the West. Political strongman Lee Kuan Yew would later expound in an interview that despite the West’s much vaunted belief in its freedoms, its governments were ineffective in providing safety and security to its citizens (Zakaria & Lee, 1994). On the other hand, Lee’s Singapore model with its ‘Asian values’ proved far superior not only in fulfilling the material needs of its people but also in creating a safe environment under the shadow of a strong state. The state’s strength, I posit, lies in its ability to both protect and preserve life but at the same time it is also bequeathed with the power of death. The lack of distinction between party, government and nation and the conflation of so-called ‘values’ into their national ideology endows Southeast Asian states such as Singapore and the Philippines great power and influence. As Achille Mbembe opines, these states are ‘sovereign’ in that, “...the ultimate expression of sovereignty resides, to a large degree in the power to dictate who may live and who must die....to exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power” (Mbembe, 2003: 11-12). The ultimate expression of sovereignty being the death penalty. But what explains the Singaporean state’s need for constant control?

Media scholar Cherian George (2000) famously described Singapore as an air-conditioned environment where, while the state ensures that its citizens remain safe, they in turn pledge loyalty and contribute to the nation’s economy. One scholar refers to this as a form of developmentalism, geared towards the material progress of the country (Kingsbury, 2017). This is seen as a matter of survival given the island nations’ lack of natural resources coupled with the size and power of countries surrounding it. Singapore’s geographical location in Southeast Asia leaves its to exist precariously as a ‘little red dot’ in the region. Given its many disadvantages, its survival ethos is premised on having as stable an environment as possible. This means that for those who go ‘out-of-bounds’ the state would then rely on a slew of measures to ensure that its citizens do not stray (Lyons and Gomez, 2005). In the past, political dissidents would be arrested and incarcerated under its draconian Internal Security Act but this detention-without-trial law is now mainly used against terrorists. Those perpetrating serious crimes on

the other hand would have to contend with corporal punishment in the form of whipping and of course for specific crimes which includes murder, the death penalty. As Oehlers and Tarulevicz (2005: 293) state, in Singapore, "...capital punishment assumes considerable prominence in defining the bounds of acceptable behaviour or conduct...in applying the ultimate sanctions to their transgression...the state...demonstrates its preparedness to eliminate those that do not submit to its vision of the Singapore nation." In the mid 1970s the government included in its list of crimes punishable by death: drug trafficking.

Drug users and traffickers, Oehlers and Tarulevicz (2005) add, were seen as antithetical to Singapore's 'developmentalism' model where every citizen needed to be of sound mind and body in order to contribute to the greater good. Drugs, within the perspective of the Southeast Asian state, disrupts this and could possibly lead to the breakdown of society. In this instance the application of the death penalty to protect society is justified. The paranoid theme of societal and social breakdown looms large over Southeast Asian politics.

One of Filipino President Duterte's most often cited soundbites is one quoting him as saying, "if its drugs you shoot and kill!" (Guardian, 2020). This became an official mantra, as he repeatedly directed the same words not only towards suspected drug pushers but also those who violated regulations during one of the longest Covid pandemic lockdowns in the world. Since his inauguration, President Duterte's reign has not been without controversy given that the body count ramped up during his so-called war on drugs is in the thousands. While the Philippines national police quote 6,000, human rights and civil society organisations on the other hand state that the figures were closer to 27,000 in December 2018 (Johnson & Giles, 2019). Even as there are now attempts at charging Duterte with crimes against humanity, he nevertheless was voted into power on a platform of penal populism. According to Filipino scholar Nicole Curato (2016: 91), Duterte's campaign "...builds on collective sentiments of fear and demands for punitive politics". This, adds Curato (2016: 94), is based on a sentiment amongst the largely middle-class voters who chose Duterte as president to solve the law and order situation in the Philippines. Duterte drew a line between the, "...virtuous citizen versus hardened criminals—scums of society who...are beyond redemption" (2016: 94). To an extent, this artificial dichotomy engineered

by the Duterte regime is similar to the label applied to drug offenders in Singapore where aberrant and deviant behaviour must be stopped to preserve society's well-being.

Such labelling enforces stigmatisation transforming people into irredeemable criminals. Since they are no longer useful to either state or society, it matters little what happens to them. They have in essence become invisible. Therefore, when the full force of the law or even when 'extra-judicial' measures are employed, the general population often does not protest. More importantly they are unfazed and even become accustomed to this form of state-enforced violence. I posit that such societies internalise the normalcy of violence by believing that it is necessary for the greater good and thus necessitating the sacrifice of those deemed to be living on the 'outside'. Perhaps one way to think of this would be through Althusser's 'apparatuses' where state ideology has been so ingrained into the mindset of the population that there appears to be no other alternative (Althusser, 2014). By placing punitive measures such as the death penalty behind the mask of 'Asian Culture' or the 'people's will', the state builds a system of control through a façade of morality, religion, law, order and the public good.

