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Singapore: Defamation suits threaten Chee Soon Juan and erode freedom of expression

"With defamation suits expected to be filed against an opposition leader, Chee Soon Juan, a general election campaign has once again been marked by the threat of politically-motivated libel actions, further restricting peaceful political activity and eroding the right to free speech," Amnesty International said today.

While the ruling People's Action Party (PAP) have maintained overwhelming parliamentary majorities since independence in 1965, its leaders have launched a series of civil defamation suits against opposition figures, asserting that the respect of the electorate and their ability to govern depended on their determination to defend their reputations when allegedly defamed.

Amnesty International has expressed concerns that this pattern of defamation suits has been both unnecessary and disproportionate and that, by undermining the requisite balance between the right to protection of reputation and the right to free speech, has amounted to a violation of the fundamental right to freely hold and peacefully express one's opinions.

The misuse of defamation suits by PAP leaders has contributed to a climate of self-censorship in Singapore and restricted the right of those Singaporeans with dissenting opinions to participate freely and fully in public life. Dissenting political activity continues to be deterred and curbed by the knowledge that no PAP leader has ever lost a defamation suit against an opposition figure in court, and that heavy awards for damages have led to the financial ruin of prominent critics of the PAP.

During the course of the current election campaign senior government ministers appeared to focus on discrediting Chee Soon Juan, leader of the Singapore Democratic Party (SDP) claiming he was particularly unsuitable as a potential parliamentarian as he was "disloyal to Singapore" and was "slippery, tricky, a liar and a flawed character" who would be "demolished".

Amnesty International remains gravely concerned that defamation suits have not solely been motivated by a legitimate desire to defend reputation but have been directed selectively at those considered politically "unacceptable" by the PAP.

The 2001 Elections

The PAP's hold on power was confirmed on the opening day of the election campaign with opposition candidates contesting only 29 of 84 parliamentary seats. Controversy then arose during the campaign when rival teams headed by Prime Minister Goh Chok Tong and Chee Soon Juan met on 28 October during street electioneering in a contested constituency. Chee Soon Juan publicly challenged the Prime Minister and the government to explain and justify US\$10 billion of loans previously offered to former President Suharto of Indonesia. Chee Soon Juan later apologised to the Prime Minister for the manner of his questioning and any personal offence caused by it. This and a subsequent apology was rejected, and Goh Chok Tong demanded a formal apology, damages and costs for the allegedly libellous attack on his "character, competence and integrity" as Prime Minister. Senior Minister Lee Kuan Yew made similar demands. Chee Soon Juan subsequently apologised as demanded, agreed not to repeat the allegations and to pay damages and costs to both ministers.

A Pattern of Defamation Suits

Amnesty International's concerns are aggravated by the history of previous defamation suits in Singapore, including those filed against opposition figures standing in the 1997 general elections. During this campaign PAP leaders sought to discredit Workers' Party parliamentary candidate **Tang Liang Hong**, publicly labelling him an "anti-Christian, Chinese chauvinist". In response Tang Liang Hong filed police reports asserting that these charges were untrue and had incited people to hate him. The PAP leaders listed in the police reports, alleging that they had been defamed through them, sued and were awarded damages of US\$5.5 million, reduced on appeal to US\$2.3 million. Tang Liang Hong, who had left the country shortly after the polls citing death threats and the need to organise his affairs for his legal defence, never returned to Singapore and was eventually declared bankrupt.

At the same time suits were also filed against then Workers' Party leader **JB Jeyaretnam**, a veteran opponent of the PAP whom Lee Kuan Yew in 1986 said had to be politically "destroyed" as he was against the system. JB Jeyaretnam's by-election victory in 1981 had broken the PAP's sixteen year parliamentary monopoly, but in 1986 he was expelled from parliament after being found guilty of misuse of party funds following court judgements which the Privy Council in London - then Singapore's highest court of appeal - severely criticized as unjust. Despite the Privy Council's call for redress Jeyaretnam remained barred from standing for re-election until 1997, when he was returned to parliament as a non-constituency member. He was then sued for allegedly defaming Goh Chok Tong, Lee Kuan Yew and other PAP leaders during an election campaign rally by saying the words "Mr Tang Liang Hong has just placed before me two reports he has made to police against, you know, Mr Goh Chok Tong and his people". In his suit against JB Jeyaretnam Goh Chok Tong was awarded S\$20,000 increased on his appeal to S\$100,000 plus costs.

Amnesty International representatives observed both trial and appeal and expressed concerns at apparent political motives behind the suits, and aspects of the judgments. In 1998 Goh Chok Tong began bankruptcy proceedings against JB Jeyaretnam and concerns mounted that the government's intention was to drive JB Jeyaretnam into bankruptcy, and thereby effect his automatic expulsion from parliament. However the Prime Minister later suspended bankruptcy proceedings, agreeing to accept payment of the damages in installments. He subsequently discontinued demands with S\$31,000 remaining unpaid (though demands for this sum were restored in September 2001).

As expectation mounted that elections would be called in 2001 the threat of JB Jeyaretnam's bankruptcy and expulsion from parliament re-emerged in late 2000 when Goh Chok Tong's co-plaintiffs including Lee Kuan Yew and other PAP members, took steps to revive their 1997 suits which had not yet come before the courts. Shortly afterwards another group of plaintiffs (including PAP leaders) involved in two libel actions deriving from a 1995 Workers' Party newspaper article, demanded payment of damages awarded to them. Under intense financial pressure JB Jeyaretnam was pushed into bankruptcy in January 2001. His court appeals against the bankruptcy order and against Lee Kuan Yew's attempts to revive the 1997 suits were rejected in July 2001. As a bankrupt, JB Jeyaretnam was expelled from parliament, barred from practising as a lawyer and prevented from standing as a candidate in the 2001 elections or taking any active part in the campaign.

For further information please see the following documents on www.amnesty.org

- Singapore: International trial observer to attend Court of Appeal as former opposition leader JB Jeyaretnam faces possible expulsion from parliament (AI Index: ASA 36/05/2001) 20 July 2001
- Singapore: JB Jeyaretnam - Defamation suits assault freedom of expression (AI Index: ASA 36/05/98) 22 July 1998.
- Singapore: JB Jeyaretnam - the use of defamation suits for political purposes (AI Index: ASA 36/04/97) 15 October 1997.

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