

Written Representation 132

Name: Cheah Wenjie and Chester Su
3rd Year Full Time Undergraduate at NUS

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1. Introduction

The authors of this submission are third-year undergraduates enrolled in the NUS Faculty of Law and the University Scholars Programme, and we are both interested and concerned about the issues surrounding deliberate online falsehoods. We submit this paper in our modest capacities as both students of the law, as well as young Singaporeans who are at the forefront of an age where we constantly deal with information online. Specifically, our submission touch on Clauses (c) and (d) of the Select Committee's terms of reference.

In this submission, we question whether further legislation is necessary in the battle against deliberate online falsehoods, and make three points:

Firstly, the existing laws in Singapore already adequately cover the field with regards to deterring and punishing makers of deliberate online falsehoods.

Secondly, we believe that having the judiciary or a legislatively-enacted body decide what is 'true' or 'false' on behalf of the entire population of Singapore removes an important opportunity for Singaporeans to exercise the critical function of discernment between true and false in their everyday lives.

Thirdly, legislative attempts to penalise the people who share such information online (hereinafter "sharers"), and online social media platforms where such falsehoods are shared on, are necessarily fraught with practical and legal difficulties.

Ultimately, we believe that more legislation is not the answer with regards to online falsehoods. Rather, education geared towards developing better critical thinking and recognition of falsehoods in Singaporeans, as well as efforts to encourage consumption of more credible news sources, is the right step.

2. The Harms of Deliberate Online Falsehoods

To understand why we think that existing laws in Singapore adequately tackle the harms of fake news, it is apposite to first state what we think the potential harms of deliberate online falsehoods are.

In our minds, there are four harms that deliberate online falsehoods perpetuate. These harms are:

1. Causing harm to individuals
2. Causing or exacerbating racial and/or religious tensions
3. Foreign influence on local politics or elections
4. Damaging public confidence in government institutions

(a) Causing Harm to Individuals

The harm envisioned here is when deliberately misleading or false articles spread online causing harm or danger to individuals. Individual harm can be seen in three aspects:

First, such harm may come about from damage to their reputation, since falsehoods spreading online may concern an individual's reputation.

Second, the overseas case of "Pizzagate" encapsulates this example perfectly: During the 2016 US Presidential Elections, a false theory spread online - fuelled by numerous fake headlines and popular but questionable news sources - about how Hillary Clinton and other senior democratic officials were at the centre of a paedophilia ring. There were also numerous malicious speculations of how the leaked personal emails of John Podesta (a former White House chief of staff and the chairman of Hillary Clinton's 2016 U.S. presidential campaign), which referenced a Washington D.C. pizzeria named 'Comet Ping Pong', contained coded messages on paedophilia and human trafficking.

As a result, Comet Ping Pong, its owner, and even performance groups which had previously performed at the establishment, were subject to hundreds of threats from believers of the theory. Worse still, a 28 year-old man who believed the theory entered the establishment in December 2016 and fired three shots from a rifle[1]. This incident hence represents an extreme example of how deliberate online falsehoods could result in actual physical danger.

Third, another possible avenue of harm or danger to individuals is where people are duped by false online claims for dubious "medical miracle pills" or medical procedures, and suffer harm as a result of trying them out.

(b) Causing or exacerbating racial and/or religious tensions

Falsehoods online can also be used to spread racially and religiously contentious viewpoints or teachings, which may upset the social harmony in Singapore.

Recent examples include Imam Nalla Mohamed Abdul Jameel, who was fined and repatriated from Singapore over his offensive comments made against Jews and Christians. Videos of his comments were circulated online, and led to disquiet in Singapore.

Similarly, divisive teachings of extremist Rasul Dahri were banned from Singapore as they contained exclusivist and extremist views damaging to Singapore's harmony.

While these comments and teachings were not clear falsehoods, the potential danger posed in these examples are identical to that of a deliberate online falsehood seeking to sow discord in Singapore.

As an added note, the difficulty in determining whether or not such interpretations of text are in fact 'false' is a problem that legislation may be unable to resolve – a problem we expound on below.

