

## Written Representation 107

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### Introduction

1. Disinformation and misinformation has been in existence since the beginning of time. With the advent of Internet and improvement in technology, the ease, reach and speed at which any individual or entity can spread deliberate online falsehoods is unprecedented.
2. The recent report by Human Rights Watch (“HRW”), “Kill the Chicken to Scare the Monkeys” is an example of how foreign funded (NGOs can both rely on and use falsehoods to advocate political change in another country.
3. From the examples it relies on, HRW seems to advocate the use of false and fabricated allegations in political discourse, such as:
  - a. the Prime Minister misappropriated moneys from the Central Provident Fund (Roy Ngerng’s case);
  - b. the courts conspire with prosecutors and the police to hang innocent defendants (Alan Shadrake’s case);
  - c. attacks on foreigners, with fabricated facts, designed to provoke controversy, increase “eyeballs”, and generate revenue (TRS’s case).
4. In these cases, and many other cases that HRW cites, the individuals who made the false allegations knew that they had no basis for making them. The falsehoods were deliberate. HRW seems to suggest these are acceptable and that Singapore’s laws and political system should allow such falsehoods to be freely made.
5. HRW does not say why such deliberate falsehoods should be allowed to become widespread, or why this is good for any country.
6. We should ask the question: should such deliberate spread of falsehoods be allowed?

### Governance and falsehoods

7. In considering the extent to which deliberate falsehoods should be part of public and political discourse, we must go back to two basic questions:-

- a. What are the governance outcomes that a society should want for its people?
- b. To what extent should falsehoods be part of public discourse and how can such falsehoods affect trust in institutions and processes, and the governance outcomes?

### Governance Outcomes

8. In respect of the first question, in our view, good governance is ultimately about the Government being able to deliver a better life for the people.
9. A fundamental aspect of good governance is that there must be trust between the public and the Government. Trust enables the Government to act effectively in the public interest; an effective Government, in turn, engenders trust. In the World Economic Forum's Competitiveness Index 2016 to 2017, Singapore came first out of 167 countries for public trust in politicians<sup>1</sup> Trust in Government in Singapore is high. And we view that as a very good thing.
10. One important element of trust is that a Government should be able to communicate with its citizens, to explain and account for its policies and conduct.
11. Public trust in Singapore is built on good governance, which delivers a better life for the people. And that trust is also buttressed by a good, effective legal framework including: law and order, and strong institutions: clean and efficient government, a trusted police force, a good legal system, an independent judiciary.
12. Singapore regularly scores highly on Clean Government and Rule of Law indices like Transparency International's 2017 Corruption Perceptions Index (6th out of 176 countries and territories); and the World Justice Project's Rule of Law Index 2016 (9th out of 113 countries and jurisdictions).
13. Public trust is also maintained by the need for the Government to seek the mandate of the people at General Elections. The financial barrier to entry into politics must be low – so that people can contest elections without having to be rich, and without being beholden to rich backers. The financial cost of standing for elections in Singapore is very low.
14. A trusted, effective and clean government, together with a well-functioning legal system, have been amongst the important reasons why Singapore has been able to make long term plans, take tough decisions, and do well across a whole range of outcomes:
  - a. The gross national income per capita in 2016 was about US\$53,000; in 1965 it was about US\$516<sup>2</sup>. Singapore was ranked 2nd out of 138

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<sup>1</sup> [http://www3.weforum.org/docs/GCR20162017/05FullReport/TheGlobalCompetitivenessReport2016-2017\\_FINAL.pdf](http://www3.weforum.org/docs/GCR20162017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf)

<sup>2</sup> <https://data.worldbank.org/country/Singapore>

economies in the World Economic Forum's 2017 Global Competitiveness Index<sup>3</sup>. This is despite the fact that Singapore is a small island, smaller than New York City, and has no natural resources.

