

THIRTEENTH PARLIAMENT OF SINGAPORE

Second Session

**REPORT OF THE SELECT COMMITTEE
ON DELIBERATE ONLINE FALSEHOODS –
CAUSES, CONSEQUENCES AND COUNTERMEASURES**

Parl 15 of 2018

**Presented to Parliament on
19 September 2018**

PART C

MINUTES OF EVIDENCE

ADDENDUM

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TUESDAY, 27 MARCH 2018
10.00 am

PRESENT:

Mr Charles Chong, Deputy Speaker (*Chairman*)
Mr Seah Kian Peng (*Chairman after the lunch break*)

Ms Chia Yong Yong
Dr Janil Puthucheary
Mr Desmond Lee
Mr Pritam Singh

Ms Rahayu Mahzam
Mr K Shanmugam
Ms Sun Xueling
Mr Edwin Tong Chun Fai

[Mr Deputy Speaker in the Chair]

[5259] The Chairman: Good morning, welcome to the third and last tranche of the public hearings by this Committee. In this final tranche we will see more representatives from different stakeholder groups and hear their views. This includes academics, media literacy groups and civil society members.

[5260] We have scheduled a large number of witnesses to be heard in the course of our public hearings. As far as we can, we have tried to accommodate the schedules of each witness. We have also tried to group similar stakeholders so that we can have the benefit of hearing them respond to each other's views. Thus, for instance, we have had panels of tech and media companies and that format has worked well.

[5261] Inevitably, this has created some scheduling difficulties and we have had to work out various iterations with many witnesses, including overseas witnesses. Where one witness in an intended panel is not available, we would need to go back to the others in the panel to check if alternative dates are possible. Some changes were also necessary because our estimates of time that we needed with different witnesses also changed as the hearing progressed. Some points needed more elaboration while others were sufficiently ventilated. Likewise, our need for certain witnesses.

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[5262] We thank all the witnesses for accommodating these changes and look forward to hearing their views. Our Committee would also like to register our thanks to the Parliament Secretariat for their assistance in managing these extensive hearings.

[5263] Is the next witness ready? Please bring the witness online. The next witness will be by teleconference.

Paper No. 17 -- Prof Hany Farid (Professor and Chair, Dartmouth College, Department of Computer Science), was examined on affirmation via video-conferencing.

[5264] The Chairman: Good morning, can you hear us? For the record, can you please state your name and the position you hold in the organisation?

[5265] Prof Hany Farid: My name is Hany Farid. I'm a Professor and Chairman of Computer Science at Dartmouth College in the United States.

[5266] The Chairman: The evidence which you will be giving before the Committee will be taken on affirmation. The Clerk will now administer the affirmation.

(The witness made an affirmation.)

[5267] The Chairman: Welcome to the public hearing of the Select Committee on Deliberate Online Falsehoods. The focus for today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully. I will now call on Dr Janil to begin.

[5268] Dr Janil Puthucheary: Good morning, Prof Farid. Thank you for joining us and thank you for your submission.

[5269] If you don't mind, I would like to take you through some of the comments you have made in your submission as well as some other documentation and then we can have a discussion about perhaps if there are any issues behind the statements that you've made and then we will go on a bit further from there.

[5270] If I understand you correctly, this is going to be a very challenging problem for the foreseeable future, it's not an easily solvable problem. In one of your paragraphs, page 1, you said: "... reining in online abuses is challenging ... we can and must do more to mitigate the harm that is being seeded and fuelled online, while at the same time maintaining an open and free Internet where ideas can be shared and debated."

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[5271] **Prof Hany Farid:** Yes.

[5272] **Dr Janil Puthucheary:** But you then also draw the distinction about fake or false images and videos as distinct from speech, and you pay some attention to the ability for distortions to occur around images and videos.

[5273] This is on page 4 of your submission where you say: “Even relatively unskilled users can now manipulate and distort the message of visual media. This is enabled by the wide scale of availability of sophisticated image and video editing applications that permit editing in ways that are very difficult to detect, either visually or with current image analysis and visual media forensic tools.”

[5274] And the scale of this difficulty -- you go on to say: “The difficulty faced is that there are more than a billion uploads to Facebook each day and 300 hours of video uploaded to YouTube each minute of the day.” Your distinction between images and videos versus text is related to its impact or, if I understand your submission, is it more about the possibility for using a technological solution to solve the problem?

[5275] **Prof Hany Farid:** It’s the latter. I’m not making a claim about impact. I think both can be very impactful. There is no doubt that images and videos and recordings, because of the way we digest that material, can be very impactful, but words can be equally impactful.

[5276] What I was referring to was the type of technology that we have deployed on the child exploitation side, on the counter-extremism side that can find and remove digital imagery, specifically images and videos. That technology is well understood, it has been deployed for over a decade and it has been used to some real effect in limiting the distribution of very harmful material. It could also be used on the fake news front by finding images, video, audio recordings that are known to be fake, falsehoods, recordings that were not made by people purported to make them and we can remove that. Text, despite the notion that it might be easier, it can also be very tricky.

[5277] Let me preface this by saying I’m not an expert on natural language processing, on text-based analysis, I’m an expert on imagery, video, image and audio analysis. There are things that can be done on the text side but it is very easy to manipulate text to look very different in different context. You know this because we still have a spam problem. Decades of research in trying to eliminate very simple spam messages continue to fail. Dealing with fake text is extremely challenging. They are all challenging to varying degrees but we have some very well-known solutions in the video and image space that could be deployed today on the fake news front.

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[5278] Dr Janil Puthucheary: The need to deploy such technology specific to video and imagery is linked to its potential to reach and go viral very quickly, as compared to a simple text post, is that your contention?

[5279] Prof Hany Farid: I think it is. What we have been seeing over the last few years is that fake news is moving from a simple web page that somebody props up to make it look like a real news story, to now full-blown videos of world leaders saying things that they have never said, or doctored videos. I think we can agree that when you read something and when you see a world leader saying something, those are very different impacts in the way we process and the way we believe that information. I think all signs are coming into this year and next year as the technology has been developing, to create these fakes, we are going to start to see these types of fakes rolling out in national and state elections to try to manipulate public opinion.

[5280] I will mention that we have always seen manipulated images and manipulated video for decades, in fact, even back to pre-digital. But the concern now is the sophistication of the technology that allows for the digital media to be manipulated and of course there's the other component to this which we need to talk about, which is the way social media is not just hosting this but is promoting the material. Every time there's a world event, we see that the YouTubes, the Facebooks and the Twitters are promoting at the highest levels the conspiracy theories and the fake news, because they attract more clicks, more attention, more advertising dollars.

[5281] So, there are really two components to this discussion -- I guess three: the creation of the fakes, the distribution of the fakes, and then how we bring them down and take them offline.

[5282] Dr Janil Puthucheary: With respect to the middle component, the distribution of deliberate online falsehoods, you talked a bit about the online platforms promoting such material because it attracts revenue for them. Do you believe this is a deliberate editorial decision or is it an emergent phenomenon from the business model and the structure of the platform?

[5283] Prof Hany Farid: I think it is a little bit of both. Let me preface this by saying I'm not an expert on economics or business models. I don't think there is somebody flipping a switch, saying, "Promote this, don't promote this", but I think there is somebody designing the algorithms that propagate this material to the top and I think it is done knowingly. I think the YouTubes and the Facebooks know, at the end of the day, that this material is being promoted, and at least, from the Facebook side, we have heard from the CEO, Mark Zuckerberg, that they do want to change and engage in a more meaningful way. We have not heard similar things, I should mention, from YouTube but we have heard at least a promise to do better on the Facebook side. Whether that will come around or not, I think remains to be seen, however.

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[5284] Dr Janil Puthucheary: You go on in terms of your discussion and your submission to talk about solutions and the limitations of various options. Given what you have just said, your position that an AI on algorithmic solution to the problem, given that part of the problem is caused by an algorithmic design, maybe we might need a little bit of an explanation about that.

[5285] Prof Hany Farid: Sure. Today, there are currently three ways of thinking about online moderation. One is the good old fashioned manual way, and that's largely the way we have been doing things in terms of user-flagged abuses.

[5286] So, a user, law enforcement flags content, humans at the YouTube, Facebook or Twitter side manually review and then make a decision, it stays up or it goes down, so the manual review is one option.

[5287] The other option is the technology we have developed, the robust hashing, the PhotoDNA, the eGlyph technology and that is a combination of two things. It starts with the user, you flag content, the company decides it wants to take it down, it then decides not only are we going to take it down this one time but we will take it down for all future uploads. So, you extract from that content, whether it is an image or a video or an audio, a signature that is distinct to that piece of digital material and then you eliminate future uploads. So, if you will, that is a hybrid approach, part-human, part-computer.

[5288] The third approach is fully autonomous, AI-based, computer-based, no humans involved. That is, you learn, machine learning what is child exploitation, what is extremism, what is fake news and then you unleash that technology to decide, every time content comes up, is it allowed, is it not allowed. The problem with the first approach, the manual, is it doesn't scale. A billion uploads a day of, hundreds of hours of video a minute, you can't hire enough people to do the moderation.

[5289] The problem with the last solution, the fully autonomous, is the accuracy is not even close to where you need to be. Even the absolutely vast machine learning AI-based systems have error rates of 1 in 1,000, maybe if things are going very well, 1 in 10,000. So, at a scale of billions of uploads a day, you are now talking about millions of mistakes a day. It is untenable. You would have social media eliminating posts incorrect at that rate that would be prohibitive. That is not to say we should not work harder to better develop AI systems but my belief today in the next few years is that the solutions have to be somewhere in the middle of a combination of human and computer.

[5290] So, the robust hashing technology that I have described to you and that has been deployed for over a decade is highly effective. Machine learning algorithms and

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approaches could be used but in conjunction with humans. So, that is, they can be the early flags and then the humans have to go in and review, once the decision is made, that content can then be eliminated from future uploads using the robust hashing. So, most likely that at least for the foreseeable future we are going to have a combination of human and computer efforts in order to find and remove this type of content because the AI systems are simply not there.

[5291] Let me add one other component to this which I think complicates the fully autonomous systems, is that like the spam, anti-spam and virus, anti-virus, the adversary doesn't just stop, the adversary adapts. If I build an algorithm that blocks an adversary, they don't just go home, they adapt the generation of the content to bypass the blockers. We have had this fight for decades with a number of computer privacy and security issues. Whatever fully autonomous systems you develop, they will constantly be attacked, and by the way they will be attacked by AI systems. You have AI systems creating content, AI systems trying to detect it and AI systems trying to defeat it. And now we have a little bit of an arms race with these AI systems.

[5292] So, I think, at least for the foreseeable future, we are going to have to create a fairly rigorous moderation of humans who will augment what computers can do.

[5293] **Dr Janil Puthucheary:** We will return to this question a little bit later, because we do need to spend a bit of time thinking about how we approach the problem and what might be the considerations both from the model of the solution as well as the constraints and so forth.

[5294] Can we spend a little bit of time talking about the technology itself, because I think it is worth understanding what is possible and what is not possible? I think you described quite a lot of it in your past comments, but if we could perhaps expand a little bit.

[5295] The technology that you are talking about, the PhotoDNA and eGlyph, are the two terms that you have used, so if I understand your premise correctly, and forgive me if I'm oversimplifying, but we need to make sure this is recorded correctly, it analyses -- this is from page 2 of your submission, the technology extracts from a digital image, audio or video a distinct digital signature, this is what you are calling the hash algorithm. So, a mathematical analysis of an image or a series of images, which is what a video is, generating a mathematical function which is unique to that product. Is that correct so far?

[5296] **Prof Hany Farid:** That is correct.

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[5297] **Dr Janil Puthucheary:** The uniqueness of the hash algorithm would allow the same image to be unidentified unambiguously as content across a number of platforms, it is platform agnostic?

[5298] **Prof Hany Farid:** It is platform agnostic. I will add, I want to correct one thing. It's not unambiguously. There are errors in the software. We estimate the errors are in the order of 1 in 100 billion, so we need to see 100 billion uploads, so let's call that 100 days of uploads on Facebook before we mistake two images for the same one.

[5299] Here is where the tension is with this technology. I could make it unambiguous, I could make it so that the errors are essentially zero, but the issue is that we need to be not only able to identify the image but we have to be able to identify the image if it has undergone some simple modifications. So, if somebody changes the size, or changes the colour, or recompresses the image, or maybe takes the metadata out of the image, or maybe takes a video and crops out a small segment of it. In order to be able to detect simple modifications like that, we have to give up on perfect, unambiguous zero error rates.

[5300] And you can see where the tension is. I need to be able to detect this image and a small number of variants of that image, and so, that opens the door to a small number of errors. We have estimated that a 1:100 approximately error rate is an acceptable error rate when we were deploying this in the child exploitation space, and this was done in collaboration with social media platforms. Everything you have described is exactly right, except for that one piece I wanted to just be clear about.

[5301] **Dr Janil Puthucheary:** Thank you. That is useful. In your written submission, you talk about the process and challenge and delay at developing this technology. I think it was the last paragraph of page 1 where you talked about the Technology Coalition, and over five years from 2003 to 2008 not developing a technology-based solution to this. But then you, in partnership with Microsoft, developed this over a year?

[5302] **Prof Hany Farid:** Yes.

[5303] **Dr Janil Puthucheary:** You have gone on to improve it over time?

[5304] **Prof Hany Farid:** Yes.

[5305] **Dr Janil Puthucheary:** It has been deployed?

[5306] **Prof Hany Farid:** PhotoDNA has been deployed since 2008 on most major Internet platforms. The extension of that software, which we call eGlyph, which was

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done in collaboration with the counter-extremism project, which is a New York-based NGO that I work with as an adviser, has not been deployed on the social media platforms. I should mention by the way that PhotoDNA is given away for free, we were not trying to make money here. The same is true of eGlyph. We simply wanted to develop the technology because we felt it could be useful in removing some of the harmful content. E Glyph has not been deployed although it has been offered to social media platforms, but PhotoDNA, for the last decade, has been deployed on most major Internet platforms.

[5307] Dr Janil Puthucheary: Can you give us some idea of the impact or success of PhotoDNA since its deployment?

[5308] Prof Hany Farid: It's a good question. There are a couple of ways to define success. Let's start by talking about how much content are we looking for? Remember that the way this technology works is, you say this is the content I want to find and then we look for that content. The database of known child exploitation that we are searching for, on average, is about 80,000 pieces of known child pornography. I should mention that the National Center for Missing and Exploited Children, which is a US-based organisation that deals with child exploitation, has over 80 million known child exploitation images. This 80,000 is a relatively small number of what is known to us.

[5309] In 2016, which is the last year that I have statistics for, we eliminated 10 million known child pornography images from redistribution. That is only looking for 80,000 images. If we increase that to 800,000, 8 million, 80 million, so three orders of magnitude, you are talking about potentially we could eliminate billions of known child pornography.

[5310] The natural question is: why aren't you looking for more? You have the ability to find and remove this. The answer, I will have to say, is a little perverse. The law here in the US is that when a social media company or an individual or law enforcement finds child pornography, they must report it to NCMEC. So, what happens is, as we expand that database, NCMEC gets more and more and more reports.

[5311] Frankly, they are simply unable to deal with all these reports. We have this very strange situation where we have technology that can effectively eliminate most of the child pornography that we find, but we don't have the manpower to deal with all of those reports. That is the situation right now.

[5312] Dr Janil Puthucheary: If I understand you correctly, having defined the type of imagery that you feel needs to be targeted, there are technological solutions in place which have been deployed for more than five years, which are able to effectively

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detect and -- correct me if I'm wrong -- prevent the upload of rather than just delete once it is already uploaded, millions of images.

[5313] Prof Hany Farid: That is an incredibly important point, because on the Internet, two hours is an eternity, things go viral in a matter of minutes or hours. This material that we are talking about never even makes it online. Today, if you try to upload one of these 80,000 images that are known to us, on Facebook, it will never see the light of day. Your account will be frozen at the time that you upload and a report will be sent to NCMEC and eventually possibly law enforcement. That technology, that infrastructure, that reporting mechanism exists today.

[5314] Dr Janil Puthucheary: And has been in use by social media platforms since?

[5315] Prof Hany Farid: Microsoft deployed it in 2009, Facebook in 2010, Twitter in 2011, Google in 2016, so for almost 10 years now it has been live and deployed.

[5316] Dr Janil Puthucheary: What is the determination of the images that are detected? These are declared as illegal images?

[5317] Prof Hany Farid: Yes. So, the National Centre for Missing and Exploited Children is the keeper of that determination. They are the experts in this space. I will tell you that they are exceedingly cautious to make sure that the material that is being hashed and searched for is 100 per cent clearly child pornography. So, the images are only of children 12 years and younger, these are prepubescent, there is no issue of age verification, and the images have a clear sexual act shown in them. So, there is no question as to whether it is child pornography or not.

[5318] One of the things we try to be very careful about, both in the child exploitation and the extremism space is to acknowledge that there is material that may be disputed as to whether it is illegal, inappropriate or a violation of terms of service, but we also acknowledge there is material that is unambiguously illegal, inappropriate, in violation of terms of service, and that is the material that we go after.

[5319] Dr Janil Puthucheary: This material, the way the technology works, there is no recourse, redress or appeal process? It has been declared illegal and therefore the platform is prohibited from uploading it?

[5320] Prof Hany Farid: There is a recourse. When the material is found on the platform, the accounts are frozen -- sorry, let me correct that. How the social media companies deal with the reports varies from company to company? What some companies do is they say, we trust the technology, when we find content according

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to the technology, we will freeze but not delete the account. The user will be sent notification that their account has been frozen and they can dispute whether that was appropriate or not. A report is made with NCMEC, NCMEC will then investigate and determine whether to contact law enforcement.