(c) Foreign influence on local politics or elections

Foreign influence on local politics and elections can pose trouble to Singapore as well, where foreign actors intentionally seek to encourage division and stir up sentiment in local politics, all to favour foreign interests. Such acts are inimical to Singapore's democratic process and national interests.

The Ministry of Home Affairs (MHA) made Singapore's desire to be independent from such foreign influence clear in a statement on 7 June 2016[2]:

“The Government's general position has always been that foreign entities should not interfere in our domestic issues, especially political issues or controversial social issues with political overtones. These are political, social or moral choices for Singaporeans to decide for ourselves.”

In another incident where the same tone was taken, the former professor Huang Jing at Lee Kuan Yew School of Public Policy had his permanent residency cancelled and he was banned for working with a foreign government to influence Singapore's foreign policy and public opinion here. There, MHA similarly released a statement[3] taking a strong stance against foreign influence on local policies, making it further clearer that Singapore sees local policy-making and politics as matters inherent to Singapore national interests, and sees interference with these interests as harmful.

Deliberate online falsehoods can have strong influence on local politics and influence. For example, it has been widely-reported that Russian state actors had deliberately released articles and posed as credible news sources in order to shape voter sentiment in the United States presidential elections in 2016. In all, it was estimated that 126 million Americans may have seen Russia-linked political posts[4].

(d) Damaging public confidence in government institutions

The protection of trust and confidence in governmental institutions are seen as being of paramount importance to governance in Singapore. The apex court of Singapore pronounced recently that:

“Our political culture places a heavy emphasis on honesty and integrity in public discourse on matters of public interest, especially those matters which concern the governance of the country”[5].

The Law Minister K. Shanmugam, speaking in Parliament, reiterated the fundamental importance of public confidence in public institutions such as the courts:

“The Judiciary is truly an institution that is held in the highest esteem by Singaporeans. That is the very foundation of the rule of law. The greater the prestige of the courts, the greater the authority, and the greater the respect from everyone for that authority.

...

Respect for them, respect for their authority, is a key pillar of society, a fundamental public good for the well-functioning of society”[6]

Deliberate online falsehoods, then, may pose a threat to what is perceived to be vital in Singapore's governance. A recent example of one such threat to a public institution is that of an online allegation made on Facebook in January 2018 against the Singapore Police Force. In an online post, a Facebook user named “Kuroe Kun” published a widely-shared post alleging that a female friend of herself was subjected to insensitive remarks by the Investigating Officer,

and later turned away. This prompted the Singapore Police Force to post a public rebuttal on their own Facebook page. Kuroe Kun later removed her post.

The example highlights the potential harm perceived by the Singapore Police Force to maintain their integrity and public confidence vested in them – attributes that are common to various other public institutions in Singapore which may also be threatened by deliberate online falsehoods.

3. Existing Laws Are Already Sufficient

As against makers of deliberate online falsehoods, the present state of legislation in Singapore already suffices to penalise and prevent such posts. This section will state what provisions we think cover the relevant areas, and we have attached the relevant provisions in Annex A of this submission.

(a) Laws Protecting Against Individual Harm

Deliberate online falsehoods which seek to cause individual harm are dealt with by existing laws already.

(i) Defamation

The civil action of defamation, as found in the Defamation Act, Cap 75, allows for recovery by an individual against the maker of false statements which impugn their reputation in numerous situations. Furthermore, in the context of deliberate online falsehoods, the s.3 of the Defamation Act also provides that online communications fall within the act. As such, makers of statements that allege falsehoods against individuals and defames them as a result can be dealt with by the Defamation Act, preventing individual harm to them.

Beyond civil actions, s.499 - s.502 of the Penal Code also criminalises defamatory material, allowing punitive measures to be taken against makers of such false statements online

(ii) Protection from Harassment Act

In much the same way, the s.15 of the Protection from Harassment Act (POHA), Cap 256A, allows a complainant to seek remedies from the District Court. In doing so, POHA provides an efficient and effective means for the subject of a false statement to seek redress and compel the immediate removal of such falsehoods which may bring about harm to individuals.