- b. As of 2017, more than 90% of all Singaporean households owned their own homes<sup>4</sup>.
- c. The literacy rate of Singaporeans is above 97%<sup>5</sup>. More than 54% have postsecondary qualifications<sup>6</sup>. Singapore students achieved the best scores in the OECD, for reading, maths, science and collaborative problem solving<sup>7</sup>. Singapore's schools are world class. Singapore universities rank highly.
- d. Singaporeans have access to a wide range of information. There are 63 accredited foreign media organisations in Singapore, including some regional and Asian headquarters. 91% of households have internet access<sup>8</sup>. Apart from a small number of pornographic, gambling and jihadist websites, access to the Internet is unrestricted. Broadband internet penetration is at more than 100%<sup>9</sup>.
- e. Crime is low. In 2017, the overall crime rate was 584 cases per 100,000 population<sup>10</sup> - one of the lowest in the world. And this was achieved with a relatively small police force. There were only 170 regular police officers per 100,000 population, in Singapore<sup>11</sup>. New York has 422 police officers per 100,000 population<sup>12</sup>.

Gun crime is almost non-existent. Singapore was ranked second in the Economist Intelligence Unit Safe Cities Index 2017<sup>13</sup>, and first in the Gallup Law and Order Index 2017<sup>14</sup>.

A public perception survey by the Police showed that 93% of residents felt safe walking in their neighbourhoods at night, and 92% ranked security in Singapore as "good" or "very good"<sup>15</sup>.

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<sup>3</sup> [http://www3.weforum.org/docs/GCR2016-](http://www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf)

[2017/05FullReport/TheGlobalCompetitivenessReport2016-2017\\_FINAL.pdf](http://www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf)

<sup>4</sup> <https://www.singstat.gov.sg/statistics/visualising-data/charts/home-ownership-rate-of-residenthouseholds>

<sup>5</sup> <https://www.singstat.gov.sg/statistics/latest-data#20>

<sup>6</sup> <https://www.singstat.gov.sg/statistics/latest-data#20>

<sup>7</sup> <http://www.oecd.org/education/singapore-tops-latest-oecd-pisa-global-education-survey.htm>

<sup>8</sup> <https://www.imda.gov.sg/industry-development/facts-and-figures/infocomm-usagehouseholds-and-individuals>

<sup>9</sup> <https://www.imda.gov.sg/industry-development/facts-andfigures/telecommunications/statistics-on-telecom-services/statistic-on-telecom-service-for-2017- jan>

<sup>10</sup> <https://www.police.gov.sg/news-and-publications/statistics>

<sup>11</sup> <https://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00011157-WA>

<sup>12</sup> <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-26/table-26-statecuts/table-26-new-york.xls>

<sup>13</sup> <http://safecities.economist.com/safe-cities-index-2017>

<sup>14</sup> <http://news.gallup.com/reports/214607/gallup-global-law-order-report-2017.aspx>

<sup>15</sup> <http://www.straitstimes.com/singapore/singapore-police-seen-as-world-class-crime-fighterssurvey>

Nearly 90% had a high degree of confidence and trust in the Police Force<sup>16</sup>.

These facts matter to most people, in most places in the world.

