

Written Representation 154

Name: The Online Citizen (TOC)

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This submission represents the views of “The Online Citizen (TOC)”, a social-political website formed in Dec 2006 which covers a wide-range of news and topics in Singapore. The website has a strong interest in the decisions of the Select Committee on this matter not just from a philosophical perspective as an independent news provider but also financially as part of the income derived by the site comes from pay per view advertisements.

If required, I am willing to appear before the Committee to give evidence.

Summary

This submission argues that Singapore currently possesses more than enough existing laws to deal with falsehoods and their consequences that may affect citizens and therefore, no further legislation needs to be introduced at this time.

Furthermore, “falsehoods” as described by the government are highly subjective. Indeed, statements made by the government can at times be also be described as falsehoods as these may end up misleading the the population. Detailed examples will be provided below.

Instead of depending on legislation which allows the government to determine what is a falsehood or not, citizens should be provided with the right education, tools and resources to determine for themselves which statements are true or false.

Definition of falsehoods in news

In the context of this submission, falsehoods are understood to be news that are inaccurate, misleading and non-factual. Such a definition needs to be made clearly and debated and accepted. This is important, as diverse opinions of individuals and organisations or their interpretation of the facts should never be automatically classified as true or false without proper independent scrutiny.

Transmission of information via electronic devices

Falsehoods are easily spread in modern society through current digital technologies which are easily accessible. Especially in a country such as Singapore which has one of the highest concentrations of smart phone equipped populations w. Anyone with access to the internet, which is the vast majority of our population, can receive and send information with the click of a button.

Individual falsehoods

More than often, transmission of falsehoods, such as urban myths and social happenings are done out of community spirit and goodwill, sharing the latest gossip with friends and family, particularly through Whatsapp groups in Singapore's context, without thinking much of where the information came from and whether is there any truth behind the matter.

However, one cannot define such transmissions as the "deliberate spread of falsehoods" as there is no good evidence that these mass circulation messages are malicious or deliberate.

Rather, this simply represents a poor practice of personal responsibility in disseminating information and more deeply, a lack of information literacy in the majority of our population.

Stories such as parents with sick kids who need help and homeless individual seeking help from the government, might be wrong in terms of certain specific facts and may make inaccurate claims about the quantity and quality of the assistance received by the government. But society at large feels compassion for people in such situations which spurs them to share the posts without doing detailed analyses of the actual financial situation of the individuals concerned. The creator of the post(s) cannot be said to be deliberately spreading falsehoods about the government as there might be some misunderstanding along the way and not all citizens have the skills or resources to investigate the circumstances of every needy individual who asks for help.

Individual are spurred to share stories and information online because of numerous historical success stories and the inaction, real or perceived of government bodies. Take the Sim Lim Square incident for example, where a Vietnamese tourist was bullied by a handphone retailer. If not for the social media outrage, it is likely that no action would have been taken against the retailer. It was later revealed that that particular shop had 28 complaints filed against it with CASE, and potentially many more undocumented as CASE do not record complaints of non-members. It took the social media storm to result in serious action against the unprofessional retailer.

Even if there are some facts that are untrue in social media posts, the government has more than resources to clarify these matters through its various ministries and state media. I don't think the government intends to clamp down on well meaning individuals who share stories out of goodwill but overly strict rules will result in a society which fears speaking out for the disadvantaged such as the hapless tourist, domestic worker or sick child.

Falsehoods by Websites

In the much cited case of The Real Singapore (TRS)'s report on the Thaipusam incident, where the website falsely reported that a Filipino family made a police report at the annual festival, authorities have pointed out how falsehoods promoted by a profit-driven news agency or individual can cause a rift in the delicate multi-cultural society of Singapore.

However, while TRS's story did create a commotion among the populace but with eye-witnesses and alternative reports coming out quickly to dispute the report, the damage was limited and arguably reversed as individuals start to reflect on their initial comments online. There is no evidence provided that there was any significant harm to individuals or communities once the diversity of alternative views had been expressed on social media.

Ms Gowri Yanaseckaran, who submitted the original post to TRS, testified in the trial against the operators of TRS that she had used a report from The Online Citizen which was published on the same day as TRS to challenge the accuracy of the report.

If my recollection serves me well, many others went to TRS's facebook comments section and disputed the authenticity of the account as well. The false account by TRS did not spread after it was published as more narratives of what actually transpired were published and the report was clearly shown to be false online.

Interestingly in this particular case, in addition to disputing "fake news", alternative news and views also served to counter questionable assertions made by government agencies.

In the statement made by the Singapore Police Force (SPF) on the arrests made during the Thaipusam procession, SPF wrote, "The three men, all Singaporeans, also used vulgarities against the officers. All three men were believed to have been drinking earlier as they smelt strongly of alcohol. They have been arrested and investigations are ongoing."

The [statement released](#) by the Police seems to suggest to the members of public that the three men who were arrested, had been drinking. But according to an eye-witness whom TOC [interviewed](#), the police had not conducted any breath tests and at least one of the arrested is not known to be a drinker by his friends.