(b) Laws Protecting Against Incitement of Racial and Religious Tensions

Criminal sanctions already exist to protect against deliberate online falsehoods that seek to sow racial and religious discord in Singapore.

(i) Sedition Act

The Sedition Act, Cap. 290, penalises speech or acts, *inter alia*, which may upset racial and religious harmony in Singapore. These harms are specified in s.3 and the offences are detailed in s.4. Sedition laws are hence broad enough to cover a large range of deliberate online

falsehoods which seek to destabilise the racial and religious harmony in Singapore, allowing for criminal repercussions against such false speech seeking to stir up unrest.

(ii) Penal Code - Prejudicing Racial and Religious Harmony

The Penal Code, Cap 224, also contains various provisions that criminalises speech intended to stir up racial or religious discord. These laws have been used in various cases in Singapore to prosecute hate speech, and can be effectively used to counter deliberate online falsehoods.

(c) Laws Protecting Public Confidence in Public Institutions

(i) Administration of Justice (Protection) Act

Contempt laws in the Administration of Justice (Protection) Act 2016, No. 19 of 2016, protect our courts – a key public institution – from imputations of impropriety. The relevant provisions can be found in s.3 of the Act. Accordingly, the law is ostensibly adequate as to penalising deliberate online falsehoods for the protection of a key public institution in the courts.

(ii) Sedition Act

For other public institutions, the Sedition Act also provides protection. S.3 of the Sedition Act guards against speech which would incite hatred or contempt against the Government, as well as disaffection against the administration of justice in Singapore. This hence protects and covers deliberate online falsehoods which seek to maliciously threaten local Government institutions and incite distrust against them.

(d) Laws Protecting Against Foreign Influence on Local Politics

Sedition Act

The Sedition Act is also broad enough to cover deliberate online falsehoods seeking to incite political discontent in Singapore. As per MHA's press statement on 4 August 2017 on Professor Huang Jing's case, such foreign acts seeking to influence local politics amount to subversion, which is prohibited by the Sedition Act.

Conclusion

Accordingly, we believe that the field is already legislatively covered when it comes to penalising makers of deliberately online falsehoods. There is thus no further need for fresh legislation against such creators of falsehoods. The focus hence turns towards sharers and online social media platforms where such falsehoods may be shared on.

4. Legislation tackling falsity of information is not a good idea

We think that legislation targeting deliberate online falsehoods, which removes content on the basis that it is false without more, is not advisable for two reasons.

(a) Not all deliberate online falsehoods should be prosecuted for

Legislation that removes content fully or penalises the sharing of information solely on the basis that it is false is problematic in our opinion. This is because what is misleading fake news to one person, may be taken as satirical by another, or spark a genuine discussion on an issue of importance. This is compounded by the fact that people may share a piece of information for a multitude of reasons, and such information can be interpreted very differently by different audiences as well.

We would like to use a recent example to illustrate this point.

Recently, someone on Facebook published a doctored wan-bao article which stated that a lawyer, who is also a PAP MP, had “rescued” the City Harvest defendants who had been acquitted by the Court of Appeal. The AGC was of the opinion that this was scandalising the court, and asked the original poster to remove the article and publish a letter of apology, which the poster duly did so.

While we respect the AGC’s position, we cannot help but note that there are multiple ways of interpreting the post, and even if the AGC’s position is right that the post scandalised the court, it is one that is arrived only after multiple inferences are drawn. These inferences were not the ones we would have personally drawn from the article.

We felt that the more natural reaction to this “fake news article” was that it was a work of satire, and that it questioned the integrity of the lawyer who defended City Harvest defendants – not the courts. This understanding is not unusual: Online chatter saw similar discussions on whether there was a potential conflict of interest between the specific lawyer’s duties as an MP to represent the interests of the public, which wanted a higher sentence, and the interests of his client.

The intuitive and clear answer to us was that there was no conflict of interest. However, we do not think that simply because we held the opinion that such a claim was tenuous at best, that others holding differing opinions should be silenced. Instead, we took heart in the online discourse on an important concept to our democracy: separation of powers.