- f. Healthcare outcomes are among the best in the world. Singapore ranked fourth in the world on the Bloomberg Healthiest Country Index 2017<sup>17</sup>. In 2016, the infant mortality rate was 2.4 per 1,000 live births, and life expectancy at birth is 82.9 years<sup>18</sup>.
  - g. In a world often divided by race and religion, Singapore generally has a good record for racial and religious harmony. This state of harmony is underpinned by a wide range of legal and policy measures, including ethnically integrated public housing, constitutionally guaranteed minority representation in Parliament, and tough laws against hate speech.
  - h. The Economist Intelligence Unit's "where to be born in 2013" index listed Singapore as the sixth best country (out of 80) to be born<sup>19</sup>.
15. These are good outcomes for Singapore. These are good outcomes for any country.
16. Singapore looks and feels different from many other countries. We stand out for our efficiency, the educational and social development of our population, the real freedoms that our people enjoy: the freedom from want, the freedom from deprivation, the freedom to walk around without fear of crime, the freedom from drugs, the freedom to speak, albeit without resorting to falsehoods, the freedom from corruption and corrupt public officials, the freedom from dishonest and rogue public officials, the freedom to engage in public and political life, the freedom (and opportunity) to develop fully as individuals.
17. HRW might want to look at the US. In the U.S., the Government's ability to deal with serious issues is an open question. The media has contributed to the polarisation of politics. The left and right play to their respective bases. People are stirred up, with sensational accusations against the other side.
18. They disagree even on the most basic facts. A President's birthplace can be an unsettled issue for years. A legislative proposal can be seen as healthcare reform by one-side and death panels by the other side. Memes and caricatures with no factual basis often displace rational discourse. To some extent, the idea of an objective and ascertainable truth is abandoned. Common ground, on serious issues, like healthcare is difficult to achieve. There seems to increasing

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<sup>16</sup> <http://www.straitstimes.com/singapore/singapore-police-seen-as-world-class-crime-fighterssurvey>

<sup>17</sup> <https://www.bloomberg.com/news/articles/2017-03-20/italy-s-struggling-economy-has-worlds-healthiest-people>

<sup>18</sup> [https://www.moh.gov.sg/content/moh\\_web/home/statistics/Health\\_Facts\\_Singapore/Population\\_And\\_Vital\\_Statistics.html](https://www.moh.gov.sg/content/moh_web/home/statistics/Health_Facts_Singapore/Population_And_Vital_Statistics.html)

<sup>19</sup> <https://www.economist.com/news/21566430-where-be-born-2013-lottery-life>

reliance on “alternative facts” and “alternative truths”. Each group relies on and refers to the media that reinforces its own beliefs.

19. The polarisation of politics has made sensible compromises increasingly untenable.
20. Shutting down the government has become a standard negotiating move. Legislation and policies are often patchwork products, and kick difficult decisions down the road.
21. Trust in media is low<sup>20</sup>. People believe what they want to believe. Increasingly, the media fails to educate or inform – it has become the means by which people confirm their biases, and contrary information is simply shut out.

Trust in Politicians and Government is also low<sup>21</sup>. This in turn impairs the Government’s ability to lead, to convince people of the need for difficult decisions.

The police are often viewed as part of the problem, rather than as part of the solution. For many people, especially minorities, a blue uniform inspires fear and dread.

Many important issues of the day are left to be decided by the unelected Supreme Court.

22. Elections have become hugely costly, a result of unlimited funding permitted in the name of free speech<sup>22</sup>. At the same time, politicians increasingly adopt platforms that appeal only to the specific groups that would help them get over the finishing lines. The sense of a national interest, a common good, is fading away.
23. The lobby industry thrives, again in the name of free speech. Lobbyists do not represent the average citizen on the streets of Iowa or Arizona. Instead they are paid to plead special (often wealthy) interests.
24. Gun control provides a vivid illustration. A small but deeply resourced gun lobby has managed to influence lawmakers by giving and withholding campaign donations. As a result, Congress is unable to pass any meaningful reform, despite public opinion. The tragedy of gun violence carries on.
25. America’s style of politics may or may not work for America. It certainly will not work for Singapore.
26. In the U.K., the Brexit referendum was decided against a backdrop of factually questionable claims, including the now infamous claim that leaving the European Union will bring back £350 million a week, for investing in the National

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<sup>20</sup> [http://cms.edelman.com/sites/default/files/2018-02/2018\\_Edelman\\_Trust\\_Barometer\\_Global\\_Report\\_FEB.pdf](http://cms.edelman.com/sites/default/files/2018-02/2018_Edelman_Trust_Barometer_Global_Report_FEB.pdf)

<sup>21</sup> [http://cms.edelman.com/sites/default/files/2018-02/2018\\_Edelman\\_Trust\\_Barometer\\_Global\\_Report\\_FEB.pdf](http://cms.edelman.com/sites/default/files/2018-02/2018_Edelman_Trust_Barometer_Global_Report_FEB.pdf)

<sup>22</sup> **Citizens United v. Federal Election Commission**, 558 U.S. 310 (2010)

Health Service. Judges were abused and vilified as enemies of the people when they delivered a judgment that was received badly by the pro-Brexit press. Elected politicians did not offer a strong defence of the judiciary, for fear of being targeted themselves.