[5321] So, there is a recourse that if the technology makes the mistake, the user can have the account unlocked -- they can appeal the decision.

[5322] **Dr Janil Puthucheary:** Let me understand this correctly. If a new image is decided, the process, the human in the loop as it were, and the system and the organisation decides that a new image is now to be declared illegal, that is the process that you have just described, the account is then frozen and then there are opportunities for redress and recourse. No? Or is this where you have an image that has not yet been uploaded but in the act of trying to upload a forbidden image your account becomes frozen, you can then have an appeal process for that?

[5323] **Prof Hany Farid:** Yes.

[5324] **Dr Janil Puthucheary:** The latter?

[5325] **Prof Hany Farid:** That is exactly right, it's that part, yes.

[5326] **Dr Janil Puthucheary:** In other words, the illegal prohibited image has not been disseminated online, has not been uploaded, but someone has attempted to do so, and so the technology, as well as the operational policy of the social media platform blocks the attempt to do this and at the same time freezes the account?

[5327] **Prof Hany Farid:** Yes.

[5328] **Dr Janil Puthucheary:** But the account holder can dispute the freezing of the account but not the illegality of the image?

[5329] **Prof Hany Farid:** Yes. Well, if in fact the software in the 1 in 100 billion times made a mistake, the software made a mistake, the account is unfrozen and we apologise. But they do not have a recourse to say, this image is legal, because once the National Centre for Missing and Exploited Children says this is child pornography, it is, as a matter of law, child pornography, so there is no recourse in trying to change the definition.

[5330] I should mention that that definition varies from country to country. Here in the US, drawings, cartoons, images that are not of actual children, are protected. In the EU, that is not the case. So, these laws on what does and what does not constitute

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child pornography vary from country to country, and of course, the same is true of extremism. Things that would be banned in the UK are different than in Singapore and in the US, of course.

[5331] Dr Janil Puthucheary: The way this technology is deployed allows a jurisdictional variation over the process?

[5332] Prof Hany Farid: That's exactly right. So, the database, for example, that is used on EU Facebook can be different from the database in the US and the database in Saudi Arabia, for example. So, we can move across jurisdictional boundaries by just deciding on what is and what is not prohibited speech.

[5333] Dr Janil Puthucheary: If I could move to some of the comments you have made about the limitations of a pure technological solution in your submission, you are making the case there always needs to be a human in the loop.

[5334] Prof Hany Farid: At least for now.

[5335] Dr Janil Puthucheary: Okay. For example, you talk about, on page 2 of your written submission. First, the problematic content would still need first to be identified by human moderators. You then go on to say it cannot, without human assistance, discover new illegal or inappropriate content, so this technology would still have to be paired with manual review. The initial decision-making process has to be human-based but once that is done, the technology can largely run unsupervised until there is a disputed process or a disputed decision, in which case a human process is activated again. Am I understanding your explanation of the limitations of this process correctly?

[5336] Prof Hany Farid: That's exactly right. If I may add one more piece to that, on the child exploitation side, the content is illegal, whether you are a news organisation, law enforcement or a private citizen, it doesn't matter if the content is illegal. When it comes to things like fake news, extremism-related material, the rules are a little bit different. That material is not inherently illegal; it may violate the terms of service but it is not illegal. There you may have to make some decisions: do we allow news organisations to post a beheading video but we don't allow a known terrorist organisation? Some of the decisions, there has to be also editorial decisions for the non-illegal content as well.

[5337] Dr Janil Puthucheary: If I could return to some comments you made earlier about the three potential models of a fully human system, a hybrid system that you are advocating for or a fully autonomous AI-driven system, I think you were alluding

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to what is the current process of how material is put up and presented to us, whether it is on a News Feed or on a search site as being seen to be autonomous, algorithmic and AI-driven.

[5338] Prof Hany Farid: Yes.

[5339] Dr Janil Puthucheary: And how the presumption then is that our curation or editorial process needs to be human to sort of overcome this, but that is a problem of scale.

[5340] Prof Hany Farid: Yes.

[5341] Dr Janil Puthucheary: Can I first ask you: is your contention that, in truth, the process through which information is presented to us is not fully autonomous, in other words, there are human decisions that are made about the design of the algorithms, about the way these algorithms will rank and weight certain issues, one way or the other, the way the AI engine will deal with interpersonal relationships, these are human decisions that have been made to reinforce what is a semi-autonomous process. So, the way information is presented to us already is as a result of a hybrid process and not a fully autonomous AI-driven process. Is that your position?

[5342] Prof Hany Farid: That is absolutely true. At the end of the day, these algorithms are not being created by computers, they are being programmed. They are being programmed to optimise engagement by the users. At the end of the day, social media is about engagement, whether it's Twitter, Facebook, YouTube or Google, the more time you spend on these the better it is. The algorithms are designed to make decisions to engage you more. So, the clickbait, it turns out it works. The sensational, the conspiracy theory, the fake news, the things that keep you liking and tweeting and clicking is being optimised for by these companies.

[5343] So, you are absolutely right that these are human decisions at the end of the day, because we are deciding that this is what we want to optimise for, as opposed to trustworthiness. We can say we want to optimise for the more trustworthy the news organisation, the higher it gets ranked, the more likely it is to get promoted on the feed. You are absolutely right, at the end of the day, these are human decisions on what the algorithms are being optimised to do.

[5344] Dr Janil Puthucheary: There are two counter positions taken by the platform and tech companies as well as other people who have come and given representations to this Committee. One is that the decisions are made entirely autonomously, algorithmically, this is an AI process. And some of the criticisms from the people who

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have come to the Committee is the tech companies would like to have this as the position, otherwise it suggests they have editorial control, which would imply that they would need to be then dealt with as a media company.

[5345] Prof Hany Farid: Right, yes. First of all, you are absolutely right that -- let's talk about this distinction between platforms and publishers. If you are a publisher, Communications Decency Act section 230 in the US doesn't apply to you anymore and you have liability. If you are a platform, you don't have liability. That's the way it works.

[5346] You are absolutely right that the social media company, everything they have done over the last decade and a half has been to push and insist that they are simply a generic platform and therefore hold no responsibility. I understand that, I understand what the liability issue is, but it doesn't make any sense to me to claim that the AI algorithms are simply evolving to create this policy.

[5347] At the end of the day, the AI algorithms are being programmed by humans. Any AI-based system is given an objective to maximise. For example, I build an AI system to play chess. What am I optimising? Win. Win as often as possible, lose as infrequently as possible. I built an AI system to read text. What's the optimisation function? Get all the characters right. I build an AI system to drive a car, don't run into anything, get me from point A to point B. All of these AI systems have what is called an objective function, it is what you are trying to maximise or minimise. That is programmed, that is not created by a computer, that is programmed by a human. And the decisions, these AI based decisions -- I should say, I don't work at Google, Facebook or Twitter, I don't know exactly how these algorithms are being designed, but I can tell you that the general consensus among academics is that these are being designed to maximise engagement, how much time you spend on the platform. That should not be a shock. That is -- when these products are given away for free, and when the underlying business model is advertising, then what you want to maximise is how long people stay on the platforms. That seems fairly intuitive.

[5348] I respectfully disagree with this notion that somehow the algorithms have just decided that the sensational, the clickbait and the conspiracies are best and we have no control over it. I reject that hypothesis.

[5349] Dr Janil Puthucheary: There is a slightly nuanced different position, which is that the humans in the loop are the many, many users of the community that this platform serves, rather than the company themselves. That these standards around what constitutes useful engagement versus clickbait versus manipulation are derived from the users being the human in the loop, as it were.

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[5350] Prof Hany Farid: Right.

[5351] Dr Janil Puthucheary: The criticism of that is that this is behaviour that is open to manipulation and that various entities have tried to manipulate that behaviour maliciously. In parallel, coming out of your argument about how the algorithms are designed for engagement, that process for the platforms then to manipulate that behaviour so they maximise the effectiveness of that their outreach is also possible. Is that a point of view that you would agree with?

[5352] Prof Hany Farid: It is a fair point. There is a little bit of a chicken-and-egg problem here. Is it that the algorithms are promoting the stuff and I'm simply clicking on them because they are engaging, or is it that when I see them and I click them, and therefore the algorithms keep promoting them?

[5353] I suspect it is a little bit of both, but you raise a really good point, too, which is that if you are simply maximising for engagement, then you are vulnerable to manipulation. That is a serious issue that we have been seeing on social media play out over the last few years and I do not think the social media companies have figured out how to deal with that. We see that everywhere from the Russian meddling in elections to the way YouTube videos that promote conspiracies very quickly propagate to the top.

[5354] But there is another issue we should talk about too, which is it's not just what is being promoted on the feed, but if you are watching a YouTube video, you watch the video and you get to the end of it and it recommends other things, and you click on that video and it recommends something else. There have been some really startling analyses that show that you can start with a video about the moon landing and you can very quickly, within a few clicks, end up with a conspiracy theory about how the moon landing was faked. You start with a video about a moderate Muslim cleric and you end up watching Al-Qaeda videos within five clicks. Many things with the prediction of these YouTube videos, which is also true in child exploitation, that you end up in these very dark areas very quickly, lead you to the most sensational, the conspiracy, and I'm not convinced that is purely human-driven. I believe that is being driven by the algorithmic optimisation of engagement. We know that when people see these sensational videos, they click, therefore, we want to promote those videos to people.

[5355] I don't think that can explain the whole phenomenon. I'm certainly not saying that we as the public don't hold some blame in this. At the end of the day, we are clicking on this. But the social media companies also have some responsibility for how they are optimising the algorithms for what they feed us.

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[5356] Dr Janil Puthucheary: Thank you. If I could move on, a big part of your submission is about how the tech companies have to do more, that there is more that can be done and more that needs to be done by the technology companies. You talk about the Technology Coalition from page 1, how they did not develop or deploy any effective solution. It took you a year to develop and deploy PhotoDNA, and it took a further five years before Google was willing to deploy this technology on their platform. You then draw the distinction between the success that this approach has had for child pornography and child exploitation, towards the absence of movement with respect to extremism.

[5357] On page 2 of your submission, how the Counter Extremism Project along with the government agencies around the world have been calling on technology companies and social media in particular to rein in the ability of extremists to recruit, radicalise, plan and execute attacks. The response of the technology companies, largely denial and inaction, has been eerily similar to the call in early 2000 to combat online child exploitation. The technology companies are likely to strongly disagree with your statements. Some of the statements they have issued, this was Facebook making a statement in November 2017, “99 per cent of the ISIS and Al-Qaeda-related terror content we removed from Facebook is content we detect before anyone in our community has flagged it to us and in some cases before it goes live on the site. Once we are aware of a piece of terror content, we remove 83% of subsequently uploaded copies within one hour of upload.”

[5358] A further example of this denial or disagreement from them, this was Mr Simon Milner’s response here in this Committee, when we had quoted some of your representations to him, and he said: “It is absolutely wrong and completely unfair for him to say that. We have provided evidence to you about what Facebook is doing on the issue of deliberate online falsehoods. If you would like us to provide information about all the work our companies have done over the last several years to combat terrorism and radicalisation, we can do that and absolutely prove to you that his evidence is fundamentally wrong. He has a particular axe to grind about his form of technology and he is absolutely wrong on this. If you look at what a number of different governments have said around the world, including the European Commission, about the work that we have done collectively to address this problem, you will find a very different answer. We are very happy to provide that. But I really want to in no uncertain terms tell you that his evidence is wrong.”

[5359] In further quote Google and YouTube, just to make sure this is a platform agnostic process, in December 2017 saying: “98% of videos we removed for violent extremism are flagged by our machine learning algorithms and 70% is removed within 8 hours of being uploaded.”

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[5360] I would ask you three questions, Prof Farid. Firstly, am I right to understand that moving on from child exploitation, child pornography, with respect to issues around extremism and terrorism, all the platforms claim and may have evidence to support this, that they have been able to then prevent material from being uploaded as well as take down material which has been identified as being inappropriate? I use the word “inappropriate” -- this is not necessarily material that somebody has declared as illegal, which is a distinctly different approach from what you have talked about for child pornography. That their approach is once inappropriate content has been flagged, they have both the ability and the will to prevent an upload as well as taking down material. That’s my first question. To what extent is this capability there?

[5361] My second question -- I’ll scope out my questions and then you can answer them. My second question is: what is your response to their characterisation of your comments, so their denial or their disagreement with your position and the various quotes that I have read out, you can refresh your memory if necessary?

[5362] Thirdly, why do you think there is this either discordance between what is possible and what they are actually doing, the discordance between what you are stating as the reality of today and what they are saying as actually what they are doing?

[5363] Three different questions. The extent to which this is being developed and dealt with for extremism and terrorism, your comments on what they have said about your position, and why you feel there is this discordance.

[5364] Prof Hany Farid: Let’s talk about a few things.

[5365] First of all, the technology companies have been asked for years to take down counter-extremism, terrorism-related material, starting back in 2013, 2014, and effectively nothing got done until late 2017, and that happened in response to incredible pressure from the EU and growing pressure from Capitol Hill here in the US. So, I reject this notion that the technology companies have been proactive, have always been eager to have this fight. They dragged their feet with the extremism-related material, in the same way they dragged their feet in child exploitation. There is a little revisionist history happening.

[5366] Let me be clear, I don’t have an axe to grind, this has never been a business issue, never been a financial issue, it has always been about, I believe that the technology companies are not doing as good a job as I would like them to do and that I think they need to do. Nobody can deny, despite claims now that they were always supportive of child pornography, they dragged their feet, in some cases for a decade, to do anything. That has been a pattern of behaviour that we are seeing over and over again, not just

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in the beginning of the Internet but even until fairly recently. I should preface this by saying, I don't know, because the companies won't reveal to us what is the technology they are using. We hear statistics from them but we don't have a lot of transparency, we don't have a lot of ways of understanding how much material is coming in and how much material is being eliminated. I'm not sure I understand how a technology company can say they eliminate 98 per cent of the material without knowing what the denominator is in that ratio. How do they know what they are missing? I'll get back to that in a little bit.

[5367] In terms of, do they have the capability to do this, I believe they do for the following reason: for many years, for far longer than we have been dealing with the child exploitation and counter-extremism, the technology companies have had technology to find and remove copyright infringement of materials. The reason they have that is because they were getting sued and they had a financial interest in developing and deploying that technology. I genuinely believe they have the ability to do this. In fact, there has been no transparency, so they claim now, YouTube, Facebook and Twitter claim to be using a similar type of technology to PhotoDNA to find and remove extremist material. We don't know, however, how large the database is, how much material is in there, how aggressively it has grown, how much material did they find and how quickly does it get removed, we don't know this.

[5368] Now, I will say I can't say anything about Facebook, but let me say a few things about YouTube. We have been using our Robust Hashing technology to try to determine how often extremist material gets uploaded to YouTube and how long it stays on that platform. I will tell you that I dispute this idea that 98 per cent of the material is removed. We are seeing material stay online for hours, days, and in some cases weeks, garnering thousands and tens of thousands of views, and some of it comes down maybe after 48 hours, some of it stayed on weeks later.

[5369] So, at least from our view of what we are seeing being uploaded to YouTube, we are able to find material that YouTube doesn't seem to be able to find. It is absolutely incorrect to say that they are finding this at upload on this content, the same videos are being uploaded over and over again and they are staying live for hours, days, and, in some cases, weeks. I don't believe that story.

[5370] With respect to the technology companies, you have to look at the pattern of behaviour over the last two decades. We have seen a pattern of behaviour starting back in the early 2000s to today, you can't open a newspaper without reading about the issues with Cambridge Analytica and Facebook. Of how the social media have been less than forthcoming in how they have been dealing with these issues. So, you will excuse me if I am less than simply trustworthy that as they cite statistics, we

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should simply say, "Okay, everything is solved, we should all go away." The fact is this material is still being pushed online, the fact is we can still find this material at least on YouTube, I can't speak for Facebook because we can't examine the private spaces of Facebook the way we can with YouTube, but I can tell you we are finding this material on YouTube on a daily basis.

[5371] I think there was a third question about the disconnect between the technologies, yes?

[5372] **Dr Janil Puthucheary:** Between the viewpoints.

[5373] **Prof Hany Farid:** Between the viewpoints, right. So again, I think, given the pattern of behaviour of the social media companies and the less than aggressiveness on dealing with these issues, I think it is reasonable to ask for more transparency and more details on exactly what they are doing, how this technology has been deployed, what is the technology, we still have not actually gotten a very clear answer to that, how aggressive is the database that they are looking for, how aggressively does it grow, who contributes to it? It is supposed to be a shared database but is it actually shared? I will tell you from talking to insiders at these companies, I think it is not the picture that is being painted to your Committee.

[5374] **Dr Janil Puthucheary:** Thank you very much, Professor. This, in a way, is well highlighted in the statement that the Counter Extremism Project put out on January 17, if I might quote some passages from that. I presume you stand by it. It says: "It is time for regulators to promulgate measures to force the industry to take necessary action to protect the public." Earlier on, leading up to that: "CEP remains concerned about the level of commitment, consistency and transparency that will be required to overcome the systematic misuse of these platforms. While big social media platforms acknowledge the existence of radicalising content that violates their stated terms of service, their response to date has followed a familiar pattern utilised in response to other discoveries of abuse, denial, followed by half measures and attempts to spin the issue in the media and finally reluctant action when faced with threats to their bottom line or possible regulatory action." Then there are several paragraphs which are very similar to the statements you made. Then: "One action does not constitute a lasting solution. Industry wide standards are needed to ensure the timely and permanent removal of dangerous content. Lawmakers and the public should demand that tech finally implement industry wide standards and policies and ensure the timely permanent removal of dangerous and extremist and terrorist material, establish measurable best practices and transparently employ proven technologies to prevent the re-upload of material already determined to violate company policies." And then the statement that I began with.