Through this example, we make three points:

First, that satirical material, being a deliberate online falsehood, can contribute to such public discourse, be it at the time of the posting, or subsequent to it in its aftermath.

Second, that interpretation of information may differ starkly from party to party. What the AGC saw as contempt of court and intimidation of the legal profession was interpreted differently by us, and surely others as well. Accordingly, any agency that is called upon to decide true or false holds a heavy burden that must be judiciously exercised. We touch on this point again below.

Third, even false content can play a key role in providing a platform and forum to discuss important issues. For example, one may share a deliberate online falsehood on Facebook, which has a comment thread for people to discuss such issues. While we acknowledge that such content may cause people to be misled, that alone, without more, cannot justify a complete

removal from the public sphere. Less invasive actions such as inserting a disclaimer in the original article would be better.

(b) Singaporeans should decide what is true or false for themselves

Another reason why we think legislation is a bad idea is slightly more personal. We feel that we do not want to lose the opportunity to remain critical thinkers. The government, or any other person, may tell or inform us that a piece of information is false or wrong, but we would like to be the ones making that final decision at the end of the day. We would not want to be taken as simpletons who cannot assess the veracity of what we read, or believe everything that others write. We should be given the chance to access that information before deciding whether an idea or statement is true or false, and that opportunity should not be denied to us solely on the basis that the state thinks that it is a falsehood.

This is in spite of our genuine concern and even frustration when we encounter people and loved ones who believe nonsense that they read online, including “clickbait” articles such as “coffee cures cancer” (which is a terrible twisting from the original research study), or downright dangerous content such as “vaccines cause autism”. The answer, to us, in this respect, should primarily be educating people how to deal with content that they read online in a critical manner. We should be increasing media literacy rather than tackling media itself.

The secondary responses of regulation and legislation must be targeted and focused, such as penalties for causing unjustified medical/public health panics or penalties for “clickbait” advertising relating to health issues. The basis for penalties in this area would be the causing of public panic or unethical advertising practices, which is a clearly different concept from calling ideas false and penalising people for it. This would be a clearer, principled and measured approach to a specific problem.

This concludes our second point.

5. New Legislation will be Fraught with Difficulties

As mentioned, we believe legislative attempts to penalise the sharers do not create, but merely share such online, as well as online social media platforms where such falsehoods are shared on, are necessarily fraught with practical and legal difficulties.

(a) Unfeasible to prosecute all sharers

Posts and articles shared online are often done so in the thousands, if not millions. In the case of Russian-linked posts during the US Presidential Elections, the posts in questions were reportedly shared 340 million times[7].

Hence, by sheer scale of numbers, it may be unfeasible for the Attorney General’s Chambers, or even a private individual, to go after each individual sharer.

(b) Criminal Provisions Do Not Cover Overseas Sharers

Even if it were possible to legislate against individual sharers located in Singapore, criminal law is territorial and hence does not cover sharers who are located overseas. Accordingly, this puts foreign sharers located overseas out of reach of local jurisdiction, rendering legislation ineffective against them.

(c) Not clear how sharers and online platforms should know if information is false

It is not clear how people who share information or online platforms that allow information to be shared on their platform should determine whether the information is true or false. Objective truth is difficult to ascertain especially given the wide range of information online, and even research may not yield a conclusive answer. As a result, it is unclear what criteria these sharers and online platforms will have to adopt to adjudicate between true and false. Furthermore, the heavy responsibility inherent in deciding what is true or not may be poorly exercised by any such fact-checking entity, and they may end up taking down information that happens to be true.

Recourse to the courts, which are the indisputable fact-finders of the land, may be impracticable given the sheer amount of online information and potential trivialness of cases.

(d) Difficulties in drafting legislation with sufficient precision

Another important reason why legislation tackling deliberate online falsehoods is not advised is simply due to the difficulty involved in clearly delineating with precision what is criminal in law, without having chilling effects on the freedom of expression.

It is not clear to us how satirical news is to be distinguished from maliciously misleading news, both of which are deliberate online falsehoods.