27. Every country is free to select the outcomes it wants for its people, and the processes by which those outcomes are secured. But an intellectually honest critique must also accept the costs of those choices, and soberly assess whether those choices are best secured by the prevailing model of governance.
28. Thus, in respect of the first question in paragraph 5 above, our view is that the outcomes achieved in Singapore are good. The Government should continue to focus on these outcomes.

### Using falsehoods in service of an agenda

29. The next question is the extent to which falsehoods should be allowed to be part of public discourse, and how that can affect good governance.
30. In our view, the spread of deliberate falsehoods can seriously affect democracies, undermine national institutions, change values for the worse. The examples quoted in the Green Paper by the Ministry of Communications and Information and the Ministry of Law on Deliberate Online Falsehoods: Challenges and Implications dated 5 January 2018<sup>23</sup>. are illustrative. Many countries have been affected. We believe the answer is clear: the spread of such deliberate falsehoods harms society.
31. We can see no good reason for allowing such deliberate falsehoods to spread widely. And such falsehoods are likely to spread widely, in the digital age.
32. The HRW report is itself an example of how false and misleading impressions can be created by a selective presentation of facts, designed to promote an underlying agenda. And thus seek to undermine a well functioning society.
33. First, HRW tries to present itself as an independent and objective human rights watchdog. The reality is more complex. HRW provides very little information about how its Board Members are selected. It does not provide full information about the source of its finances, or any influence its financiers may have on its agenda and operations. Isn't it important for there to be transparency on these matters?
34. HRW has also been criticised for having a revolving door to the U.S. foreign policy establishment<sup>24</sup>. Is it linked to the US Government in that way? There is no clarity.

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<sup>23</sup> <https://www.mlaw.gov.sg/content/dam/minlaw/corp/News/Annexe%20A%20-%20Green%20Paper%20on%20Deliberate%20Online%20Falsehoods.pdf>

<sup>24</sup> <https://www.alternet.org/world/nobel-peace-laureates-human-rights-watch-close-yourrevolving-door-us-government?paging=off#bookmark>

35. HRW's founder, Robert Bernstein, has also criticised HRW's research approach, which "often relies on witnesses whose stories cannot be verified and who may testify for political advantage"<sup>25</sup>.
36. Secondly, the HRW report tries to cast itself as an objective and well-researched critique, with legal analysis, witness interviews, and literature reviews. On a cursory look the report has a veneer of academic scholarship. But a closer look reveals a biased and flawed methodology.
- a. The HRW report is based largely on interviews with 34 individuals. There is no explanation of how these individuals were selected. Some of these individuals appear to be not even Singaporeans. One can find 34 individuals in any country to support/assert a particular view. Throughout the HRW report, quotes from these individuals are taken and presented as factual. As criticised by HRW's founder Robert Bernstein, it clearly calls into question HRW's research approach of relying on witnesses whose stories cannot be verified.
  - b. Further, there is no attempt to verify what was said, and no disclaimer that HRW was not in a position to verify the facts. The report seems largely based on the assertions of this group of individuals say, and based on that, it seeks to offer injunctions and prescriptions to an entire country. But that is no way to produce an accurate report on what people in that country experience, or how the country's policies should change. It seems that the criticisms of HRW's methodology by its founder continues to hold true.
  - c. There are reputable empirical studies done by third parties, which are relevant to the issues that HRW raises. For instance, the Edelman Trust Barometer Index, which measures the trust that a country's citizens place in its government, media and other institutions, is surely relevant to a report, which claims that the Singapore government suppresses dissent and criticism. But no such studies were cited in the HRW report. (Incidentally, in the 2018 Edelman Trust Barometer Index, trust in government stood at 65%, while trust in media stood at 52%. In contrast, in the US and the UK, trust in government was at 33% and 36% respectively – just over half that of Singapore. Trust in media was at 42% for the US, and 32% for the UK.)
  - d. The HRW report itself systemically fails to mention – let alone engage – the publicly stated positions of the Government on many of the issues raised. A reader without any background will come away with the false impression that the issues were being raised for the first time and that the Government had not responded to the issues before. HRW's obvious intention to ignore the Government's position is underscored by its perfunctory request for comment. HRW claimed to