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[5375] If I might synthesise what we have talked about today, Professor, you are explaining that the technology and the processes exist to be able to identify and define a particular type of imagery, whether still or video; that, having done so, you can robustly detect the uploads of such video or where such images are already online; that this has been very successfully done for child pornography and child exploitation. The social media platforms claim that they have had some significant success with extremism, but you believe they can do a lot more and that perhaps their success is limited in this space; and some of this is demonstrated by their ability to very successfully go after copyrighted material, as it affects their business model and their financial incentives; and so the lack of impact or the lack of effectiveness is perhaps a decision around policy or design or business model, rather than a technical impediment.

[5376] **Prof Hany Farid:** I completely agree with everything you have said so far.

[5377] **Dr Janil Puthucheary:** In this process, we have a long track record of material which has been identified through due process to be illegal and therefore acted upon; inappropriate but not necessarily illegal and therefore acted upon; other material which has been determined to be illegal or inappropriate but not acted upon; and that decision to act or not act is at the behest of the social media companies.

[5378] **Prof Hany Farid:** Yes.

[5379] **Dr Janil Puthucheary:** Ultimately, this solution will require a combination of a regulatory approach, humanistic approach in terms of determining what is appropriate or what is illegal and a technological solution in order to ensure that the effect is at scale and fast enough and that the technology today is not an impediment to this process that I have described.

[5380] **Prof Hany Farid:** I completely agree with everything you said. If I may just add one more thing. When we developed PhotoDNA in 2008/2009, it was very clear that this was supposed to be the start of more development of technology.

[5381] I will say that from 2008, when we first developed it, deployed it in 2009 on, to 2017, there was no more development of any type of technology. Imagine the three, four, five largest technologies in the world, worth collectively trillions of dollars, deciding we don't need to innovate any more for five, six or seven years.

[5382] I reject this idea that they are aggressively going after this content. The data simply doesn't support that; the actions simply don't support it. As the statement said, they put in just enough to stave off the regulatory issues but not enough to really go after it. I think a lot of it comes back down to the issue we were talking about earlier

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with platform versus publisher. As soon as they get into the business of moderating the content, they start to risk looking like a publisher and that has serious liability issues for them.

[5383] Dr Janil Puthucheary: Thank you very much, Prof Farid, for your submission as well as talking to us this morning.

[5384] Mr Desmond Lee: Professor, I am Desmond on the Panel, can I just ask one question: many representators who wrote in to the Select Committee described how important it is to put in efforts on the front of media literacy, to get users of social media sites, of search engines, to be able to discern whether what they are reading is true or false, whether it is hate speech, whether it is content that is illegal. Based on your research or your understanding of this space, to what extent can media literacy assist in addressing the spread of deliberate online falsehoods?

[5385] Prof Hany Farid: Let me say I'm not an expert on media literacy, I'm not an expert in social science. However, having said that, I do believe that the solution to the proliferation of fake news has a multidimensional approach. We have been talking a lot about the responsibility of the social media, we have been talking a lot about technology that can be deployed but we absolutely have to talk about how we as consumers digest digital media. We have to change our viewing habits. Again, I'm not an expert on that. My intuition and belief is that it has to play a fairly fundamental role, because at the end of the day we are the ones reading, we are the ones sharing and we are the ones promoting this. We can't ignore that part. We have to consider all aspects that we have been talking about.

[5386] Mr Desmond Lee: Can I just take it one step further, Professor? The social media companies, in testimony in the UK, the US and here in Singapore, both written and oral, have articulated the importance of the users of their sites being discerning, so media literacy efforts, they are investing in it and working with stakeholders on it.

[5387] You spoke earlier, when I was listening to your testimony, about your sense and it is your conjecture, because you can't see inside the black box, that social media companies, having provided a site that is free to use by members of the public, would in your conjecture drive the algorithm towards greater engagement because the business model is one based on advertising, and you say that is not surprising.

[5388] You also said -- correct me if I'm wrong -- that the algorithm, because it is designed by humans, the parameters are driven by the publishers or the developers of the algorithm, that it is not possible to say that the sites are entirely passive platforms but in a way they design the algorithm with some commercial objectives, to drive the content that users see. Please comment on this, because I'm trying to reconcile the two.

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[5389] On the one hand, they are saying that the users of the site should be careful what they read; on the other hand, they are setting up algorithms that drive content towards these users in a way that is aligned with the interests of advertisers.

[5390] **Prof Hany Farid:** Yes. So, this really strikes at the core of the issue. This strikes at the core of the underlying business model of much of the Internet today, which is advertising; access to personal data, whether that is legal or illegal, as we have seen, and then driving advertising to us and keeping us on the platform to keep driving that advertising. At the end of the day, this is a really deep fundamental, I would argue existential, issue of what we want our Internet to be. How do we want access to information? Do we want the Wikipedia model or do we want the YouTube model? That's one way to think about it.

[5391] Those two platforms are fascinating. On the one hand, you have Wikipedia, which is not perfect but it is not-for-profit, purely voluntary, no advertising whatsoever and does a fairly good job of keeping their platform clean and honest and trustworthy. On the other hand, you have this multi-hundred-billion-dollar company which is driven entirely or mostly by advertising dollars, which has a serious fake news, conspiracy, extremism, child pornography, et cetera problem.

[5392] One could argue the core business model is at fault here. I'm not saying we should be in the business of disrupting the entire business model but I'm saying we should not be surprised that when you give away the product for free -- what I always tell my students is that if you are not paying for the product, you are the product. We become the product. I don't think we should be surprised.

[5393] Here is my hope, because I don't know how to change that fundamental underlying business model, so here's my hope: my hope is that companies will emerge that will offer products to people, like me, like you, people who don't want to be the target of this type of invasion of privacy and that we will change the underlying business models in a way that will lead to healthier online communities.

[5394] Whether that will happen or not, I don't know, but my hope is that as we are seeing the pressure build up in the last few years of business as usual in the social media, I think we are going to start seeing changes, I think this is something that governments can start to encourage the development of more honest, more safe, more private and more secure infrastructures for our online world. This is a terrific role that governments can play.

[5395] **Mr Desmond Lee:** Can I ask a final question, in relation to my colleague's second last question to you about your strong characterisation of, in your view, the social media companies' intransigence, the dragging of their feet over the last eight

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years or a decade or longer?

[5396] Both in your report as well as what you have said in the last hour or so, you have characterised the social media companies as doing just about enough to stave off the threat of regulatory intervention but not doing enough in respect of deliberate online falsehoods as they have done for violent extremism, radicalisation, as well as child pornography. In turn, when put to them, they have made very strong characterisations of your motivations and have articulated a totally different description of their actions over the last decade or so; that they have been forthcoming, they have been very proactive, they have been leading-at the forefront.

[5397] It is very important for our Select Committee, because we view the social media companies as partners, we need to work with them on our national security and our social cohesion, they are partners in media literacy. We need to understand and discern to what extent we can rely on their submissions that they will continue to put in a lot of effort and be proactive in finding technological solutions on their part to help tackle this scourge of deliberate online falsehoods. They have indicated that they are prepared to and will put in submissions that tell us their version of history.

[5398] Can I just ask, Professor, if asked by the Committee, would you be prepared to do likewise so that we have two sets of history for us to make a decision on?

[5399] Prof Hany Farid: Of course, I would be happy to. Let me say a few things.

[5400] I think it is fair to question people's motivations. Why am I so critical of social media companies? Let me emphasise again, this is not a financial issue, this is not a business issue, it is not an ego issue. I don't care whose technology uses what. I am a technologist, I am an academic. At the end of the day, I'm looking at the landscape of where we have been, where we are and where we are going and I'm seeing serious issues. I am not the only one.

[5401] Here in the US, we have had four congressional hearings in the last eight months, one after the other, because every time the social media companies come to Capitol Hill and testify, there is a sense there is not a sufficient answer. There was a hearing in the UK, just two weeks ago, on issues of counter-terrorism, where the Special Committee of the UK Parliament was questioning Google executives on their inaction. You should look at that interview. It is really telling on some really glaring failures, despite the promise over and over again to do more, to do more. I am very critical. I genuinely believe -- I don't have an ulterior motive -- I am trying to look at these things in fact as objectively as possible. I agree with you that this is best done in a non-adversarial fashion, best done as a partnership.

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[5402] My concern is that the history has not been one of openness and honesty. That doesn't mean the future has to be a lack of openness and honesty as well. But I think it requires some amount of due diligence on your part to make sure that it is not just the promise that things are being done but that you can show quantitatively and critically and analytically that these actions are being done. We continue to see some failings, despite what we are being told are technologies in place, so I'm unconvinced that things are working as well. You should go talk to your counterparts in the UK. They have grave concerns about the failures of social media companies to regulate known domestic terror groups within the UK. One of the MPs that was questioning the Google exec or the YouTube exec showed her iPad, that morning she brought up her YouTube and it said, "Recommended videos on known terrorists," despite the promise that those things would not be promoted any more.

[5403] There still continues to be a disconnect between what we are being told and what we are seeing with our own eyes. So, I'm not convinced that we are where we need to be. I will say that, in the defence of social media companies, there has been action over the last year. I think the last year they have done better. I think it has been largely because of pressure from organisations such as yours, the EU, Capitol Hill. But that doesn't matter. It's okay. They are running a business, we are trying to run a society and they will clash at times, that is fine.

[5404] So, I do think there has been movement. I will say I think the movement has been asymmetric, I think the Facebooks have been more responsive than the YouTubes and the Twitters, I think the Microsofts have been more responsive, so we shouldn't bundle up all the technology companies into one, they are doing things with different levels of sense of urgency. I would place Microsoft at one end, where they have been very aggressive and very good partners and I think YouTube has been less responsive with respect to that company.

[5405] **Ms Chia Yong Yong:** Thank you, Professor. Thank you for spending time with us. I was the one who asked Facebook about your submission. I read to them some of the comments that you made in your submission and their response indeed was that you had a particular axe to grind, as my colleague read out. I just want to have it on record, he says you have a particular axe to grind about your form of technology and you are absolutely wrong. So, what you are telling us this morning is you have no axe to grind and it's not about your technology; is that correct?

[5406] **Prof Hany Farid:** This has absolutely nothing to do with my technology. We are in the business, if you can call it that, of developing technologies either to just give to the companies for free, I don't profit from this at all, so we developed PhotoDNA, it is in worldwide use, we make no money out of that whatever. We develop the technology because we think it can be helpful and we are happy to give it to the technology companies for free.

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[5407] We have always said, from day one, in every conversation I have had with YouTube, in every conversation I have had with Facebook and Microsoft, “If you develop a better technology, fantastic.” This is not an ego thing. I am a tenured professor, I have been tenured for a long time, it doesn’t matter whether you use my technology or not. We developed the technologies to prove that these technologies exist.

[5408] I will mention, however, that prior to our developing of the technology, these companies did not do that. They had years to develop the video-based technology and they did not. I think that should give you some pause when they tell you how aggressively and how important this is to them, you should be asking them: “Why did it take you almost 10 years to develop this technology and only after legislative pressure?” I am happy that they deploy technology, I am not convinced it is as effective as it needs to be. But I have no axe to grind other than I don’t think the companies are acting responsibly.

[5409] Ms Chia Yong Yong: Which leads me to my next question. You mentioned that the PhotoDNA had been around and it took them five, six, seven or eight years and nothing was done, no improvement in technology. What is the basis for your saying so?

[5410] Prof Hany Farid: Let me say, I was one of the developers of PhotoDNA, I was part of the release. For years I worked on it, we were monitoring it, so I knew a lot about it. I’m still in touch with the people at Microsoft who I developed this with and my understanding from talking to them is there have been no improvements to PhotoDNA since that original deployment. An engineer at Microsoft and I recently, in the last year, developed a variant of PhotoDNA that allows part of that technology to be performed by the user and then the other part of the technology is developed by the server, so it is called the client server model. That was just developed in the last year by myself and Microsoft. To my understanding, that is the only advance in that technology since it was initially developed and that the video technology only came out in 2017.

[5411] Ms Chia Yong Yong: This latest variant that you talk about is now available and how is it available?

[5412] Prof Hany Farid: I believe it is live on Microsoft’s cloud service. I don’t know how they are deploying it more widely.

[5413] Ms Chia Yong Yong: You have talked about child exploitation, you have talked about extremism. These are two terminologies that would raise alarm bells in anyone’s ears. But if we are talking about fake news, fake news has a spectrum and it may not be as clear on the face nor outrightly offensive and definitely not outrightly

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false. How is your assessment of the AI capabilities and landscape in the detection of fake news?

[5414] Prof Hany Farid: Let me mention, before I answer that, that when we first started working in the child exploitation space, we heard from the technology companies and from certain speech groups that the definition of child pornography was not that clear-cut, that there are some things, that the person is 19 years old and maybe it's not sexually explicit. We have heard this argument before on the child exploitation and extremism fronts and these are perfectly valid concerns. The way we deal with those is that we stay very clear from the line of ambiguity. We take images in the child exploitation that is 12 years or younger in an explicit sexual act. On the extremism front, these are videos showing explicit violence, explicit calls to violence or explicit glorification of violence. They are not illegal but they are violations of the terms of service of all major social media companies, which is what we are asking them to remove them based on.

[5415] You are absolutely right, in fake news there is also a spectrum, but that is not fundamentally different from the issues of child exploitation and extremism. They all have a spectrum. I think the way to deal with this is primarily one of policy: what does Facebook and YouTube and Twitter want to do? How do they want to relatively promote these things? We have heard from YouTube that they don't want to make decisions on what either stays or doesn't stay, so they are going to promote things that are more trustworthy -- The New York Times, the BBC and so on -- higher than the things that are less trustworthy. That's a perfectly valid way to do things.

[5416] As to your explicit question of where are the AI techniques today and to being able to distinguish between fake news, reliable news and the things in the middle, it's hard for me to say because I don't have access to the types of things that Google is working on. My understanding of the state of the art technology is that it is not ready to be deployed with the types of accuracy we would demand at Internet scale. It is a very challenging problem, for precisely the reason that you have stated; that even we, as the humans, who are in some ways the gold standard, have a hard time with this.

[5417] So, this is why I don't think that the solution can be purely technological. The previous person was asking me about media literacy. I think this is a multi-dimensional problem with a multi-dimensional solution.

[5418] Ms Chia Yong Yong: Yes, thank you. We have an issue with the definition of fake news, just as in the beginning there was a problem with the definition of what is child pornography. Having said that, if we are able to then agree on some parameters as to what might amount to fake news and what would not, there could potentially also be an application of AI, again not to 100 per cent accuracy, but it would be an important tool for us to use, but it cannot be the sole implement in the whole process.

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[5419] Prof Hany Farid: You are absolutely right. Before you develop an AI-based system to differentiate fake from non-fake news, you have to define it. You are absolutely right, that is our responsibility, machines can't do that. The same way we define what is child pornography and what is not, what is extremism and what is not. You are right, we have to come up with a reasonably objective, consistent and transparent definition of what is and what is not fake news and then, in a combination of human moderators and training AI systems. So, what you should understand about is that the modern-day AI systems require a phenomenal amount of data to train them. Therein lies the problem. We have to train the systems, you need millions and millions and millions of examples. Then, of course, the adversary adapts. So, the adversary figures out, oh, if I change these words and change this title, if I add these words, it will be classified as non-fake, the way we do with spam, for example.

[5420] This will be an ongoing challenge, it is not something where we develop technology and simply unleash it and we are done. There has to be a concerted effort to really put a huge amount of resources and I'm not seeing that. At the last Capitol Hill meeting, where the social media companies were, one of our senators asked -- I think it was Facebook or YouTube, I don't remember, said, "We spent \$10 million last year fighting extremism," and the Senator said, "Yes, but your profits were in the hundreds of billions."

[5421] So, you have to ask, where is the commitment when the effort is relatively small? How many people, how much technology, how many resources are being committed to this ongoing fight? Not just the things that we know about. We know about child exploitation and extremism and fake news, but what about the next exploitation that is around the corner? You know that is going to come.

[5422] A lot of these platforms, in my opinion, are too passive. They wait for the problem to come, the problem escalates and escalates, there is public uproar, there is legislative pressure, then we respond. My argument is there should be more corporate responsibility before the problem escalates to this level, before we have interference in actual national elections around the world, we should be responding before that, be aware of how the social media platforms should be dealing with that.

[5423] Ms Chia Yong Yong: Thank you very much, Professor.

[5424] The Chairman: As there are no further questions, Prof Farid, thank you very much for your participation and your very valuable contributions to the Select Committee process. We will be sending you a transcript of today's proceedings. Please go through it. If there are any corrections to be made, please make the corrections and send it back to us. Once again, thank you very much for your participation.

(The witness withdrew.)

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Paper No. 135 -- Mr Benjamin Ang (Senior Fellow/Coordinator Cyber and Homeland Defence, Centre of Excellence for National Security (CENS), S Rajaratnam School of International Studies, Nanyang Technological University), was examined under oath.

[5425] **The Chairman:** Good morning, for the record, could you state your name and the position you represent in your company?

[5426] **Mr Benjamin Ang:** My name is Benjamin Ang, I'm a Senior Fellow at the Centre of Excellence for National Security, S Rajaratnam School of International Studies, NTU.

[5427] **The Chairman:** Thank you. The evidence which you will be giving today before the Committee will be taken on oath. If you so desire, you can take an affirmation. The Clerk will now administer the oath, please.

(The witness took an oath.)

[5428] **The Chairman:** Thank you, please be seated. Welcome to the public hearing of the Select Committee on Deliberate Online Falsehoods. The focus for today's evidence-gathering session is for us to put questions to you, and you have taken a solemn obligation to answer our questions truthfully. I will now call upon Mr Pritam Singh.