Furthermore, it is difficult to conclusively say that a particular piece of information is definitely false. For example, returning to the “coffee cures cancer” or “vaccines cause autism” cases, while we think that these statements are not true, we really cannot say that these statements are objectively false. Or at least this is our opinion on the matter.

(e) Difficulties in drafting legislation with sufficient precision

Nonetheless, if legislation is absolutely necessary, we would suggest the following issues that the draftsman should be aware of:

- i. ‘Deliberate online falsehoods’ is an overly-broad term which may capture too many forms of speech. Deliberate online falsehoods ostensibly, by virtue of requiring ‘deliberate intention’, excludes negligent reporting and good faith sharing of false information. However, it is unclear if other forms of speech such as satire or false information shared for the purpose of discussing important issues or even to demonstrate that the news is false, which are false and deliberately posted or shared online, will fall under the axe. The term “deliberate online falsehood” does not make these distinctions, which in our opinion, is quite difficult to draw. Yet, these distinctions must still be drawn to prevent such innocuous and useful speech from being prohibited;

- ii. There needs to be additional factors aside from “deliberate online falsehood” in any legislative response. To this end, we believe that requiring an intention on the part of the maker or sharer to cause significant public or private harm is justified in principle. After all, satirical material published with malicious intent should not be protected by law;
- iii. Ensure that sharers and intermediary platforms are not liable for the actions of their users, barring specific and limited circumstances. For example, when should an intermediary “know” that the substance of content on their platform is “false”? Mere assertions, without evidence to the contrary, sent to them by the state cannot and should not be sufficient to establish that what is on their platform is a falsehood and falls afoul of the law;
- iv. There should be safeguards implemented to prevent the new legislation from delving into a pseudo-censorship law. In order to not discourage legitimate speech, any legislation must seriously consider measures to alleviate the potential chilling effect on speech that the sheer presence of legislation targeting online speech can have;
- v. It may be preferable to consider alternative responses such as encouraging responsibility for online information. For example, policies could require the poster to correct any inaccuracies within the article, or even to put up citations for his claims, as opposed to criminal penalties and sanctions.
- vi. It may be preferable for legislation to target the impersonation of credible news sources, or passing off as a credible news source, rather than to target the truthfulness of the claims in the alleged deliberate online falsehood itself. For example, there is a major difference between a normal citizen reporting a news issue in his personal, non-professional capacity, and this same citizen passing off as the Straits Times in reporting a news issue. The former is simply part and parcel of today’s world, while the latter may be unethical and therefore warrants legal attention.

This in principle targets unethical practices, as opposed to penalising untrue reports. Such a move would have the advantage of removing the need for the enforcement agency/judiciary to delve into the controversial affair of deciding whether a claim is objectively true or false.

However, we would also warn against extending this principle to include defining a standard which journalists must meet, as this could dangerously impose an overly-onerous standard on journalists - be it career journalists or citizen journalists - such that they are unable to make any claims at all. In demanding quality journalism, we do not want to stifle journalism completely in the process. Targeting impersonation also does not properly distinguish between malicious masquerading, and more innocuous satirical or parody ‘news’ outlets such as the local favourite show “The Noose”.

6. Conclusion

The idea of false information and deliberate online falsehoods is a difficult subject which we have both mulled over and consulted various sources of information over. From our research

and reflections, we strongly believe that imposing the blunt force of legislation in response to such a multi-faceted problem would miss genuine opportunities to allow and encourage Singapore society to develop critical skills in discerning the credibility and truthfulness of statements made. These skills, first introduced in classes such as Social Studies in secondary schools, are fundamental for a maturing society and should be encouraged as we step into a fast-moving information-bloated world. For too long, the Government and legislation has led the way in helping Singaporeans think - we believe it is time to empower our citizens to come into their own.

[1] <https://www.nytimes.com/2017/06/22/us/pizzagate-attack-sentence.html>

[2] <https://www.mha.gov.sg/Newsroom/press-releases/Pages/MHA-Statement-on-Foreign-Sponsorships-for-Pink-Dot-2016.aspx>

[3] <https://www.mha.gov.sg/newsroom/press-releases/Pages/Cancellation-of-Singapore-Permanent-Residence-Status-Huang-Jing-and-Yang-Xiuping.aspx>

[4] <https://www.theguardian.com/technology/2017/oct/30/facebook-russia-fake-accounts-126-million>.