Establishment claims of “falsehood” by not responding to queries

TOC [reported in March 2017](#) that a wheelchair-bound elderly person was accused of being involved in a case of motorcycle theft by police officers from the SPF based on a statement from the man's daughter. TOC made a number of queries of SPF to verify the statement.

After two months of silence from the SPF, [it released a statement a day](#) after the report was published, saying that TOC had made false allegations against SPF.

This case raises two issues. One, being SPF as a public entity refused to respond to queries on a public interest matter. TOC has for years been writing to SPF for comments but no response has been given to date other than the automated reply to indicate successful delivery of the query.

The second issue is that SPF simply stated the case from its officers' point of view while TOC wrote from the perspective of the elderly man and his daughter. If SPF wished to contest TOC's version based on the facts, it should just simply release the video captured by the police officers who attended to the case. After all, it [was announced](#) that police officers should turn on their video recording devices when they are on duty.

Half-truths from government

The government has often made claims that independent sites like TOC publish falsehoods.

In one example where TOC reported on the claims by Singapore inventor, Dr Ting Choon Ming that the Ministry of Defence (Mindef) had stolen his idea for an emergency mobile casualty station.

Mindef did not response to TOC's query and when it did, it published a statement to state "all these accusations are false and baseless". MINDEF claimed that it did not infringe any patent as one can't infringe a patent that was never valid in the first place and the case was actually a commercial dispute between MobileStats Technologies and Syntech Engineers, which supplied the mobile Battalion Casualty Station (BCS) to MINDEF.

Mindef subsequently filed a case against TOC and Dr Ting using the POHA but eventually the Court of Appeal ruled against Mindef and dropped the charge against the two.

In the judgement made by the Court of Appeal, the judge concluded that Dr Ting's statement that Mindef knowingly infringed his patent cannot be said to be false while also stating that the allegation that Mindef deliberately delayed proceedings cannot be held as true.

On Allegation that MINDEF had knowingly infringed the Patent

if Dr Wong had indeed said what Dr Ting ascribes to him, MINDEF's subsequent conduct could be cast in a quite different light. MINDEF depicts itself as an "innocent purchaser" which relied on a warranty from Syntech only to be caught unwittingly in the cross-fire of a dispute that was substantially between MobileStats and Syntec, but unless Dr Ting's descriptions of his communications with Dr Wong are squarely rebutted, it remains a real possibility that MINDEF was fully aware when it purchased the vehicles from Syntech that these vehicles might infringe the Patent, and that MINDEF dealt with this by getting Syntech to take on the risk of a patent infringement action ensuing. It is not to the point to say that MINDEF had no interest in owning the intellectual property rights to the Battalion Casualty Stations, because that is entirely consistent with an intention to purchase and use the vehicles in such a way as would infringe the Patent.

51 In the circumstances, I am unable to see how it can be established on a balance of probabilities that Dr Ting's narrative of his communications with Dr Wong is false. On this premise, given the two competing possibilities, viz, (i) MINDEF was a mere "innocent purchaser" of vehicles from Syntech and had no intention to infringe the Patent, or (ii) MINDEF was cognisant of the possibility that the vehicles might infringe the Patent but decided to purchase them anyway on the basis that Syntech would bear any liability for infringing intellectual property rights, I cannot say that the former is more likely to be true than the latter. Both are equally plausible on the available evidence. Therefore I am not able to conclude that the first statement of fact impugned by the Attorney-General is false.

Allegation that MINDEF had deliberately delayed proceedings in Suit 619

I accept that Dr Ting's comment that MINDEF had delayed the proceedings in Suit 619 by asking for a 10-day trial is false. There was in evidence before me the notes of a hearing in which counsel for MobileStats is recorded as having said "Agree five days not sufficient" and having indicated that six days would be needed just for cross-examination and re-examination of all of MINDEF's – or Syntech's – witnesses. It is thus evident that the extension of the trial beyond the five days originally designated for that purpose was not part of a design by MINDEF to drag matters out.

54 More fundamentally, I accept that MINDEF was not the party conducting the litigation in Suit 619. It was Syntech that appointed and instructed counsel to resist MobileStats's action and bore the expense involved. Given this situation, I consider that MINDEF would have no interest whatsoever in delaying the proceedings, and since Syntech made the decisions in the litigation any design to delay would have been Syntech's initiative and not MINDEF's.

However, the fact of the case is that for three whole years, SYNTECH/MINDEF had never made its representation in court. The only ones who took the stand were Dr Ting and his partner. SYNTECH had taken the place of Mindef because of its obligation to defend Mindef as the contractor in charge of manufacturing the vehicles.

The original case was eventually ruled in favour of SYNTECH only because Dr Ting could not bear the legal costs due to the length of the legal suit and not because Syntech could prove that it had not infringed Dr Ting's patent rights.

What the government considers as falsehoods may not be perceived as such by the members of public. This brings the question, who will judge what is "falsehoods" or "truth"? Given the ambiguity in many cases, should there be legislation put in place to deal with online "falsehoods"? Will the government alone decide what is false and what is true?