[5429] **Mr Pritam Singh:** Thank you, Chairman. Good morning, Mr Ang. I will go through your submission to the Select Committee titled "Lies, laws and legitimacy". There will be certain stages where I will ask for you to confirm yes, correct and so forth, and if you have something further to add, please do so. And I'm sure my colleagues will also have questions to ask thereafter.

[5430] I move on to the second page of your submission which is titled "Existing and proposed legislation". And you cover five pieces of legislation in Singapore that can deal with or have the capacity to deal with disinformation and propaganda. And this includes the Sedition Act, the Broadcasting Act, the Films Act, the Internal Security Act and defamation law.

[5431] You also refer to examples from other countries such as Europe, you speak of the German Network Enforcement Act. You talk about plans in Italy and France also to introduce laws to deal with deliberate online falsehoods and including the US

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which has a Foreign Agents Registration Act or FARA, which was used against the Russian media channel RT, requiring them to make periodic public disclosure of their relationship with a foreign principal as well as activities, receipts and disbursements in support of those activities. And also, you look at the Philippines and, of course, the other countries that are considering legislation as well.

[5432] But what is your view on legislation? Do you feel that this is a road that Singapore should go down? And do you have a view as to what ought to be the limits of such legislation?

[5433] **Mr Benjamin Ang:** It is my view that some legislation will at some time be necessary because it will signal what the society approves of or does not approve of. But legislation has to be used as part of a multi-dimensional, multi-stakeholder approach because if we are talking about deliberate online falsehoods as part of a strategic campaign, then it has to be dealt with at a strategic level. So, legislation plus non-legislative measures.

[5434] **Mr Pritam Singh:** Could you please expand a bit when you speak of a strategic level? I assume that you are speaking of information operations which is the second part of your submission which covers the multi-pronged and strategic nature of information operations. Is that correct?

[5435] **Mr Benjamin Ang:** Yes, that is correct. I'm referring to information operations which can include many different actors, such as state-sponsored media from foreign countries, business organisations which have been infiltrated, NGOs that have been infiltrated and various other things like people in the country itself that may be helping to spread the information.

[5436] **Mr Pritam Singh:** You are essentially referring to academics and you use the example of Prof Huang Jing who had his permanent residency revoked for being an agent of influence. You speak of deceptive websites designed to look like mainstream news. You speak of extreme or biased websites and refer to Breitbart and Infowars.com. You refer to organised teams of civilians, for example, China's "50 cent Army". Volunteer groups of civilians, for example, China's "Bring your own grainers".

[5437] Thereafter, you speak of information operations more extensively. You say information operations can work on slow burn issues that can be equally if not more pernicious as part of a larger, long-term strategy and that deliberate online falsehoods may be a decoy, distraction or a ruse. The operation of law can even be manipulated strategically by the attacker.

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[5438] Can you explain the last sentence, please?

[5439] **Mr Benjamin Ang:** So, the example that I suggested is that in extreme or deceptive websites, a series of them can post a series of stories about a sensitive topic over a period of time. And these can range from total falsehood, so they would qualify, to some which are half-truths or biased reporting, to stories which appear to be false but are later can be shown to be true because of some hidden information.

[5440] And these could be shared on social media platforms that can be read in a country. This could also be taken down validly by operation of the relevant legislation. But what could then happen is that subsequently the fact that these stories have been taken down could then be used to create a narrative that there is a conspiracy to hide the information.

[5441] **Mr Pritam Singh:** Do you feel that this is a real concern if and when hypothetically legislation is introduced to take down content, and there is no explanation or reason as to why such information was deemed fake news? This is a real threat that people actually assume that this is an attempt at a cover-up or censorship.

[5442] **Mr Benjamin Ang:** Yes. In fact, I would say that if you are talking about a strategic campaign of disinformation, because my paper has focused on something which is at that level, then it would not just be the assumption of the public, but there would be a narrative to create a conspiracy theory around the removal of the information.

[5443] **Mr Pritam Singh:** And do you think there are ways and means to combat this narrative? For example, a court process where if indeed fake news is transmitted online, the Government or an entity or even an individual can go to court and seek for the removal of that fake news. Do you think that process can somewhat dilute this, I would think, is a real concern of a narrative of the Government wanting to censor or some entity wanting to censor? Do you think a court process could be helpful?

[5444] **Mr Benjamin Ang:** Definitely a court process would be helpful.

[5445] **Mr Pritam Singh:** I move on to 3.2 with the heading “conspiracy theories and the backfire effect of corrections.” “Alternatively, instead of taking down the story, the Government may want a right to respond to deliberate online falsehood, compelling platforms to publish an official correction. This assumes that the platforms will find a way to make the corrections visible alongside the falsehoods and any variants.”

[5446] Would you agree that this may be logistically and practically very difficult, given the wide range of platforms and mediums through which fake news is transmitted?

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[5447] **Mr Benjamin Ang:** Yes, I agree, there should be some logistical difficulties.

[5448] **Mr Pritam Singh:** You go on to speak of China's aggressive efforts to censor social media posts: "... and these have instead reinforced some users' belief that the censored posts are true while dismissing officially sanctioned newspaper as government propaganda. In this state, these users are more likely to seek and trust news from alternative sources than from official sources."

[5449] In your view, do you think this problem exists in Singapore and in the Singapore context?

[5450] **Mr Benjamin Ang:** In the Singapore context, at this point in time, this might not be an issue but we are looking at the future.

[5451] **Mr Pritam Singh:** I refer to the section which starts at 3.4 "Perceptions and Legitimacy". You speak of Germany, for example, starting to introduce laws requiring social media platforms to even take down content. And you say: "This has led to fears that legislation against online falsehoods can be misused to suppress criticism and to erode freedom of speech. Legitimacy in the exercise of power is much greater when it is limited, and not left to any authority's unfettered discretion. This is helped by transparency in decision making and meaningful checks and balances." The next line says: "Checks and balances can come from: (1) Creating a judicial process to execute the law...", and I find this interesting, "(2) Creating an independent multi-stakeholder body to review decisions."

[5452] Can you share with the Committee what do you mean by "creating an independent multi-stakeholder body to review decisions"? What do you have in mind?

[5453] **Mr Benjamin Ang:** One of the concern here, when you are looking at a strategic campaign, is that the disinformation will be coming from a multi-pronged attack. There will be different aspects of the information campaign which might not be known to a particular organisation that is looking at the deliberate online falsehood that has arisen. So, it would require a more cross-sectional group that has a greater awareness of other factors which may be in play, that there is a wider objective in this particular campaign to create a particular conspiracy or to create a particular narrative. So, having a multi-stakeholder group enables a wider range of views and inputs to help to make the decision of how to respond.

[5454] **Mr Pritam Singh:** Who would be the representatives of this multi-stakeholder group and who would fund it? Would it be entirely volunteer-based? I don't mean to put you in a spot. If you have considered this, please share them. But if you have not, it's all right.

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[5455] **Mr Benjamin Ang:** Yes. The stakeholders should have representation from the public sector and private sector, as well as civil society. As for the funding, the difficulty of having government funding, of course, is that then it may not be seen to be independent. But as to who else would fund it, I think that is an open question.

[5456] **Mr Pritam Singh:** That's fine. That's fair. I move on to the implementation of this multi-pronged approach and you identified Latvia as an example. There are four particular points you make here. This is at page 8 of your submission. "For the immediate measures to be effective, there must be an environment of trust, which is built, in the pre-emptive stage on continuous transparent communication between public and government. The Latvian approach to building social resilience to falsehoods ... is a useful model."

[5457] You speak of an enhanced critical thinking through education. By this, are you meaning through schools?

[5458] **Mr Benjamin Ang:** Through schools and also through adult education, and also through other forms of spreading the information. And the whole idea of this is not just through campaigns and through lessons, but also in terms of building trust and winning hearts and minds, some of which has to be at the ground level and face-to-face which will create that environment of trust so that in future when a deliberate online falsehood comes up, more people are likely to believe what is true rather than the falsehood.

[5459] **Mr Pritam Singh:** I think you would agree with me that an entity like the Government of the day would have to lead this exercise. Therein also lies the potential contradiction when you try to build that sort of trust between stakeholders such as citizens and government.

[5460] Do you think there is any role other institutions can play to bridge these various stakeholders like the Government, civil society, the public sector, the private sector as well, because obviously when the Government leads, particularly given our political history, there could be some concerns that this is government messaging top down? Are there any approaches that you have considered which could ameliorate these effects?

[5461] **Mr Benjamin Ang:** In our particular context, I agree there would be that concern. If civil society can actually help with this, that creates a greater level of perceived independence.

[5462] **Mr Pritam Singh:** I now move on to the paper that you have annexed to your submission, which I believe is a submission put together by your colleagues at

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CENS, if I remember correctly, actually. Yes. I would like to refer to Annex A, page 8, item 2.2, “Non-legislative measures”. There is a clear line which says: “Legislation alone is insufficient in tackling the challenges of fake news.”

[5463] You go on then to describe what certain countries have done, including Indonesia, including the Czech Republic and Qatar even to address some measures that could be used to distinguish between false news on the one hand and credible information on the other. You move on then to describe your recommendations. You speak of the Streisand effect and you speak of the potential of even fining technology companies. When I say “you speak of” I’m referring to your submission which includes the annex.

[5464] Mr Benjamin Ang: Yes, that’s right.

[5465] Mr Pritam Singh: Just to confirm, the recommendation actually includes -- and this is at page 16 -- once again an impartial body devoted to the fight against disinformation operations. Have you or your colleagues discussed the nature of this impartial body to deal with some of these problems?

[5466] Mr Benjamin Ang: We have seen, through our research that in other countries, there are fact checking organisations, for example, which are not related to the Government of the country that provide these actions and who are actively seeking out fakes and highlighting them and disputing them. How that would run in Singapore is something that needs to be researched and explored.

[5467] Mr Pritam Singh: Thank you. Chairman, I have no further questions for the witness.

[5468] The Chairman: Mr Desmond Lee.

[5469] Mr Desmond Lee: Mr Ang, thank you for your written submission and for appearing to give oral evidence today. I want to take you through your paper and add on to what my colleague, Mr Singh, had asked you about.

[5470] First, I bring you to page 1, “Scope and Scale”, and I quote: “This paper focuses on deliberate online falsehoods that amount to national security threats originating from state or non-state actors who wish to destabilise Singapore. This will include information operations, a term used in this paper to describe integrated employment of the core capabilities of electronic warfare, computer network operations, psychological operations, military deception and operations security in concert with specified supporting and related capabilities to influence, disrupt, corrupt or uses adversarial human and automated decision-making.” I want to confirm that the recommendations in your paper pertain to tackling such national security threats as described aforesaid.

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[5471] **Mr Benjamin Ang:** Yes, for the purposes of my paper, I focused on this level of threat.

[5472] **Mr Desmond Lee:** And in terms of the national security threat centred around deliberate online falsehoods that you are focusing your recommendations on, at page 3, as my colleague had also brought to your attention, you had described how deliberate online falsehoods in a deliberate operation against the country, whether Singapore or otherwise, would be a tip of the iceberg and they would typically come with a whole range of concerted parallel attacks. For instance, in addition to deliberate online falsehoods, you say that there could be falsehoods spread by state-sponsored media of foreign countries. Correct?

[5473] **Mr Benjamin Ang:** Yes, that is correct.

[5474] **Mr Desmond Lee:** You also say that business organisations or clan associations can also play a part, especially if the members have business in foreign countries. Is that correct?

[5475] **Mr Benjamin Ang:** Correct.

[5476] **Mr Desmond Lee:** You also cited NGOs that may be infiltrated.

[5477] **Mr Benjamin Ang:** Yes.

[5478] **Mr Desmond Lee:** Number four, you cite political parties that have the same views or may have been infiltrated by the foreign power. Is that correct?

[5479] **Mr Benjamin Ang:** Yes.

[5480] **Mr Desmond Lee:** Fifth, you refer to academics who may be agents of influence of the foreign power. Number six, you also refer to deceptive websites made up to look like mainstream sites that can also be part of their operation.

[5481] **Mr Benjamin Ang:** Yes.

[5482] **Mr Desmond Lee:** Seventh, you refer to extreme or biased websites like Breitbart and Infowars?

[5483] **Mr Benjamin Ang:** Yes.

[5484] **Mr Desmond Lee:** Eighth, you refer to computational propaganda or bots on social media that helped to amplify the falsehoods.

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[5485] Mr Benjamin Ang: Yes.

[5486] Mr Desmond Lee: Number nine, you refer to organised teams of civilians, and number 10, you refer to volunteer groups of civilians, both organised as well as those who volunteer and step forward.

[5487] Mr Benjamin Ang: Yes, that's right.

[5488] Mr Desmond Lee: Number 10, if I may say, parallel prongs that help to amplify deliberate online falsehoods spread online as part of an operation to destabilise a country?

[5489] Mr Benjamin Ang: Yes.

[5490] Mr Desmond Lee: You have articulated this as a national security threat?

[5491] Mr Benjamin Ang: Yes, that's right.

[5492] Mr Desmond Lee: Can I then take you to your recommendation of an independent multi-stakeholder body to review decisions? At page 6 where in response to my colleague, Mr Singh's questions, you had suggested that such a body would be multi-stakeholder. You are concerned that this body that deals with online falsehoods should not be funded by the state because that might cause some concerns about the motivations of the body. Am I correct?

[5493] Mr Benjamin Ang: That's right.

[5494] Mr Desmond Lee: I'm trying to reconcile, Mr Ang. Your recommendation in this paper is about national security threat, to subvert the stability of a country, involving not just deliberate online falsehoods but supported by a multi-pronged attack, infiltrating organisations using foreign media, galvanising civilians using bots. So, it is a very concerted effort to attack the country and hollow it out from within. I'm trying to reconcile that with your recommendation for instead of government tackling this problem, for government to let another body, independent of government, not funded by government, tackle a national security threat.

[5495] I'm just comparing this with kinetic warfare. I don't think when a country is attacked by conventional forces, you outsource it to somebody else or when a country faces a terrorist threat where religious organisations or religious ideas are being subverted and where there are equal sensitivities about the government's motivations, that government outsources it instead of using the police to deal with it.

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[5496] What is the difference here between kinetic threats, internal security threats such as terrorism and radicalisation and national security threats attacking a society as you have described earlier? What is the difference in these three kinds of national security threats that would, in your view, warrant a different approach that is not the Government, but somebody else that takes the lead to use legislation or other means?

[5497] **Mr Benjamin Ang:** To clarify, I actually agree with what you are saying that for national security threats, it would be the Government that has to take action. And the Government may take action through a strategic approach whether the deliberate online falsehoods are taken down or they are refuted or any other means that are taken to deal with it. So, that would be a government function for a national security threat. And so the independent review is actually meant more for the checks and balances, for the legitimacy of the actions that have been taken. So, it's different sides of the same coin.

[5498] **Mr Desmond Lee:** Thank you for your clarification. So, to confirm, in your view, a national security threat posed by deliberate online falsehoods, together with the multiple prongs that come along with it, are things that governments have to take responsibility for and have to deal with squarely?

[5499] **Mr Benjamin Ang:** Yes, a national security threat has to be dealt with by the government.

[5500] **Mr Desmond Lee:** But because, in your view at paragraph 3.4, there may be perceptions of misuse of power, of state power, in respect of deliberate online falsehoods and the potential for its use against what are legitimate comments and facts being put up, that, therefore, in respect of this form of national security threat, some form of check and balance is needed to assure the public that this power is properly used?

[5501] **Mr Benjamin Ang:** Yes, that is right.

[5502] **Mr Desmond Lee:** So, in your view, it is a matter of whether a power provided to state is properly used or abused and that there must be some form of redress and some form of check and balance?

[5503] **Mr Benjamin Ang:** Yes, that's correct.

[5504] **Mr Desmond Lee:** Thank you. I have no further questions. Thank you, Mr Ang.

[5505] **The Chairman:** Ms Chia?

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[5506] Ms Chia Yong Yong: Thank you, Mr Ang. A couple of questions.

[5507] First of all, if we look at paragraph 3.4 of your paper, you also referred to countries which talk about fake news and I think later on you also refer to the importance of disclosure or sponsorship of content. I just want to ask you this point about disclosure of sponsorship. Now if I were an actor perpetrating falsehood, would you think I would disclose my identity? I think it's a good suggestion. I'm not saying we do away with it, but what is the extent of reliance that one could have if we are actually dealing with people who are perpetrating falsehoods? Why should there be a disclosure of who the actual sponsor is and whether having such a disclosure may in fact lead people to think that there is more room, or more ground to rely on that particular content?

[5508] Mr Benjamin Ang: To clarify, the disclosure of sponsorship is not something that will work in isolation. And I agree that there are ways around it. And the intent is to create a greater sense of accountability and a method of tracking so that it then makes it more difficult for the deliberate online falsehood to be disbursed.

[5509] Ms Chia Yong Yong: Thank you. So, if I come back again to paragraph 3.1, which Minister Desmond Lee took you through, I think we generally agree that broadly we have two categories of actors, state actors as well as non-state actors. I think we recognise that state actors can operate through non-state actors which is why you have such a long list of other potential agents in this operation. So, when we look at, for example, business organisations, or clan associations, you would imagine that it is not necessarily always the case that one has to make an outrightly political or racial or religious or anti-religious statement, but rather that, say, if I were, or if my organisation, my member companies in my business organisation were operating in country X and they were not given an easy time, that could then result in discontent, distrust of your own government, and your own association and perhaps even your own organisations and thereby ferment internal division as well, civilian division as well. So, we could be potentially looking at all these agencies that could be manipulated to ferment internal division. Is that correct also?

[5510] Mr Benjamin Ang: Yes, that is right.