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<sup>25</sup> [www.nytimes.com/2009/10/20/opinion/20bernstein.html](http://www.nytimes.com/2009/10/20/opinion/20bernstein.html)

be researching the report between August 2015 and November 2017, but its request for comment was made in October 2017, just before the HRW report was published.

- e. It is difficult to avoid the conclusion that the HRW report deliberately omitted material that was inconvenient to its views.

37. Thirdly, the HRW report stands as an example of how the selective presentation of facts can paint a very misleading picture. The Report is a classic example of *suppressio veri, suggestio falsi* – suggesting falsehoods by suppressing the truth. A few examples will show this:

- a. It describes international standards as if there was only one universally accepted approach to questions about freedom of speech and assembly, where in fact many countries adopt different approaches. For instance, Holocaust denial is a crime in a number of European countries.
- b. The HRW report falsely claims that the Singapore government uses broadly worded laws to prosecute critical voices. Even putting aside the value judgments in that assertion, the fact is that the government in Singapore is not involved in prosecutions. The Public Prosecutor, who is constitutionally independent, makes the choice of initiating prosecutions.
- c. The summary of Alan Shadrake's contempt of court case describes him as a death penalty opponent, and gives the false impression that Shadrake was punished for opposing the death penalty. The HRW report fails to set out Shadrake's scandalous allegations, made without any basis. Among other things, Shadrake asserted that the Singapore courts bow to secret executive pressure in deciding who lives and who dies on the gallows. That foreign criminals from First World countries were treated more leniently than from Third World countries, because of diplomatic pressure from foreign Governments. That judges and prosecutors conspired to suppress exculpatory evidence in a capital case.
- d. The HRW report also failed to state that the High Court and the Court of Appeal in Shadrake's case went to considerable lengths to distinguish between advocacy and legitimate criticism of the courts on the one hand, and making false assertions about the integrity of the judicial process. Shadrake was punished for the latter. During his trial, Shadrake did not make any attempt to justify any of his outrageous allegations, which had been, made purely to sensationalise and push his book.
- e. The summary of the sedition convictions of Ai Takagi and Yang Kaiheng, the founders of the website "The Real Singapore" (TRS) describes the website as "being about citizen journalism" and "extremely popular". It conveniently omits to mention that Yang and Ai deliberately fabricated sensational falsehoods directed against



foreigners, specifically to generate advertising revenue, and foment hatred against Filipinos. These fabricated falsehoods included a story that a Filipino family instigated the police to act against a local religious celebration and a story that a Chinese national made her grandson urinate into a bottle on a train. Many of these fabrications were published by the couple masquerading as members of the public.

- f. The TRS case is a classic example of deliberate online falsehoods, which can seriously undermine societal trust, social peace. Does HRW seek to perpetuate such deliberate online falsehoods by using them as reference points?
- g. The summary of Amos Yee's case glosses over the actual hate speech for which he was charged under the Penal Code, and focuses on his criticisms of the late Mr Lee Kuan Yew, which were irrelevant to the charges (and not part of the charges). The false impression conveyed is that Yee's charges were connected to his criticisms of Mr Lee.
- h. HRW should be honest enough to explicitly state that Amos Yee should be able to say what he said and that it believes that he should not face any consequences for saying those things. Amos Yee said, amongst other things: "Christians ... are power hungry and malicious but deceive others into thinking that they are compassionate and kind"; "Islamics seem to have lots of sand in their vaginas too ... But don't mind them, they do after all follow a sky wizard and a paedophile prophet."