[5] Review Publishing v. Lee Hsien Loong [2009] SGCA 46.

[6] Parliamentary Debates Singapore: Official Report vol. 94 at 2.20pm–3.42pm) (15 August 2016) (K Shanmugan).

[7] <https://www.wired.com/story/inside-facebook-mark-zuckerberg-2-years-of-hell/>

Annex A

Defamation Act Cap 75

Broadcast statements

3. For the purposes of the law of libel and slander, the broadcasting of words by means of telecommunication shall be treated as publication in a permanent form.

Slander of women

4. Words spoken and published which impute unchastity or adultery to any woman or girl shall not require special damage to render them actionable.

Slander affecting official, professional or business reputation

5. In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damage whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

Slander of title, etc.

6.—(1) In any action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage —

(a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or

(b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Section 3 applies for the purposes of this section as it applies for the purposes of the law of libel and slander.

Protection Against Harassment Act, Cap 256A

False statements of fact

15.—(1) Where any statement of fact about any person (referred to in this section as the subject) which is false in any particular about the subject has been published by any means, the subject may apply to the District Court for an order under subsection (2) in respect of the statement complained of.

(2) Subject to section 21(1), the District Court may, upon the application of the subject under subsection (1), order that no person shall publish or continue to publish the statement complained of unless that person publishes such notification as the District Court thinks necessary to bring attention to the falsehood and the true facts.

Sedition Act Cap 290

Seditious Tendency

3.—(1) A seditious tendency is a tendency —

- (a) to bring into hatred or contempt or to excite disaffection against the Government;
- (b) to excite the citizens of Singapore or the residents in Singapore to attempt to procure in Singapore, the alteration, otherwise than by lawful means, of any matter as by law established;
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Singapore;
- (d) to raise discontent or disaffection amongst the citizens of Singapore or the residents in Singapore;
- (e) to promote feelings of ill-will and hostility between different races or classes of the population of Singapore.

...

Offences

4.—(1) Any person who —

- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;
- (b) utters any seditious words;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or
- (d) imports any seditious publication,

shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 5 years; and any seditious publication found in the possession of that person or used in evidence at his trial shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 18 months or to both, and, for a subsequent offence, to imprisonment for a term not exceeding 3 years, and such publication shall be forfeited and may be destroyed or otherwise disposed of as the court directs.

Penal Code Cap 224

Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person

298. Whoever, with deliberate intention of wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony

298A. Whoever —

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or

(b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility,

shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

Administration of Justice (Protection) Act 2016, No. 19 of 2016

Contempt by scandalising court, interfering with administration of justice, etc.

3.—(1) Any person who —

(a) scandalises the court by intentionally publishing any matter or doing any act that —

(i) imputes improper motives to or impugns the integrity, propriety or impartiality of any court; and

(ii) poses a risk that public confidence in the administration of justice would be undermined;

(b) intentionally publishes any matter that —

(i) prejudices an issue in a court proceeding that is pending and such prejudgment prejudices, interferes with, or poses a real risk of prejudice to or interference with, the course of any court proceeding that is pending; or

(ii) otherwise prejudices, interferes with, or poses a real risk of prejudice to or interference with, the course of any court proceeding that is pending;

- (c) intentionally interferes with (by intimidation or otherwise) or hinders another person's access to or ability to appear in court, knowing that this person is a party, witness, advocate or judge in ongoing court proceedings;
- (d) intentionally offers any insult or causes any interruption or obstruction to any judge of any court, while such judge is sitting in any stage of a court proceeding; or
- (e) intentionally does any other act that interferes with, obstructs or poses a real risk of interference with or obstruction of the administration of justice in any other manner, if the person knows or ought to have known that the act would interfere with, obstruct or pose a real risk of interference with or obstruction of the administration of justice, commits a contempt of court.