[5511] Ms Chia Yong Yong: Thank you. Likewise, for use of civilians and volunteer groups, this could have been influenced to swing to a particular ideology or be persuaded to a particular prejudice and these could again be rather potent agents.

[5512] If you look at paragraph 4 where you have set out a table for us, you drew a distinction, not the flow chart, but the table. You've got a chart where you have

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got three columns, pre-emptive measures, immediate and long-term. I think we are generally agreed that there isn't a single silver bullet and we need a whole suite of implements in our arsenal to fight this. But looking at pre-emptive measures and immediate measures, I believe that there are even colleagues among your institution, and we have heard many witnesses and read papers and submissions, which have actually shared that there is basis to believe that we are actually already at the time when the campaign has started.

[5513] So, we are no longer at before a campaign of deliberate online falsehoods, but we are in the midst, so we are actually under intermediate measures at the moment. Which means that at this point in time, assuming that you agree, I'm not sure whether you agree that any campaign has started.

[5514] **Mr Benjamin Ang:** So, to use Minister Desmond Lee's analogy of kinetic warfare, unlike the kinetic warfare where you will actually see the troops arrive and you know the war has started. Information operations are ongoing. There is a spectrum. Some are already in immediate measures, some may already be over and there are more to come. And the pre-emptive measures would be taken in view of the information operations which are to come because this is probably something that is going to be with us for many years. So, we may be in an immediate measures phase, as some of my colleagues have shared. We are also in a pre-emptive phase for the future operations.

[5515] **Ms Chia Yong Yong:** Indeed, which is why we need a whole suite of measures to counter fake news. So, what I am saying simply is that we have actually entered an immediate actions phase, just that we continue to have to take pre-emptive action as well to safeguard ourselves. So, based on that then it is necessary for us, would you think, to differentiate the different types of falsehoods and the different impact? And, therefore, take a calibrated action to address the different types of falsehoods. Would you agree?

[5516] **Mr Benjamin Ang:** I agree with calibrated action.

[5517] **Ms Chia Yong Yong:** I'm not sure if this was raised earlier, but I think Mr Singh did also talk about judicial review. So, I want to clarify my own understanding. If we have a situation where there is executive action, intervening and issuing a takedown order, or even more serious than a takedown order, but with recourse for judicial review, that would also be an option that you would be prepared to accept?

[5518] **Mr Benjamin Ang:** Yes, it would be one of the options.

[5519] **Ms Chia Yong Yong:** Thank you.

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[5520] **Mr Desmond Lee:** Mr Ang, can I just ask you a final set of questions in respect of paragraph 4.2 at the top of page 8? Mr Singh had also asked you some questions regarding your reference to the Latvian approach to building social resilience to falsehoods and you say: “1. Explain and identify the problem, and the attackers’ tactics, to the public; 2. Implement national level strategic communications to win hearts and minds, and minimise the gap between government and citizens; 3. Enhance critical thinking through education; and 4. Engage citizens directly without media.”, that means face-to-face, the old-fashioned going around and talking to people.

[5521] **Mr Benjamin Ang:** Yes.

[5522] **Mr Desmond Lee:** Mr Ang, your speciality, or your focus, specialisation is in national security in various forms at the S Rajaratnam School.

[5523] **Mr Benjamin Ang:** Yes.

[5524] **Mr Desmond Lee:** There are a couple of points I would like to put before you. Please advise us if our understanding is correct.

[5525] In the early part of our Select Committee’s hearings, we had heard from some experts, Dr Carol Soon and others, Dr Shashi Jayakumar as well, that when an info operation takes place, when it has begun, a state may or may not realise it is being attacked. That it has commenced or that it is under way as compared to as you said earlier, kinetic warfare you have periods of tension, you can see troop deployments, movements, concentrations, initial forays and then kinetic conventional warfare begins. But in an info operation, which is deliberate, a state may or may not realise that. Is that a correct understanding?

[5526] **Mr Benjamin Ang:** I agree.

[5527] **Mr Desmond Lee:** Second, in kinetic warfare or in a terrorist attack, it is also possible that the state under attack may or may not know, or may or may not have proof immediately or in the immediate aftermath about the identity of and the tactics used by the attackers. You may not know who they are, you may not know what exactly they’ve done. For instance, news reports about attacks in Eastern Ukraine and the Crimea, given the nature of the attire of the combatants, media and the authorities were not quite clear who the combatants were. In the attacks on Mumbai by a terrorist group that launched from the sea onto shore, it was not immediately clear who or what the organisation was, until someone puts up their hand and said, “I did it.” Even then, it takes some verification to verify who the perpetrator is. Likewise, in deliberate online falsehoods and information operations. Is that an accurate summary?

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[5528] **Mr Benjamin Ang:** Yes, I agree.

[5529] **Mr Desmond Lee:** Number three, would it also be correct to say, contrary to kinetic warfare and a terrorist attack, that in relation to information operations that it may or may not be in Singapore's strategic or diplomatic interests to call out the state actor or non-state actor that we believe has launched an information operation?

[5530] **Mr Benjamin Ang:** Yes, I agree.

[5531] **Mr Desmond Lee:** Thank you very much.

[5532] **The Chairman:** As there are no further questions, Mr Ang, thank you very much for participating in this Select Committee process.

[5533] **Mr Benjamin Ang:** Thank you.

[5534] **The Chairman:** We will be sending you a transcript within the next few days, if there are any corrections or any errors, please correct them and send it back to us.

(The witness withdrew.)

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Paper No. 13 -- Mr Hazrul A Jamari (Entrepreneur),

Paper No. 80 -- Mr Zhulkarnain Abdul Rahim (Lawyer),

Paper No. 158 -- Mr Abbas Ali Mohamed Irshad (Founder and President, Roses of Peace), Mr Jonathan Tan Bingxian (Director, Community Outreach, Roses of Peace) and Mr Nadim Kapadia (Vice President, Development, Roses of Peace), representing Roses of Peace, were examined under oath or on affirmation.

Interpretation was provided by Mr Bashir Mohamad Mansor Basalamah (Parliament Interpreter).

[5535] **The Chairman:** I invite the next witnesses to come forward to the witness table, please. For the record, could you please state your names and also your positions in the organisations that you represent, starting from Mr Kapadia?

[5536] **Mr Nadim Kapadia:** My name is Nadim Kapadia. I'm the Vice President of the Roses of Peace.

[5537] **Mr Abbas Ali Mohamed Irshad:** My name is Abbas Ali Mohamed Irshad. I'm the Founder and President of the Roses of Peace.

[5538] **Mr Jonathan Tan Bingxian:** I'm Jonathan Tan Bingxian, Director of Community Outreach for Roses of Peace.

[5539] **Mr Zhulkarnain Abdul Rahim:** My name is Zhulkarnain Abdul Rahim. I'm a lawyer. I'm here in my personal capacity.

[5540] **Mr Hazrul A Jamari:** My name is Hazrul. I'm an entrepreneur. I'm here in my personal capacity.

[5541] **The Chairman:** Thank you. Good morning, gentlemen. The evidence that you will be giving today before the Committee will be taken on oath. And if you so desire, you can take an affirmation. The Clerk will now administer the oath and affirmation.

(The witnesses took oaths or made affirmations.)

[5542] **The Chairman:** Thank you, please be seated. Welcome to the public hearings of the Select Committee on Deliberate Online Falsehoods. The focus for today's

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evidence-gathering session is for us to put questions to you, and you have all taken a solemn obligation to answer our questions truthfully. And I will now call upon Mr Pritam Singh.

[5543] Mr Pritam Singh: Thank you, Chairman. Good morning. I will deal with the evidence provided by Mr Hazrul A Jamari first and I refer to his submission. Is it okay if I refer to you as Hazrul?

[5544] Mr Hazrul A Jamari: Yes.

[5545] Mr Pritam Singh: Thank you. Hazrul, I am going to go through your two-page submission and ask you some questions about some of the comments you've made.

[5546] You say, right at the beginning, just after your introduction: "In this day and age, citizens have the perception that traditional mass media isn't telling the whole story. Sometimes, they refer to new media that contain alternative views to get a better understanding of the issues." Is this your view of the situation in Singapore, at least among your peers and friends and colleagues?

[5547] Mr Hazrul A Jamari: Yes, that's my personal point of view.

[5548] Mr Pritam Singh: And you say: "When it comes to inaccurate news from either of these branches of media, the existing regime for a retraction and possible fines might already be sufficient."

[5549] Mr Hazrul A Jamari: Yes, that is correct.

[5550] Mr Pritam Singh: You then move on to say: "Spreading of falsehoods via messaging such as WhatsApp and Facebook sharing has been extremely common. For the Malay community, these falsehoods usually touch on a communal or religious nature. This is hyper sensitive territory and attempts to manage this need to be handled with white gloves."

[5551] Can you share more about your experience with some of these falsehoods that have been transmitted through various platforms, based on your personal experience?

[5552] Mr Hazrul A Jamari: Thank you. These are my personal experience, several years ago, I noticed on social media, Facebook or videos in Syria spreading around of beheadings and whatnot, pitting Shias versus Sunnis. This kind of information or videos is being received by the local community here. As we can see in the past few years, there have been some tensions between the local Sunnis and Shias. That's what

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I have noticed. I have a few friends myself and they have experienced the same kind of discriminations also.

[5553] Mr Pritam Singh: You would say that these tensions between the Sunnis and Shias have been worsened by the exchange and transmission of these postings or even stories or WhatsApp chats, whatever they may be?

[5554] Mr Hazrul A Jamari: Yes, that's right.

[5555] Mr Pritam Singh: You speak of your experience in dealing with some of these falsehoods and you have on your own accord actually tried to deal with some of these by setting up a Facebook page, which is an incredible act of civic duty. And you use the hashtag "haram debunked". Can you share some of your experiences why you set up the page and how you think it could help the public discourse?

[5556] Mr Hazrul A Jamari: I set the page up it is just purely for fun. But it was accidental that we discovered a few, I would say, falsehoods that were spreading around on social media like Facebook and WhatsApp. The ones that I can better give testimony to is the Knorr pork cubes spreading around on WhatsApp and Facebook. This particular falsehood was that I believe an elderly man found pork cubes in a grocery store, a local grocery store. So, he was pretty surprised because to his best knowledge the store was Halal. It created a sense of panic within the community now that it is now no longer Halal whatsoever.

[5557] So, I felt that this was a knee-jerk reaction. It was spreading like wildfire. I took the initiative to contact Unilever myself and ask for clarification. Unilever did respond within the day and informed me that they do not distribute or sell or import any non-Halal stock or Knorr stock into Singapore or Malaysia because they come from the same supply chain. If there are any, they are from other factories in Philippines or Thailand. What we have happened is a parallel import that was trying to serve the local Filipino community.

[5558] Mr Pritam Singh: How did you then share this information that was given to you by Unilever to the community, and do you think your clarification had an impact at least in educating people about what really are the facts of the matter?

[5559] Mr Hazrul A Jamari: I would say that it did limit the impact somewhat, but it is social media so a lot of damage was already done in the first place. However, in terms of the economic impact for Unilever, it did not affect much. Unilever is a big company so a bit of a boycott did not matter to them. What was my biggest concern was that the trust between the local community to Unilever themselves and I needed to repair that I felt.

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[5560] So, it helped to a certain point, eliminated the spread of further misperceptions of this haram-ness and then kind of died off after that. Because I did not delete the posting, it was still revisited a few times. I noticed it being liked several years after.

[5561] **Mr Pritam Singh:** And is it difficult for you to follow with all these various falsehoods that are coming on stream, you say in your submission: "One person can only do so much. As a result, I have not had time to cover every single falsehood and help check the authenticity of these claims."

[5562] Now if you had an opportunity to expand what you were doing to try and help the wider community, do you think that would be possible, number one; and, if so, how would it be done?

[5563] **Mr Hazrul A Jamari:** I did it on my own free time. It's just an email down to the respective parties and just wait for their response. Yes, I mean, falsehood does spread every day.

[5564] Just a few days ago, I was seeing another posting on social media, on Facebook, about new speed cameras on the TPE showing the signboard on the TPE towards Lentor, and then, another video showing the reverse side of that alleged signboard. But upon closer inspection, I noticed that this was not in Singapore. So, it is being spread around, allegations of things that are happening in Singapore that are not really true. It's not easy for a single person to do it. It needs a lot more pro-activeness from the community as well those who are literate in social media and better equipped to spot these fake news from being spread to just spot it and call it out, "Hey, this is fake news."

[5565] **Mr Pritam Singh:** You then go on in your submission to speak of a second issue, which is far more damaging, which is the spreading of ISIS propaganda and you alluded to it earlier when you spoke of beheadings and Sunni/Shia tension. You say: "This is much harder to resolve. People may already have a biased opinion of a particular community. It requires the hard work of different agencies and communities to manage a response and it must be a continuous effort because eradicating discriminatory views is a work in progress." Would you like to expand on this?

[5566] **Mr Hazrul A Jamari:** Yes, so the problem with religious-based falsehoods is that it is already entrenched, particularly within the Malay community themselves. There haven't been any proper explanations into why Sunni/Shia tensions exist within the local madrasahs themselves. What I mean is part-time madrasahs. I do recall my own upbringing. When I asked this particular question: why is there tension between Iran and Saudi, for example, I don't think the Asatizahs were properly equipped

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to answer that. It often comes down to generalisations. They are able to observe themselves, not through their own faults, but really it is not easy for them to describe the issue to us. It takes a lot of reading. It takes a lot of investigations and research for us to be able to be mature enough to understand the issues. So, freely spread videos of utter generalisations can cause a lot of damage.

[5567] Mr Pritam Singh: I think you would agree with me that religion you will have people of even the same faith having different views and sometimes that makes things even more difficult as well.

[5568] Mr Hazrul A Jamari: Yes, that's true.

[5569] Mr Pritam Singh: I go on to your next section where you speak of punitive actions for more severe falsehoods and you basically you say preserving our peace is extremely important for our security.

[5570] "Falsehoods spread online has a life of its own and it will be difficult for the government of the day to control it. Therefore, citizens must be aware of the risks involved in wittingly or unwittingly spreading Internet falsehoods that especially impact our racial and religious diversity." You then suggest -- I'm reading between the lines and correct me if I'm wrong -- that if such individuals did spread these falsehoods, jail time may be too strong an action and it also does not help citizens to break down their discriminatory worldview and that you would suggest a fine and community service, such as serving time with another community group in their activities for three months and compulsory counselling. Can you share with us why you think this would be an appropriate response to individuals who deliberately spread online falsehoods?

[5571] Mr Hazrul A Jamari: I'm not so sure about the fine now after several days of contemplating my submission, but I do believe community service would better improve race relations. We live in a country where we say we are multi-racial, but we believe in this thing called racial tolerance, but I feel that tolerance is best described as the amount of intolerance you can tolerate.

[5572] The kind of problems that we see today is that basically, people don't know your neighbour too well. So, you've got Muslims believing that certain community groups are behaving in that manner just because of that certain worldview. So, if they are allowed to interact, forced to interact, rather, perhaps that might change their perspective and change their minds about their discriminations.

[5573] Mr Pritam Singh: I think you would agree with me, sometimes, forcing these things can also be quite challenging?

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[5574] **Mr Hazrul A Jamari:** I do agree, yes.

[5575] **Mr Pritam Singh:** I'm going to move on to your final point before your conclusion which is about digital media literacy.

[5576] You suggest that the MOE have digital literacy classes for students to be able to better discern between real news, opinions and fake news. I believe some of this is being done in some way, although I am not in a position to confirm this, but I do understand that this is being done. This will arm our citizens with better knowledge on the media.

[5577] Then you go on to say, further the PA, I assume you mean the People's Association: "... should organise talks and courses on Digital Media Literacy so that citizens, especially the elderly, will not fall into the trap of scams and falsehoods."

[5578] Just to clarify, do you think there is any other way that you may have shared with your friends and colleagues about arming citizens with better knowledge on what to read, what not to read, or what should on the face of it qualify as fake news, and they should not be sharing such news?

[5579] **Mr Hazrul A Jamari:** No, Sir, actually, no. My point of view, education is the first weapon that we need to deploy. It has to be based on the youth of today. I'm not so sure about the elderly, we can try our best. But at the end of the day, if our young people cannot distinguish between what's real and what's not, then what you will get is you will continue to have a perception of distrust in the mainstream media and people will look for other outlets to find the source of truth.

[5580] If you are able to arm young citizens with that capacity to distinguish fact and opinions, then they are able to be better informed and come up with more robust arguments and have more civil discussions in the future.

[5581] **Mr Pritam Singh:** Thank you, Hazrul. Chairman, I have no further questions for the witness.

[5582] **The Chairman:** Ms Rahayu.

[5583] **Ms Rahayu Mahzam:** Thank you, Chairman. I will be asking a few questions to the different members in the panel, but may I begin with Mr Zhulkarnain because he has made some representations in Malay? If I may be allowed to also ask him some questions in Malay?

[5584] **The Chairman:** Yes, of course.

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[5585] **Ms Rahayu Mahzam:** *(In Malay)* Thank you, Mr Zhulkarnain, for taking the effort to provide your submission in Malay. I am particularly encouraged by the attention you have paid to the issue of the spread of deliberate falsehoods and its impact to the Muslim community in Singapore.

[5586] Allow me to recap a number of key points that you have highlighted in the submission that you gave. Allow me to refer to paragraphs 70 and 71.

[5587] In paragraph 70 you said that: “Verification is important for our Muslim community in Singapore because, apart from falsehoods, we may be exposed to information or religious teachings that are based on the context of foreign countries, (which may be unsuitable to our context in Singapore). Such information may also come from those who are neither certified nor accredited, or from foreign countries or from unsubstantiated sources.”

[5588] **Mr Zhulkarnain Abdul Rahim:** *(In Malay)* Yes, correct.