We in Singapore do not believe that free speech extends to denigrating the religious beliefs of our fellow citizens. We have tough laws on hate speech directed at race or religion, and hate statements directed along racial and religious lines have been the subject of prosecution.

- i. The section on defamation describes the tort as the Government's weapon to bankrupt opposition politicians and intimidate foreign media reporting in Singapore, and focuses on cases brought by Government leaders. It conveniently omits to mention that defamation law is based on English common law; that the law applies equally to Government leaders; that opposition politicians have successfully obtained out-of-court settlements from Government ministers who defamed them<sup>26</sup> and that the past two General Elections have been fought without any defamation actions being brought.
- j. Equally the HRW report fails to engage with the basic principles of the law of defamation, which really are quite simple. A person is entitled to one's views, and can express them. Commentary need not be reasonable. A person can give his opinion, however unreasonable, on matters of public interest.

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<sup>26</sup> <http://eresources.nlb.gov.sg/newspapers/Digitised/Article/straitstimes19810228-1.2.33> ;  
<http://eresources.nlb.gov.sg/newspapers/Digitised/Article/straitstimes19810316-1.2.42>

- k. But if he makes a factual allegation, which is defamatory, he must be prepared to prove it, or withdraw the allegation and apologise. If A says that B made money by being a prostitute; or that B stole money, then A should make good his allegations, or withdraw them and apologise.
- l. The summary of Roy Ngerng's case says that it is an example of "the risks face by those who refuse to self-censor", and describes Ngerng as an activist and popular blogger who publishes criticisms of Government policy. The false impression conveyed is that Ngerng was sued for defamation because of his views.
- m. But in fact Ngerng was sued because of his false claim that the Prime Minister had criminally misappropriated money from the Central Provident Fund. Again, if HRW wishes to advocate for the freedom to assert falsehoods such as these, it should be honest enough to say so.
- n. The discussion of the laws regulating public assemblies fails to acknowledge that it remains entirely possible to organise large assemblies at the Speakers' Corner to advocate for political causes. Pink Dot, an annual event in support of LGBT causes, has been successfully organised year after year at the Speakers' Corner, with attendance numbering in the thousands.
- o. HRW also fails to mention that opposition rallies numbering in the tens of thousands have been organised during general election campaigns.

### Concluding Remarks

- 38. The HRW report deliberately paints a highly misleading picture of Singapore. It does so by carefully selecting 34 individuals who do not represent what most Singaporeans experience. HRW also carefully omits facts which are inconvenient.
- 39. The individual falsehoods are all the more egregious because it is perpetuated under the guise of objectivity and independence, which HRW tries to project. The misleading picture is painted by HRW to serve its underlying agenda, which is to change Singapore's society – in the ways it desires.
- 40. This tactic is no different from the disinformation campaign that Russians are alleged (by the U.S.) to have run in the U.S.
- 41. The Russians are alleged to have tried to influence the American political process. That caused outrage in the U.S.. Meanwhile, HRW, with its opaque background, seeks to engage in Singapore's politics and change Singapore's politics. It does so, using falsehoods as its main tactic.
- 42. HRW's falsehoods are perpetuated at three levels:-

(a) HRW's own background, finances, linkages are suppressed, and it seeks to present itself as a neutral NGO – which is false.

(b) Second, the individual cases it refers to, to make its points, have been falsely presented. The truth has been suppressed.

(c) Third, the overall picture that the HRW seeks to paint about Singapore is also false.

43. The HRW Report is a type of deliberate falsehood that is becoming increasingly prevalent. It can be easily put online, and circulated, with or without attribution. And it can influence opinions, impede fair, honest debate on issues.