Nevertheless, fissures are slowly beginning to appear in this illusory façade thanks to a theoretical lens I refer to as the politics of sight. Derived from his fieldwork in a slaughterhouse, Timothy Patchirat describes this particular framework as meaning "...organised, concerted attempts to make visible what is hidden and to breach, literally or figuratively, zones of confinement in order to bring about social and political transformation" (Patchirat, 2011: 15). Behind these organised, concerted attempts are civil society groups using various tactics to literally shine a light onto these deadly exhibitions of state power. One such group is the Transformative Justice Collective (TJC),<sup>1</sup> borne out of the efforts of a young group of activists in Singapore who in the past few years have been courageously championing the cause of death row inmates, who have ran afoul of Singapore's restrictive drug laws. Given the deathly silence over issues of human rights within the city state, these activists have carved a space for themselves becoming 'witnesses', documenting and giving support to families of prisoners, who

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1 More information on TJC can be found on its website: [www.transformativejusticecollective.org](http://www.transformativejusticecollective.org). Aside from advocating for the end of capital punishment in Singapore, TJC also concerns itself with issues pertaining to legal and penal reform.

suffer from the stigma attached to families of those on death row. Having an active presence on the internet as well as in social media, the young activists within the TJC succeeded in organising a ‘peaceful’ protest against the state meting out the death penalty to a Malaysian found guilty of drug trafficking. With hundreds in attendance, the protest itself was an extraordinary event given the restrictive regulations placed on freedom of expression and assembly. What is of greater importance is the TJC’s role in archiving the voices of death row prisoners. Through interviews, exhibitions and public campaigns, the TJC acts as a force of conscience, forcing Singaporean society to witness to the violence enacted in its name. Through podcasts, interviews and confessionals, death row prisoners and their families are given voices, transformed from faceless, nameless drug dealers into storied individuals. One of the TJC’s most poignant interventions was that of Nagaenthran Dharmalingam, a Malaysian put to death in April 2022 (Tewari, 2022). Through the collective’s ‘story telling’, it was revealed that not only did the 34 year-old hail from a poor disenfranchised family, the state had also put to death a mentally disabled individual. No less than the home minister himself came out to defend the state. Revealing the faces of those in Singapore’s death row may prove unnerving to the state but what is also important is that TJC’s efforts have the potential of forcing society at large to acknowledge the violence perpetrated in its name. This creates, as Patchirat states, a breach within a system which has for so long underpinned the so-called Singapore model.

In the Philippines, Duterte’s War on Drugs takes on a more visceral form. For several years night after night a small ragtag group of photojournalists including a Catholic priest have been photographing those dying on its frontlines. The dead in these photographs are often bathed in the harsh light of video cameras or police car sirens, highlighting the pools of blood the victims often lie in. Sometimes the heads of victims would be covered in plastic wrapping and around their necks would be a cardboard with a warning written which reads, “I am a pusher, don’t be like me” (Daniel, 2016). The most striking image arising from the work of this ragtag group the foreign press refers to as the ‘nightcrawlers’<sup>2</sup> is one where a murdered drug

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2 For a write up on the work of these journalists refer to a 2016 LA Times piece entitled “Meet the Nightcrawlers of Manila: A night on the front lines of the Philippines’ war on drugs” in <https://www.latimes.com/world/asia/la-fg-philippines-drug-war-snap-story.html>.

war victim is being cradled by his partner. These photographs have come to represent the sundering of human relations in the state's relentless campaign to cleanse the Filipino landscape of crime and criminality. Not only are lives disrupted, trust in communities is torn asunder as death and violence lurks in many directions with 'kill lists' arbitrarily drawn up based on simple suspicion.

Once identified the police then conduct *tokhang* operations where the authorities 'knock and plead' for these drug offenders to turn themselves in. However there have been many instances where those sought out were said to have 'fought back' thus necessitating an armed response from the police. As such the visual nature of 'witnessing', done through the lens of photojournalists as well as documentary film forces viewers to view the realities of Duterte's drug war. It was when the images of Michael Siaron appeared on the front pages of major newspapers, dubbed the 'la pietà', was the drug war able to find its martyr (Philippines Daily Inquirer, 2016). This was then followed by the black and white CCTV footage of a 17 year-old high school student being dragged into a pig pen and then executed (Rappler, 2017). While the killings continued, the media's coverage and the circulation of these powerful images dented the government's seemingly impenetrable armour. With increased international pressure from various well-known human rights organisations the government was forced to dial down its operations as the Duterte administration stood accused of crimes against humanity at the International Criminal Court (Reuters, 2022).

The ability to tell stories is often constrained by the language of the larger society used to either emphasise or obfuscate the meaning it wishes to permeate that very society with. Thus, the individual stories and experiences of many marginalised groups are inevitably drowned out. The "...social specifics of story-telling reveal how people are constrained, as well as liberated..." (Jolly, 2014: 9). However, we should remain wary of the 'liberating' potential which these stories may hold. The death penalty or wars against drugs and criminality are constitutive of a larger construct built up over decades as part of an all-encompassing nation-building project. To that extent this construct has become inseparable from the body politic itself. But with changes in demography and in how media is both consumed and produced, 'liberating discourses' have gained greater traction. These 'new' perspectives offer the hope and the possibility for, "members of the dominant



community occasions for witnessing human rights abuse, acknowledging and affirming the rights of others” (Sidonie & Smith, 2004: 4). As such these stories carry the powerful potential to ‘...enable new forms of subjectivity and radically altered future” (Sidonie & Smith, 2004: 4). It is therefore imperative to now recognise the power of the story, and of the image to build inclusive narratives.

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# 看見國家：見證東南亞人權

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東南亞為世界上打擊毒品力度最強的地區。在本文中，筆者將藉由聚焦兩個特定國家——新加坡和菲律賓——討論一場名為毒品戰爭的人命傷亡。首先，本文透過討論新加坡的死刑，以及菲律賓的法外處決，凸顯兩國政府治理和追求「無毒環境」的價值觀。接著利用因政府打擊毒品而受侵害的群體所呈現出的影像資料與官方論述做對比，透過此比較過程，筆者認為這些紀錄資料成為有力的見證者，同時個人的口述資料也將可成為阻斷以人民之名行使的國家主義暴力。

## 關鍵字

東南亞、人權、毒品戰爭、敘事、見證

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