[5589] **Ms Rahayu Mahzam:** *(In Malay)* And in paragraph 71 you also said that: “We often receive information, videos, photos or messages via social media such as WhatsApp or Facebook, about matters like the hadith (the collection of sayings and actions of Prophet Muhammad), or the situation of the Muslim community around the world. If we do not check the authenticity of the information, or the context of the information, or the source of that information, then there is a risk that the information may not be suitable to the context of our religious teachings in Singapore. This can divide the Muslim community and result in a radical viewpoint and understanding that is incompatible with our life in a multi-racial society.”

[5590] **Mr Zhulkarnain Abdul Rahim:** *(In Malay)* Yes, correct.

[5591] **Ms Rahayu Mahzam:** *(In Malay)* And in paragraph 75, you said that: “Misinformation is not just about spreading news, but also the act of exaggerating and inflaming a situation.” And you suggested that: “we should encourage our Muslim community to think good of others and always verify any news first before making hasty decisions.”

[5592] **Mr Zhulkarnain Abdul Rahim:** *(In Malay)* Yes.

[5593] **Ms Rahayu Mahzam:** *(In Malay)* You then presented several suggestions and you mentioned social media campaigns or religious lectures which we can use to educate our community.

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[5594] I would also like to refer specifically to your suggestion in paragraph 72 about blockchain technology and also GovTech. Perhaps I can touch on paragraph 72.

[5595] In paragraph 72, you mentioned how “MUIS can consider the possibility of using blockchain technology to help the public verify any document printed by MUIS and build a platform that is ummah-friendly (Muslim community-friendly) so that it is accessible to everyone, and also use social bots to receive and answer religious questions posed by the community.” Correct?

[5596] **Mr Zhulkarnain Abdul Rahim:** (*In Malay*) Yes.

[5597] **Ms Rahayu Mahzam:** (*In Malay*) Perhaps you could give some details how this technology can be used, not just by MUIS, but also by the Government in general? How can the public use this technology to verify the authenticity of any news?

[5598] **Mr Zhulkarnain Abdul Rahim:** (*In Malay*) Thank you. First of all, I would like to mention that I am not an expert in blockchain technology. But I would say that this approach has been increasingly received or accepted in certain countries amongst the private and public service sectors. Allow me to give further details.

[5599] There are two areas that I wish to raise. Firstly, blockchain can be used as a platform to verify information. And because it resides in a computer network that is accessible to the public, the information within can be easily verified or its authenticity can be ensured.

[5600] One example that I gave was Belgium, where a private sector company suffered from the impact of falsehoods on its business, and this caused the price of its shares to plunge and resulted in a lot of losses for the company.

[5601] My apologies, allow me to clarify. It was actually a company in Italy, but the solution came from a company from Belgium using blockchain technology. To me, the verification of information using this kind of technology is something that is very close to Islamic principles.

[5602] As I had stated in my written arguments, Islam already requires us to verify any kind of information. If we look at how the traditions of Prophet Muhammad, or hadith (the collection of sayings and actions of the Prophet) or the divine revelations, are conveyed from one hadith source to another, its authenticity can be ascertained because several people had obtained the information from the original source, which is Prophet Muhammad himself. So, by having control over information, the community will be able to get closer to verifying that information.

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[5603] So, for example, blockchain technology comprises a computer network containing blockchain nodes that mutually verify each other's information. If we look back, this was exactly how Islam and Islamic teachings were spread. By verifying each other's information.

[5604] Hence, that was the reason I was drawn to this suggestion. That's the first one. As for the second suggestion, the measures have been elaborated by other witnesses before me, which is, enhancing social media literacy within our community.

[5605] The Chairman: Mr Pritam Singh.

[5606] Mr Pritam Singh: Chairman, I will go on to Mr Zhulkarnain Abdul Rahim's submission. I understand it is in three parts and I will just go through the submissions you made and ask some questions about some of the remarks you put forth.

[5607] Straight to part one, I'm going to page 2, paragraph 6: "The popular term 'fake news' is a mischaracterisation and it fails to convey the subtle nuances of various degrees of misinformation and disinformation that is out there." You go on to reference Claire Wardle's now quite famous spectrum of the various types of misinformation and disinformation. And at paragraph 12 you suggest to the committee: "It is important to understand the types of online falsehoods into the various categories of misinformation and disinformation because this may be able to guide the Select Committee to propose recommendations on appropriate sanctions or interventions depending on the varying degrees of complicity or liability in a particular situation considered together with the degree of harm posed, whether actual or potential harm."

[5608] I think this is very useful because it seems to me that you are suggesting a spectrum of responses also to the problem. Would I be correct to say that?

[5609] Mr Zhulkarnain Abdul Rahim: Yes, Sir.

[5610] Mr Pritam Singh: Do you have anything else to add to this particular paragraph for the Committee's benefit in terms of how we can deal with some of these problems?

[5611] Mr Zhulkarnain Abdul Rahim: If I may, the spectrum of misinformation all the way up to disinformation to me is something that we have to seriously consider because we do not want to have a disproportionate approach towards the propagation of information that turned out to be false later on where a person unknowingly, taking the subjective mens rea whether she or he knows that particular information is false.

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[5612] However, I would then suggest, if I may, that there must be an outlet of verification for our citizens, our residents, to actually check, verify whether such information is false or not. I say this -- and limited in its scope -- to only information that may affect our institutions of the democracy -- our Parliament, our courts, our police system.

[5613] I mean, every day, they are defending our democracy. It is time for the citizens to defend them instead at one point in time. So, if you don't have an outlet for citizens to actually check the veracity of that information, you cannot in good conscience, I think, penalise them for not having discharged that duty. It is a cumbersome duty to be the arbiter of truth in that circumstance at that particular context and time.

[5614] So, whilst I don't suggest a strict liability approach, and I don't think the courts have adopted that, I think that to have a soft touch, you have to have an outlet for that particular mechanism to collate instances of potential falsehoods. Then, we can nip it in the bud. That's my humble submission. That's all I wish to add.

[5615] **Mr Pritam Singh:** Just building on to that. So, you are suggesting a body to be that source of verification and, if so, if I can push the point a little, what would be the composition and form of such an entity?

[5616] **Mr Zhulkarnain Abdul Rahim:** To be honest, I've not thought that far. But, as I said, I would like to limit it to the scope of protecting the institutions of our democracy first. I think we can start out with an easy way to verify whether a particular document, press release emanated from our key institutions. For example, MAS, or a press release from HDB, for instance, so that we don't put those institutions in jeopardy or at stake, at the very least, in that regard of information relating to that particular agency or institution.

[5617] **Mr Pritam Singh:** I move on to paragraph 19 of your submission. I will just go through your remarks here: "Singapore has a high Internet penetration of 81%. According to the Reuters Institute Digital News Report 2017, in terms of news consumption, a large proportion of Singaporeans obtain their news from online sources (including social media) and Facebook and WhatsApp are the preferred social media and messaging apps."

[5618] You go to say hence it is more likely online falsehoods are shared through Facebook and WhatsApp. "It is thus important in Singapore's context to see how we can raise awareness and heighten vigilance especially on these popular platforms." Correct?

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[5619] Mr Zhulkarnain Abdul Rahim: Yes, Sir.

[5620] Mr Pritam Singh: I then jump, and this, of course, since it is dealing with information absorption and how the public actually gets its news, to section (h) on responsible journalism and informed citizenry, at page 10, where you speak of, I believe, the same report and it says: "... Singaporeans have clear brand recognition of the news provider where the conventional media sites like Channel NewsAsia and The Straits Times are known for accurate and reliable news sources but the other sites are mainly known for entertainment.

[5621] Hence, it is important for the conventional media sites to build on the branding and be the go-to news provider for accurate and reliable news." Then you go on to say: "However, a low percentage, (23% and 29%) of the respondents in the report, believe that the media is free from political and business influence. This may affect top-of-mind awareness for the conventional media sites when it comes to seeking news on alternative viewpoints on complex issues. We cannot exclude viewpoints that we disagree with from society. By shutting out those viewpoints, they will only manifest themselves through other avenues -- by emerging in the form of a satirical meme, a misleading photo sent through WhatsApp or a trolling comment on a Facebook post; and those are just the mildest forms of manifestations. Therefore, there is a need to inculcate a vibrant environment of journalism which provides for alternative views to be aired responsibly and fairly."

[5622] Can you share your views and comments on the current state of the environment of journalism in Singapore and your views on it?

[5623] Mr Zhulkarnain Abdul Rahim: I can't say that I'm an expert on journalism, the sector, but there is a perception that mainstream media has certain content where it is very fact-intensive; very accurate, but it takes a long time for the information to be disseminated on mainstream media.

[5624] On alternative websites, on social media, there is also that perception that it airs alternative viewpoints than the conventional ones that we see on MSM, mainstream media. And that actually attracts Internet users or readers because they have an outlet to air those views, one; and, second, they have an alternative source for consumption of news. It is just like a product. When there is a diversification of products, there would be different segments in the market that would consume such news.

[5625] However, I relate back to the survey itself which actually brands those mainstream media as having being at the top of the minds when it comes to accuracy of information. How they transform themselves from a press print to a digital media platform that engages youths and senior folks is something for that particular industry

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to overcome in that challenge. And I think it is a challenge that they have to heed the call and find ways to engage on the alternative sites, whether it is by a rebranding of themselves on that particular site, through another platform, but governed by the same strict obligation or, if I may say, strict adherence to journalistic professionalism which we see in this MSM media. Then maybe, it could be that those readers on those alternative websites would consume such news as well.

[5626] So, I think that this is something for the industry to look at how to transform themselves beyond traditional conventional methods and how to engage readers, particularly readers who are consuming alternative views, who want to be fed with other viewpoints and perspectives so they can make an informed decision on a particular issue.

[5627] **Mr Pritam Singh:** Thank you. I move to paragraph 43 of your submission. Here, you speak of the practical difficulties in sieving out online falsehoods that was in the prior paragraph, you go on to say: “Ultimately, the task is not to be borne by any single government agency or news publications. We need to crowd source this responsibility.

[5628] The key would be to empower our fellow Singaporeans to have greater awareness and online media literacy on how to spot such falsehoods. At the same time, we need to provide and identify better and more reliable sources of information that people can trust. We can do this by providing such information in schools and through social media campaigns for the masses, in all vernacular languages. The campaign should also be segmented into age groups and the different social media platforms to ascertain which approach works best.”

[5629] You spoke of crowdsourcing the responsibility, but someone ultimately has to lead the process. Do you have any views on who should be leading this process?

[5630] **Mr Zhulkarnain Abdul Rahim:** My personal view is: when the stakes are very high in terms of national interest and key institutions of our democracy, the state has to lead that. It could be through the various agencies or a multi-agency or multi-ministerial approach for that. But when I say “crowd source” the responsibility -- and I hark back to what I said earlier -- it is not to say that the security of this country is the responsibility of the Government of the day alone, or the particular Ministry alone. It is actually all of our collective responsibility. My children’s future is in the hands of everyone. That is why I’m here.

[5631] **Mr Pritam Singh:** Let me build on that by referring to a specific point that you made at paragraph 76, I believe, it was in Malay. You give an example of an

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event which was held in a mosque. Please correct me if my understanding is wrong, where a Chinese New Year celebration was held and there was some response from one particular website. You don't name the website.

[5632] Can you share with us more detail about this episode? I want to connect this with the earlier point you made about a collective responsibility to try and deal with some of -- because this is not -- well, we can have an argument about it, but it's not a national security issue in the larger sense of the word. But it has a potential to be interpreted in a negative way and that has ramifications which can be very broad.

[5633] But could you just share with us some details about this particular episode and why it was problematic?

[5634] **Mr Zhulkarnain Abdul Rahim:** I highlighted that episode because it was the closest to the time when I was drafting the submissions. And it was very clear in my mind as to what happened.

[5635] There was a particular Chinese New Year celebration for I think certain charities or old folks hosted by a mosque in the north of Singapore. There was news coverage of that. Of course, that was still during the Chinese New Year period. We have Chinese New Year celebrations all over Singapore. But the particular concern by the community, by the particular way it was being reported is that there are instances of entertainment, which usually do not happen in a mosque setting. That particular celebration is not in the prayer place itself. It's actually in the basement car park of the mosque, if I'm not wrong.

[5636] But the question was then asked what is MUIS' role as the governing body of all mosques in Singapore and what is the administration of the mosque thinking when they have this? Of course, that is the sensitivity of the community as well, but the flip side of that is also how the perception of the non-Muslims is, in terms of how Muslims see activities that try to include members of our society, particularly vulnerable members of our society in charitable acts such as this.

[5637] So, the way it's been -- and this is why I said in the Malay submissions as well, that we should try to not be too hasty in our judgments or try to add fuel to the fire, in the Malay word it is "*terjun botol*", but I say that because we want to be fair. We need to have our fellow Singaporeans to give the opportunity or not to be too hasty in their judgment such that it may escalate into a situation that it doesn't necessarily need to be.

[5638] For me, that is just one particular instance where I say that the event itself may not be too controversial, but it acts like a lightning rod that creates this environment

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that is conducive for the divisive. Some people, I wouldn't say all, certain people will use opportunities like that to actually exaggerate or aggravate a particular situation. It's not helping. If you have an outlet for which you can channel such feedback, not only through the blockchain, I actually suggested a particular platform for MUIS to receive information quickly from concerned citizens, then any particular concerns can be addressed sufficiently and efficiently without it needing to be viral and causing much more harm.

[5639] I agree with what Hazrul said, once it's out there, it's out there. Four or five years down the road, someone will like that posting on Facebook, although it's already been addressed. So, social cohesion to me is a national interest. Our balance, how we deal with each other, within the community itself is very much important.

[5640] **Mr Pritam Singh:** Mr Zhulkarnain, can I just confirm that the issue here was certain members of the community feeling that such an event ought not to be held in a place of worship and would that be a legitimate point of view? How would you correlate it to deliberate online falsehoods because it would seem to me from your explanation that the issue was individuals disagreeing whether that event ought even to have been held in a mosque?

[5641] **Mr Zhulkarnain Abdul Rahim:** Yes.

[5642] **Mr Pritam Singh:** I think later on the mosque management made a statement and did they apologise? I don't really know the facts of the matter, so I'm concerned that there is a particular point of view that certain members of the community have made which was not in line with the intention, which I think was a noble intention, that of social cohesion, but that the response ought not to qualify as a deliberate online falsehood. Again, I'm not aware of the full circumstances and I would appreciate your clarification.

[5643] **Mr Zhulkarnain Abdul Rahim:** If I may clarify. I'm not raising it as an example of DOF.

[5644] **Mr Pritam Singh:** Thank you. I wanted to be clear about that.

[5645] **Mr Zhulkarnain Abdul Rahim:** I'm just raising the potential in the context of my preceding paragraphs as to how you can add fuel to the fire. In terms of your question or your remark that whether it is a legitimate concern, it is a legitimate concern of the community. And it should be addressed. It has been addressed. It's just that there was a gap in time which could be exploited in other situations. And I want that to be prevented if we can.

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[5646] **Mr Pritam Singh:** I understand. So, the issue here is it could have easily been used to make things worse, or if somebody had some very negative intentions to try and drive a wedge into the community, they could have used the things we've spoken about over the last few days to deliberately cause a rift in certain people. You would agree with me that we should try and prevent these things from happening?

[5647] **Mr Zhulkarnain Abdul Rahim:** Yes, Sir.

[5648] **Mr Pritam Singh:** Thank you. Just a final point on some other issues that you raised. You referred to a particular legal case, Public Prosecutor versus Tang Koon Huat in paragraph 60. I think it is important for me to read out what the honourable district judge Matthew Joseph in that case said, for the record: "A moment on the Internet is forever on Facebook. In a multi-racial and multi-cultural society like Singapore where peace and harmony among our people and mutual respect and tolerance can never be taken for granted and also in a rapidly changing world where values are constantly being challenged, the price to be paid is incalculable for our tiny nation of Singapore, if the courts do not impose deterrent sentences to rein in irresponsible and extreme online postings. The courts will also not shy away from imposing appropriate sentences that must reflect the public interest." And you would agree with this from the court?

[5649] **Mr Zhulkarnain Abdul Rahim:** Yes.

[5650] **Mr Pritam Singh:** You go on then later to identify other remarks made in that judgment. The particular individual in that case was a man who we would all think is someone of a very significant status in society. A polytechnic lecturer. He had received awards for his teaching. And the court went on to say that he should have known better but he did not know better. "He taught many, yet he did not teach himself the perils of posting extreme content on the Internet. Either the accused was consumed with rage, or he was callous or he just did not care for the consequences of his actions. That was his sad downfall."

[5651] This is the part where in your submission you have bold and underlined and said: "While the accused had the freedom of choice and expression, he did not have the freedom to choose the consequences of his actions or the outcome. This is a subtle distinction that many fail to appreciate and find out only when it is too late. As has been said, to have a right to do a thing, is not at all the same as to be right in doing it." And you would agree with the court's view on this matter, of course?

[5652] **Mr Zhulkarnain Abdul Rahim:** Yes, Sir.

[5653] **Mr Pritam Singh:** The last clarification I have is in paragraph 64 where you were talking about preserving our multi-racial and religious harmony and you

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said: “On the financial aspect, investor relations and confidence issue, we should also look at revising the relevant legislation to encompass offences caused by deliberate online falsehoods that may lead to severe financial or reputational harm to Singapore or any of our key institutions, even though such falsehoods do not incite violence or hatred, cause racial or religious unrest or seditious sentiments. A stiff penalty on the responsible corporate officers or fine or financial compensation by the corporate entity, should be a deterrent factor.”

[5654] Can you expand more on what is the point you are trying to suggest here because you are looking at going beyond the high watermark issues of racial and religious sensitivities to other matters?