Given that the Court of Appeal has ruled that the government cannot utilise POHA to "defend" itself against "falsehoods", will it come up with a new form of law to protect itself against reports such as the one on Dr Ting?

Laws in place to take action against falsehoods

The apparent goal of the motion seems to be for the Singapore government to come up with a new law to deal with the kinds of falsehoods highlighted in the Green Paper. But if one were to take a look at the current laws, one would realise the Singapore government has more than enough tools at its disposal to address the situations raised as examples in the Green paper.

[Telecommunications Act 1999](#) – Covers all kind of falsehood that are transmitted electronically.

[Defamation Act](#) – Covers slander of individuals and entities

[Sedition Act](#) – Covers malicious and deliberate comments which disrupt religious and racial harmony.

[Protection from Harassment Act \(POHA\)](#) – Covers harassment of individuals online and publication of false information.

Countries that the Green Paper quoted which have issues with online falsehoods are moving to introduce new legislation because their laws are very liberal compared with Singapore's wide generalised laws which cover all aspect of free speech.

In the [2017 Press Freedom Index by Reporters without Borders](#), France ranks 39, Germany 16, United States 43 and United Kingdom at 40. [Singapore ranks at 151](#) with the explanation being that the government "censors journalistic content, both in the traditional media and online. Defamation suits are common in the city-state and may sometimes be accompanied by a charge of sedition, which is punishable by up to 21 years in prison."

Regulations to control entities and individuals in place

Other than laws in place to adequately deter individuals and entities from propagating false information, regulations are already in place to restrict anyone who dabbles with online content. Anyone who creates content online is automatically listed under the class license managed by Info-communications Media Development Authority (IMDA).

Once IMDA deems individuals or entities as being required to be registered with the agency, they have to comply within 14 days of notification else their class license will be revoked.

According to IMDA, the entities that are governed under the class license are:

- Political parties registered in Singapore, providing any content on the World Wide Web through the Internet;
- Groups, organisations and corporations engaged in providing any programme for the propagation, promotion or discussion of political or religious issues relating to Singapore on the World Wide Web through the Internet;
- Individuals determined by MDA to be engaging in providing any programme for the propagation, promotion or discussion of political or religious issues relating to Singapore on the World Wide Web through the Internet;
- Internet Content Providers who are in the business of providing an online newspaper through the Internet, for a subscription fee, or other consideration.

If you look at the list above, there is basically a full coverage of the whole internet sphere. Even websites that are based overseas outside of Singapore's control have to register if they seek to operate in Singapore. If they fail to do so, IMDA can move to restrict local access to the website just as it does for various pornographic and radical religious sites.

Foreign intervention

So far, from a media practitioner's point of view, I have seen no evidence of foreign power intervention in news. The historical examples cited in the Green Paper remain contentious to this day.

Current laws and regulation restrict foreign funding to news agencies or organisations deemed as political associations by the government. There does not seem to be any way, foreign countries can seek to manipulate public opinion today as mentioned in the examples listed in the Green Paper.

Although I do not support this particular law, but with Singapore's [Internal Security Act](#), the government could act swiftly on collaborators of foreign countries if it chooses too. Furthermore, no hard evidence is required to be presented by the government, just pure assertion will do. Ideally, a swift and efficient judicial process would bring individuals whether local or foreign who seek to bring harm to Singapore to justice.

Therefore the issue here is whether the government is made aware of foreign intervention and not what it can do if there is intervention.

According to the Green Paper on this motion, the threats of falsehoods seem to be limited to influence of fake articles and comments propagated by foreign agents to disrupt the elections of a country.

If a law is passed to make it punishable for falsehoods under the terms listed by the Select Committee, how would it be able to reach foreigners outside of Singapore's jurisdiction? It will be a law that targets only at Singapore residents and not teenagers in eastern Europe who try to manipulate elections for profit to use one example from the Green Paper.

Also, based on my personal experience, "astroturfing" in Singapore is largely performed by members of the People's Action Party.

Consequences that the spread of online falsehoods can have on Singapore society, including to institutions and democratic processes

As someone who has operated a social-political site for five years, the biggest threat to the stability and growth of the democratic process in Singapore is the government's control of the media and information.

One can just take a look at the comments online by ordinary citizens to understand the lack of trust people have in the newspapers and media backed by the government. This lack of trust has pushed people to believe in publications that publish sensational news and information spread through their social networks. This could create serious social problems as the government will find it hard to spread real information when it really has to do so such as in incidents such as the SARS outbreak.

TOC calls for the government to be transparent with public information by having a Freedom of Information Act that will allow free access to non-sensitive or dated information from the government bodies and to stop its control over the mainstream papers and media, by revoking [the Newspaper and Printing Presses Act. This would allow the media both online and offline](#) to function the way they should, informing and educating the public about the world, instead of spreading government propaganda and narratives which go against common sense.

To combat falsehoods online or spread through social networks, legislation is not the way forward but a few steps back. The best way is to allow citizens to gain access to more sources of information and for them to develop a questioning and critical mind-set on what is true or false, whether the information is from official or independent sources.