[5655] Mr Zhulkarnain Abdul Rahim: I believe this is the only paragraph where I actually made the suggestion beyond the social landscape. I say this with the interest of safeguarding, defending our key institutions in mind.

[5656] I hark back to the case of the Italian company’s case where there was fake news spread about the particular Italian company’s CEO, if I’m not wrong, and that wiped out their market share almost the same day. I probably think that we should have the same kind of approach to safeguard institutions in Singapore that are susceptible to changes in market forces. That actually would be impacted by investor confidence if deliberate online falsehoods are expressed about them. So, it will not necessarily have impact in a social setting, but ultimately it would. Immediately, it would actually impact on that particular agency, or maybe a stat board, the level of confidence that the public or investors have in them. That is what I’m trying to get at, at paragraph 64.

[5657] Mr Pritam Singh: Thank you. Chairman, should I go through with the Roses of Peace? Thank you. Mr Zhulkarnain, thank you so much for sharing your views. We do appreciate it.

[5658] I go on to our friends from Roses of Peace and your submission. Before we start, could you just share a bit about how this initiative started, how it is funded and what are your plans going forward? Because I understand, in your submissions, you feel that you have a role to play to address the fake news problem, if I can call it that.

[5659] Mr Abbas Ali Mohamed Irshad: Thank you. Roses of Peace was started in 2012 when I was still a student at SMU, Singapore Management University. How it came about was in the weeks leading up to the 9/11 anniversary in September, there was a film published earlier in August and July called Innocence of Muslims in America which caused a lot of uproar and protest all over the world. In the week leading up to the 9/11, Charlie Hebdo published a caricature of that film based on the trailer that was put forth in the YouTube channel. As a result of that, it further inflamed the sentiments and received a lot of condemnation from world leaders.

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[5660] In Singapore, as a student, I was at that point in time heading the SMU Apolitical, as well as the Islamic Business and Finance Society, as we were called back then. Now it's been subsumed under the SMU Muslim Society. In that capacity, I was approached by a senior of mine who wanted to do a sit-in protest at the SMU Campus Green and she wanted me to support the protest. However, what I felt was perhaps there could be other ways of addressing this issue and I could really empathise with her because as a Muslim she felt really let down by the media globally that have been portraying and vilifying Muslims based on the response caused by the protests and uproar globally.

[5661] So, what I told her was to gather whoever is keen to make a difference and perhaps we will see what options we have and what we can do. So, we gathered a bunch of students and then we wanted to go back to what is it that fundamentally they want to achieve. They want to show that Islam is a religion of peace and harmony. Prophet Muhammad, peace be upon him, has come with the message of Islam to spread the message of peace and mercy and harmony and cohesion.

[5662] So, we thought how about we do something else, perhaps give out a greeting card with the saying of peace from Prophet Muhammad with cookies and balloons, for example. Then we came up with a video online of people giving out roses and I thought why not we give out roses with the greeting cards saying of peace. This is how it was conceived. When we went to give out the rose, what we were intending to do was give out all over Singapore. We needed volunteers. And our non-Muslim friends were really forthcoming to help us do so as well. So, we thought we are living in Singapore, a multi-religious, multi-cultural, multi-racial society, and instead of just spreading the message of peace for Prophet Muhammad, also include messages of peace from Jesus Christ, Gautama Buddha, as well as from other faith backgrounds to show that every religion preaches peace, and we wanted to show unity in that regard. That was how Roses of Peace was conceived and we have grown over the years. Our volunteers keep coming back and expanded.

[5663] Mr Pritam Singh: What activities does Roses of Peace carry out now?

[5664] Mr Abbas Ali Mohamed Irshad: Our key initiative is the annual distribution of roses. Last year, we gave out about 10,000 roses across 20 locations in Singapore and about 300 volunteers were mobilised. We also have held interfaith conferences with the panellists from various faith backgrounds. We also organised a youth forum that we have held last year. And also we have done a charity drive, giving briyani packs to needy families last year.

[5665] Over the years, we functioned as a volunteer-run group and officially registered ourselves as an official organisation last year. And our funding, as you were

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asking, it primarily comes from the Harmony Fund that is administered by MCCY. We also tap on the National Youth Fund, administered by the National Youth Council, as well as the Singapore Kindness Ground-up Movement fund. So, we rely on grants. We don't accept donations because we are not a registered entity. Neither do we accept sponsorship as yet. Because only now that we are registered as an official entity, we are applying for charity and IPC status. We are intending to apply.

[5666] **Mr Pritam Singh:** Thank you. I will move on to your submission proper now, and specifically you identify fake news as a destructive force in the digital age. It exploits social fault lines and undermines racial and religious cohesion and you suggest there should be action taken not just through legislation and government policy, but ground-up initiatives by citizens and civil society. I'm assuming that Roses of Peace is one such initiative?

[5667] **Mr Abbas Ali Mohamed Irshad:** That's right.

[5668] **Mr Pritam Singh:** You also say that currently the government has taken the lead role to counter fake news, but this effort can at times be viewed with suspicion. The missing piece is the participation of citizens. There needs to be a concerted partnership between the government and responsible citizens to counter the growth of fake news. You then move on to speak of certain initiatives that you suggest and you are talking about this two-tiered approach to tackle fake news. Specifically, you suggest a digital playbook to equip citizens with requisite knowledge and tools.

[5669] Could you just share a bit more on what this digital playbook entails?

[5670] **Mr Abbas Ali Mohamed Irshad:** Sure.

[5671] **Mr Nadim Kapadia:** Thank you, Mr Singh, for the questions. Perhaps, before we share on the two suggestions or proposals that we have, we could share some background on two areas or gaps that we have identified in coming to these solutions.

[5672] **Mr Pritam Singh:** Please do.

[5673] **Mr Nadim Kapadia:** The context behind the proposals stems from two areas that we thought were gaps that we could step in. The first was unequal levels of critical media literacy across the population. In the papers today, REACH published its findings from a survey on fake news and noted that one in two Singaporeans indicated that they are not sure in terms of how they can discern and decipher fake news. That was one area we identified.

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[5674] The second area was the lack of safe spaces, especially for the youth. Many youths want an opportunity, a platform, to talk freely about some of these issues, understand them better. So, really, the lack of critical literacy online, as well as lack of safe space led us to these two solutions, which is the digital playbook as well as working through our network.

[5675] Mr Pritam Singh: Thank you.

[5676] Mr Abbas Ali Mohamed Irshad: Before I move on to the digital playbook idea, we recognise the fact that there needs to be a clear plan of action. And it is involving a whole nation effort, not just a ground-up initiative, or just the government. As the Minister for Law and Home Affairs described in his earlier public hearing, tackling fake news require a multi-pronged approach. We agree with that, which takes into consideration effective legislation, government policy, as well as efforts by corporation, non-profit organisations, religious organisations, civil society and ordinary citizens.

[5677] As a ground-up initiative, we want to play a role in this effort and help to foster a greater awareness and understanding. We note also that the online falsehood aims to do many things, including sowing discord among racial and religious communities, exploiting fault lines, undermining public institutions, interfering in election as well as democratic processes and weakening countries thereby. Our focus for Roses of Peace will be specifically on falsehoods that sow discord between racial and religious communities. I want to put forth that.

[5678] Broadly, our proposal is to approach it from the perspective of education, plus engagement equals to empowerment. That is the framework we have taken. The digital playbook is intended to serve as a guide and a resource to equip fellow citizens with the knowledge and tools to discern and counter fake news or deliberate online falsehoods. We intend to work with organisations such as the Media Literacy Council, which has put together infographics on key ways to identify and respond to fake news.

[5679] The Media Literacy Council has also developed existing guides, especially through the Media-Wise guidebook that's on their website to educate citizens on media literacy. It contains good frameworks which hope to build on to educate and engage citizens on this fake news agenda. I just want to highlight two frameworks that they have on the website. They mentioned about the C-S-I framework where, when evaluating information, we should consider the credibility, the source and the intent of the article. Also the THINK framework, where before you post or share a particular post, you have to ask yourself: is it true, helpful, inspiring, necessary and is it kind? So, I thought these are existing frameworks that are out there and how can we amplify these efforts that have been done. That's where we thought we could contribute.

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[5680] The core values they have also put forth by Media Literacy Council such as empathy, respect, responsibility and integrity. We want to be able to drive this across through our volunteer base to reach out to the masses. And also we want to point out the 5C framework put forward by Carol Soon: content, context, communicator's identity, communicator's intent and consequence.

[5681] So, for the digital playbook, at least the initial part, we don't intend to reinvent the wheel and come up with new frameworks ourselves. I think this amazing work already done by these organisations and put forth by Carol Soon, so what we intend to do as part of that is to educate through our platforms, websites, Facebook pages, volunteers network, ambassador programme. Ambassador programme is something we launched earlier this year which I will explain further on later.

[5682] In addition to that, we also intend to create an online platform to create safe space for citizens to have any questions pertaining to various religions answered. We intend to work with the religious organisations representing the 10 official religions of Singapore. On our Roses of Peace website, we will have a form where people can post their questions. Those questions will be directed to the respective representative from that religion. And once we receive their response, we will post it on our website and build the database a repository of replies to questions pertaining to the religion and send the replies, also the questions, and post on our Facebook page. That's what we intend to do.

[5683] In a way it is similar to the StopFake.org website that was presented in the earlier hearings as put forth as a way to counter fake news in Ukraine. But our ambit and area of focus is specifically on racial and religious divides. That is what Roses of Peace represents. So, that is for the digital playbook idea.

[5684] I mentioned earlier about the ambassador programme briefly, but if you can allow me to share a bit on that.

[5685] **Mr Pritam Singh:** Please continue.

[5686] **Mr Abbas Ali Mohamed Irshad:** That pertains to the next part of the proposal which is from the outreach. To complement these online efforts and initiatives, I was mentioning a volunteer base and so on.

[5687] Over the years, we have distributed about 35,000 roses to members of the public all over Singapore since 2012. We engaged over 1,200 volunteers who have come to participate in our efforts and initiatives. To complement this, we will leverage on our network to increase awareness and understanding around deliberate online falsehoods.

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[5688] Since 2012, we've played an active role in rallying the youth especially, for this cause of promoting messages of peace and harmony through various activities, as I explained earlier. Recently, we launched something called the Roses of Peace Ambassador Programme which is a signature initiative by Rose of Peace to invest in the next generation of youth leaders and peace builders.

[5689] As part of the programme, we have appointed 30 peace ambassadors after various rigorous selection processes for a term of one year. These ambassadors are currently being trained on digital media engagement, facilitation and communication skills. These ambassadors will also be called upon to play an active role in building bridges across and between different faith, communities and championing peace building initiatives.

[5690] As part of their responsibility, we ask them whether they would be keen to be engaged on DOF and countering fake news when it comes to racial and religious harmony. They will also act as online influencers to bring greater awareness and understanding with regard to DOFs that can potentially threaten the racial and religious sensitivity in Singapore. That is for the ambassador programme.

[5691] **Mr Pritam Singh:** To clarify on these ambassadors, will they be known as Roses of Peace ambassadors or would they just go in their actual name?

[5692] **Mr Abbas Ali Mohamed Irshad:** They will be known as Roses of Peace ambassadors.

[5693] **Mr Pritam Singh:** You foresee that these individuals -- I don't mean to use the word "cyber army", because it tends to have a negative connotation to it, a pejorative connotation, but would they be going into websites to share views and comments on racial and religious issues? How do you see it working out in practice?

[5694] **Mr Abbas Ali Mohamed Irshad:** I see them as not cyber armies. I see them more as community builders, online community builders primarily because these are volunteers. People who are concerned about the racial and religious harmony in Singapore. They are full-time students. Some of them are young full-time working adults. Some have gone into national service or just finished national service. These are concerned citizens as I would say it and put it. They are not cyber troopers as one would explain also. They would, in addition to engaging the community online through Facebook and other platforms, et cetera, perhaps even just to share particular responses to a question posed by a citizen to -- from the religious organisations or leaders, they would also be engaging in offline initiatives such as mini project or peace-building activity, cohesion building activity.

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[5695] Our vision for Roses of Peace essentially is to build a Singapore that is cohesive, empathetic and resilient. So, the efforts of the ambassadors would be to portray that and to contribute towards that cause.

[5696] **Mr Pritam Singh:** Thank you. I just want to open the microphone to Jonathan. Do you have anything to share with regard to the submission by Roses of Peace because you are the Director of Community Outreach? Any suggestions for the committee or views that you think we should bear in mind as the Select Committee report is drafted?

[5697] **Mr Jonathan Tan Bingxian:** Thank you. We have launched the Ambassador programme. From there onwards, we can expand the network down to the heartlands itself. We will be launching the ROP Advocate Network next. Through the advocate network, we intend to work with different heartlands, organisations and also youth groups and they can help to act as the multiplier on the ground to share messages about peace and harmony and what is the DOF about.

[5698] So, the ROP Advocates will work closely to share with elderly and those who are non-IT savvy on how they can communicate, better understand what are those concerns and then we can point them to the online space to ask them questions. So, the idea is really to spread the message about fake news across different sectors, segments in Singapore.

[5699] **Mr Pritam Singh:** Thank you. Chairman, I have no further questions for the witnesses.

[5700] **Ms Chia Yong Yong:** My question is actually for Mr Zhulkarnain. Under Section A of your submission, you referred to transparency and I think you heard my question to the earlier witness. In relation to the disclosure of sponsorship content and authorship, for example, in a scenario where a person is perpetrating a deliberate falsehood, how likely is the disclosure going to be true?

[5701] **Mr Zhulkarnain Abdul Rahim:** Thank you, Ma'am. So, I do admit that it is not a one-size-fits-all solution. It is a multi-pronged solution. But at the very least, a transparency in regard to political affiliation or funding can lead whoever the consumer is to a train of inquiry of whether or not that is something that he or she wants to consume.

[5702] I say this -- I make an analogy to nutritional fact sheet of information for, let's say, particular consumption goods. But, in fact, with any kind of legislation, there are people who will try to circumvent it, who will have corporate mechanisms in place, structures in place to mask the particular funding or the direct funding, but that shouldn't be the reason that we do not try such particular solution.

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[5703] I would say that at the very least, it gives an avenue for readers to then -- it might be an optional thing. It could be an option to actually disclose so that readers can say that -- decide for themselves that this particular site hasn't disclosed its full accounts or full sources. Do I want the choice? I will make the informed choice whether or not to rely on such information.

[5704] **Ms Chia Yong Yong:** Indeed. I mean having disclosure is better than none in that at the very least, you could say that you told a lie when you should have told the truth.

[5705] But I think the danger here also is that it might lead people to think that the content is reliable when it should not be. So, again, I think there should be some weighing, some balancing, of the pros and cons in this particular approach. What do you think?

[5706] **Mr Zhulkarnain Abdul Rahim:** There is a pro and con, but you can actually give the impression that a particular news site is credible or not, even without having to resort to full disclosure or saying that these are my finances and all that, by actually having a branding, a certain kind of branding, to a portal that seems to suggest that it is totally independent when it is not.

[5707] I'm trying to suggest a way that allows for readers to have the option of that additional information. If that information hasn't been forthcoming or hasn't been disclosed, that particular reader can actually make the necessary queries with the particular news organisation. But even if after that, that information isn't forthcoming, then the proof is in the pudding.

[5708] **Ms Chia Yong Yong:** So, perhaps, it does also rely a great deal on the diligence and media literacy of the readers themselves. Can I move on to section J of your paper, in relation to the legislative framework? You make reference to the Telecommunications Act to: "... knowingly transmitting a false message could lead to a fine and a jail term." You would agree that in such a situation, the false message would already have been transmitted?

[5709] **Mr Zhulkarnain Abdul Rahim:** Yes, Madam.

[5710] **Ms Chia Yong Yong:** And in the Protection from Harassment Act and the Sedition Act, again, the harassment or seditious acts would already have been committed?

[5711] **Mr Zhulkarnain Abdul Rahim:** That is right.

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[5712] **Ms Chia Yong Yong:** Thank you. And also in relation to the Broadcasting Act on the take-down notice, or removal of websites, again, we are talking about acts that have already been committed?

[5713] **Mr Zhulkarnain Abdul Rahim:** That is right.

[5714] **Ms Chia Yong Yong:** Likewise, for defamation, the defamatory statements would have been made.

[5715] **Mr Zhulkarnain Abdul Rahim:** Yes.

[5716] **Ms Chia Yong Yong:** So, we may not necessarily have a situation where an act has not yet been committed but it is anticipated?

[5717] **Mr Zhulkarnain Abdul Rahim:** Yes, but that's the conundrum. Speaking from a lawyer's standpoint, we don't have yet a Minority Report kind of situation where we have a precognition. I need to have the intent and I also need to have the action. The legislative framework would mean that it is always a retrospective kind of solution to it. So, that is why any particular solution that the Select Committee considers, has to have that element of trying to have a pre-emptive measure. I'm not sure whether in terms of legislation, I've not thought about legislation to counter -- in terms of pre-emptive measures, but I would say that, Ms Chia, you are right, the Malay saying is, "Nasi sudah menjadi bubur", the rice has become porridge, something like that.

[5718] **Ms Chia Yong Yong:** The Chinese have the same saying, too!

[5719] **Mr Zhulkarnain Abdul Rahim:** Yes. So, I think do we want to eat porridge or do we want to eat rice?

[5720] **Ms Chia Yong Yong:** Thank you. Indeed, the point here is that we do have situations where there may be gaps in legislation and, as lawyers, we all like to talk about mens rea, actus reas, and all that, but it doesn't quite answer questions of strict liability, for example. Or any other offences or acts for which there are punitive actions prescribed for a lack of mens rea. Primarily that's because we look also at the consequences of those actions, even without mens rea.

[5721] So, I think perhaps what we could be looking at, would you say, is again in the context of what you shared about the judgments that have been read out to us and also in your submission, that there are also circumstances, therefore, that we could potentially have legislation to tackle situations even where we do not have maybe a burden of proof to prove that mens rea existed? Do you think that there could be such situations?

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[5722] Mr Zhulkarnain Abdul Rahim: Before I answer that, I actually mentioned in my submission Justice Quentin Loh's judgment in respect of strict liability being argued. His Honour didn't accept strict liability in that particular legislation because he said therein lies the check and balance for the prosecution to prove beyond a reasonable doubt that the charge is made out. So, we are trying to balance two things here: the freedom of expression by a particular individual, compared to the community or the larger interest.

[5723] In answering Ms Chia's question, I can foresee a certain situation where it is actually sailing so close to the wind or to the sun that it necessitates certain legislation that allows the prosecution to overcome the burden of proof for trying to avoid a larger harm to community. I can foresee some situations where it, maybe, concerns national interest, but for that we have the Internal Security Act as well. And I'm not too sure the nitty-gritty or the details of any situation, but if you are trying to consider, you should actually consider and be open to any particular possibilities.

[5724] Ms Chia Yong Yong: Thank you. I think we definitely will need to consider a whole spectrum and sometimes invoking the ISA, not that I'm in government, but I would imagine as a lawyer that invoking ISA for deliberate online falsehoods may sometimes be too extreme a measure and not something we necessarily want to do. But what could be important would be to actually contain and anticipate particular falsehoods. I think if you were here earlier also we heard one professor from Dartmouth University and he shared about how they were able to have AI that anticipates the circulation of child pornography images and videos and have those taken down even before they were put out for circulation. What I think, therefore, is that it is not entirely impossible for us to anticipate the circulation.

[5725] I give you another situation where there could be a takedown notice. And as you also are aware, and shared with us, something could have been taken down and also, Hazrul, that something could be taken down and years later it could resurface and be recirculated because it is just nesting somewhere else. That kind of situation could also be anticipated as well.

[5726] The point I want to clarify, therefore, is that we have an understanding that perhaps, there are gaps within our legislation and we may need to use legislation in a very prudent and calibrated manner to address the evils that we seek to address.

[5727] Mr Zhulkarnain Abdul Rahim: Yes, Madam.

[5728] Ms Chia Yong Yong: Do you agree?

[5729] Mr Zhulkarnain Abdul Rahim: Yes, Madam.

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[5730] The Chairman: Ms Rahayu.

[5731] Ms Rahayu Mahzam: Just to wrap up that point on legislation, I want to clarify with Mr Zhulkarnain. At your paragraphs 49 and 50, you made references to the Broadcasting Act. I note your reservations in your discussions with Ms Chia earlier. But in respect of deliberate online falsehoods, and to the extent that we can actually put in legislation in place, because you spoke about expansion and refinement of current legislative framework, may I just confirm that you are broadly aligned to the idea that we may need to close gaps and there may need to be new legislation put, in particular, I think at paragraph 49, you spoke about further refinements to subsidiary legislation of the Broadcasting Act and the Internet content regulations.

[5732] In paragraph 50, you spoke about supporting the suggestion that it is perhaps timely for the Political Donations Act, the Societies and Public Order Act to be extended to the realm of cyberspace. So, I just want to understand where you stand in your appetite for legislation in this regard?

[5733] Mr Zhulkarnain Abdul Rahim: I mentioned about certain scenarios where there are possible expansion and also refinements to the legislation. And I do agree that there are some gaps in the legislative framework, which, as of now, from the line of questioning that Ms Chia asked me, you can see that there are certain gaps that don't cover situations where it is actually pre -- for DOFs that have been perpetrated but have not yet taken effect to the full scale of it, but the potential of harm, I would say humbly, should necessitate some changes to close that gap. Yes.

[5734] Ms Rahayu Mahzam: So, broadly you accept that there may be -- to be new legislation to address some of the concerns we have?

[5735] Mr Zhulkarnain Abdul Rahim: Yes.

[5736] Ms Rahayu Mahzam: Maybe I just move on to paragraph 41 because you had suggested that as part of licensing requirements or code of governance, there should be a firm declaration of commitment towards identifying and eradicating online falsehoods by all online news sites or social media platforms. I think, to some extent, you spoke about this earlier in your response to Mr Singh.

[5737] I just want to understand, especially in the context of the values we hold and how we want to make sure that the preservation of certain standards are in place, why do you think this is necessary and actually what sort of standards do you think we should hold our online news sites and social media platforms to?

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[5738] Mr Zhulkarnain Abdul Rahim: I think it has to be a two-way street. It is not just about legislation being put in place, but it's also for the players, the industry players, to actually make that journey to meet us halfway. To actually be fully committed that this is something that they will eradicate or combat, DOFs in particular, and take down, even if there are certain legislative gaps. Because I'm foreseeing that this is an area where it is ever evolving.

[5739] There could be potential newer ways to disseminate information beyond what we imagine it today. To have legislation that keeps on being amended, Bills being passed in Parliament, to counter that is one way. But to also have the industry players to do their best, and utmost best, to be put to the stringent standard that we say aligned to our values here in Singapore, is something that I think should be done.

[5740] Ms Rahayu Mahzam: So, I suppose this is aligned to what you say, that everybody has some responsibility and everybody has a role to play in making sure that we maintain certain standards within our community. Would that be right?

[5741] Mr Zhulkarnain Abdul Rahim: Yes.

[5742] Ms Rahayu Mahzam: Just one last question to Mr Hazrul. It is really just out of curiosity because, as part of your submission, you had mentioned that parody sites that clearly indicate that their articles are just for fun and are not be taken seriously should be exempt from legislation or certain issues with regard to deliberate online falsehoods. I'm just wondering where do you draw the line in that sense. We do have certain strict principles that we adhere to here as far as racial or religious values are concerned.

[5743] And I'm just a little bit uncomfortable with the fact that just because you say this is just for fun, then it should be okay and you should not be liable, even though there is some sort of intent and it is clearly falsehood and it is clearly online and there is intent to actually confuse or rile up certain emotions. I just wanted to know what your thoughts are on this and where do we draw the line.

[5744] Mr Hazrul A Jamari: Thank you. Satire is an art form. And most of the time, parody sites are there to allow the consumer of information to de-stress. I think sites like New Nation, for example, it's been around for some time, it's not out there for malicious reason.

[5745] But in the event that such parody or satire sites approach a very sensitive topic, I think that is where we should draw the line. I think quoting back on an Indonesian reference, a mainstream Indonesian site actually picked up news for New Nation, believing that it was actual news. But it was immediately retracted the moment they found out that it was a parody site. So, you have to draw the line somewhere,

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[5746] Yes, I do agree. But we already have defined those OB markers that as long as it does not touch anything to do with religion, it should be fine. Right?

[5747] **Ms Rahayu Mahzam:** But you do appreciate that there is some danger there. I think one often-repeated diagram or cartoon was shown, that I do not want to show again, that's one. I suppose that is clearly something you would say is something you can't accept.

[5748] **Mr Hazrul A Jamari:** Charlie Hebdo is extremely ---

[5749] **Ms Rahayu Mahzam:** Yes, Charlie Hebdo. So, these are some of the things that you can't accept?

[5750] **Mr Hazrul A Jamari:** Yes.

[5751] **Ms Rahayu Mahzam:** But there is also a danger of confusion, isn't there? Because like you acknowledged, someone elsewhere in the world, because this is online, on an international platform, would look at it and say, "Is this true, is it not?" It gets fuzzy there.

[5752] So, I'm just wondering what would be a practical solution, I suppose, as far as preserving the art of satire, but yet, at the same time, respecting and maintaining a certain standard for deliberate online falsehoods.

[5753] **Mr Hazrul A Jamari:** So, in my submission I quoted New Nation as well as The Onion. And The Onion does not make any disclaimer that they are for entertainment purposes. They do not disclaim that it's satire and whatnot. It is very often that you see online falsehoods being disseminated that quote or reference The Onion. Whereas if you see New Nation sites being disseminated, you very quickly get the idea that this is not real because they actually put there this is fake news. So, you're already immediately informed.

[5754] So, I think it must be the responsibility of the media platforms themselves to place those disclaimers and it should be enforced in some way. I think sites like New Nation already took that responsibility to put such disclaimers where if you want to legislate, I'm not sure whether that is the best you got.

[5755] **Ms Rahayu Mahzam:** Maybe this is where we disagree. When I go to a comedy show, I know that platform is different and people make fun of each other. That's a different space. But an online platform where sometimes, portions of it can be taken out and then shared on WhatsApp, it gets very confusing.

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[5756] My point is, it's actually a dangerous realm and it's something we may need to look at more carefully in terms of saying that because this is art, this is satire, we don't penalise. At a certain juncture, we need to take certain steps with regards to making sure that people don't get confused.

[5757] The whole intent is to make sure that truth prevails. But once the thing is out there and you know that the masses are of different degree of understanding and appreciation. My take and what I'll put to you is that: it is a dangerous realm to say that we do give distinctions to certain websites who may just say, "Oh, I am just saying that it is false and putting it out there." But I think it is dangerous and my view is that it may not be something we should ---

[5758] Mr Hazrul A Jamari: Would you consider sites like New Nation to register for those Class Licences?

[5759] Ms Rahayu Mahzam: You know, personally I think that it is difficult. I may have a certain understanding, but if I show it to someone, my parents or someone within my community, they may not necessarily appreciate the distinction and the difference. That's where my concern lies.

[5760] The Chairman: If there are no further questions, I would like to thank all of you gentlemen for taking time to participate and contribute to this Select Committee process. We will be sending you a transcript of today's events. Please go through it. If there are any corrections to be made, please correct it and send it back to us. Once again, thank you very much.

(The witnesses withdrew.)

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Paper No. 40 -- Ms Wai Yin Pryke (Ng Wai Yin) (Director, National Library Board), Ms Chow Wun Han (Assistant Director, Content and Services (General Reference, Statutory and Digital Content, National Library Board) and Ms Sara Pek Leng Leng (Senior Manager (Engagement), National Library Board), representing National Library Board, were examined under oath or on affirmation.

[5761] **The Chairman:** Good afternoon. For the record, could you please state your names and the positions you hold in your organisation, starting with Ms Chow?

[5762] **Ms Chow Wun Han:** Hi, I'm Chow Wun Han, I'm Assistant Director of Content and Services.

[5763] **Ms Wai Yin Pryke:** I'm Wai Yin Pryke, I'm Director of National Library.

[5764] **Ms Sara Pek Leng Leng:** I'm Sara Pek, Senior Manager for Engagement.

[5765] **The Chairman:** Thank you. The evidence which you will be giving today before the committee will be taken on oath, if you so desire, you can take an affirmation. The Clerk will now administer the oath, or you can also take the affirmation.

(The witnesses took oaths or made affirmations.)

[5766] **The Chairman:** Thank you. Please be seated. Welcome to the public hearing on the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is to put questions to you and you have all taken a solemn obligation to answer our questions truthfully. I will now call upon Mr Seah Kian Peng to lead the questions.

[5767] **Mr Seah Kian Peng:** Good afternoon, ladies. Sorry for keeping you waiting. I will try to get through this session as quick as I can. What I will do is go through your written submission and highlight the salient points, to allow you an opportunity to affirm or otherwise and also in some cases to elaborate. After I have finished, some of my other colleagues may also have other clarifications to make.

[5768] You started off by stating in paragraph 1 that critical evaluation skills have never been more important because we are now inundated with information and data at work, at home, online and physical interactions. You then go on to paragraph 2, where you describe some of the National Library Board's efforts in public information and info literacy, for school, for work and for play. Could you share and elaborate a bit on these efforts?

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[5769] **Ms Wai Yin Pryke:** Libraries promote information literacy and that is a very core part of a library's work. Similarly, the National Library takes this duty very, very seriously. After all we are knowledge and information professionals and we want to make sure that consumers of information know what is right and what might be wrong and fake. In terms of this whole piece of work, we felt that we needed to demystify what it means to be information literate. Because the word information literacy is a very long phrase, and it can be extremely confusing to others.

[5770] So, we broke it down into four steps that can be taken, and they fall into the acronym of SURE, "S" stands for source which means is your source reliable, is your source credible, how do you know? And then "U" is for understanding existing biases, whether something is a fact or an opinion, and then is that all you want to take, or should you do deeper research? So, "R" stands for research which means go deeper, find out more, check other sources as well. And then the last is "E", for evaluate, critically evaluate what you have in front of you.

[5771] This piece of work has been done for many years, but we have been intensifying it over the last six years. Certainly, we started with schools because schools are foundational. The students go to school, they are the future of Singapore. They also have a very natural platform to apply these skills because they do have to turn in homework, they have to do thesis, they have to do writing, there are so many things that they can naturally practise these skills.

[5772] We have been working so closely with the Ministry of Education (MOE) to incorporate the SURE principles into the syllabuses, especially the social studies syllabus and we continue to have very close partnership and conversations with the Ministry. When we thought about this, we think that there is also a value proposition for bringing SURE into the workplace. After all, there is an argument to be made that workers in this information age must be more reliable, must be seen as reliable and trusted sources of information when they present things that work.

[5773] We are adopting a similar approach as we did with MOE, work with institutions who care about this and who think it is very important to infuse these skills into the curriculum, into what they already offer to their community. Thinking about institutions like NTUC, People's Association, Civil Service College, as well as Skills Future Singapore, because these are institutions that care about learning and lifelong learning at that and we feel it is a very important component that must go into the whole lifelong learning landscape. And, of course, with these four principles, can we just be confined to school and work? Surely, this can be taken into whole of life itself. Whenever we come across a newspaper article, an offer that seems too good to be true, a cure for cancer, these are opportunities for us to say, "Hey, let's take a moment and think about what's the source and apply these very simple steps in order to give ourselves some time before we jump to conclusions."

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[5774] **Mr Seah Kian Peng:** Indeed, I remember my Mom telling me, when it's too good to be true, it's too good to be true.

[5775] **Ms Wai Yin Pryke:** Yes, you need to be sure.

[5776] **Mr Seah Kian Peng:** Yes. Information literacy, like financial literacy, is a very important life skill that we would like all of us to have and it starts at a young age. One of the approaches that you mentioned, and this comes under your SURE 2.0 campaign, you included -- one of which includes conducting talks for seniors. Can you elaborate why this is important, what will be covered in these talks and what are some of the challenges reaching out to seniors?

[5777] **Ms Wai Yin Pryke:** Senior citizens are a particularly vulnerable group. They have a lot of respect for what is published, whether it is online or whether it is hard copy. They tend to think that because it is published it must be true. The challenge for them is to help them to be discerning, what can they believe, what can't they believe. In terms of talks for seniors, one of the things we are realising is that whilst the SURE messages can be simple, they need to be unpacked further for seniors and it has to be contextualised for themselves as well in terms of their daily life, what they need.

[5778] Quite often there will be things like health scams, financial scams as well. In terms of the talks, we hope to be able to leverage these everyday examples which they are familiar with and put it in that context for them, and to simplify the messages further so it becomes very real and accessible to them as well.

[5779] **Mr Seah Kian Peng:** You went on to say to develop force multipliers by working with organisations on their public campaign. When you talk about force multipliers, what do you have in mind?

[5780] **Ms Wai Yin Pryke:** We are talking about an institution-wide approach where we can also use this train-the-trainer model so that we can train the advocates in order to spread the message further and to spread it deeper into the organisation as well.

[5781] **Mr Seah Kian Peng:** Towards the end of the page, under paragraph 2, you said that you will promote information literacy to build public confidence, to tackle fake news and to break the cycle of perpetual rumours. Can you explain how public education will help in that respect?

[5782] **Ms Wai Yin Pryke:** Just now, one of the speakers actually talked about how, whilst the public is very concerned about fake news, they don't seem to know how to discern and what to do about it. So, there is a sense of helplessness, whilst they know and are concerned that there is all this false information, they don't know what steps to take.

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[5783] By educating the public, by sharing with them the SURE steps, we hope they find that there's efficacy, there's agency, they can do something about it, they can practise these things, they can really work towards getting themselves out of this situation where they feel that they are at the mercy of people who just dispense information to them. We think that education is a very, very important part to equip the public.

[5784] Mr Seah Kian Peng: I did say I wanted to keep the session short, so one final point. Do you think public education alone is sufficient to combat deliberate online falsehoods?

[5785] Ms Wai Yin Pryke: The landscape is so complex that there is no silver bullet, there is no one-size-fits-all solution. More and more, it is increasingly clear that it takes a concerted effort of the public, the people, the private sectors working together, governments, media agencies, tech companies, and every one of us really to think of what we can do to make a stand against fake news and falsehoods and to make sure that we are part of the solution, and not the problem.

[5786] Mr Seah Kian Peng: Indeed, in many other organisations and experts that we have talked to over the last weeks, and up to today, I think there is general, in fact, broad agreement that public education is a very key part of the overall system of measures that the Select Committee needs to consider and incorporate in our deliberations. Chairman, that is all I have, thank you.

[5787] Dr Janil Puthucheary: Thank you for coming before us, ladies, and apologies for the delay. I want to direct your attention to a REACH study on understanding public attitudes towards fake news, published this morning in the newspapers. If you are perhaps familiar with the overall findings, I will just summarise them for the purposes of the record and I will ask your comments on it.

[5788] This study looked at more than 2,400 Singaporeans over the age of 15, and some of the key findings were that 66 per cent access news and current affairs via online sources and 77 per cent of Singaporeans polled came across online news that they thought was not accurate, 39 per cent said they had come across fake news related to Singapore in the past one year. 56 per cent said they came across these deliberate online falsehoods through platforms such as WhatsApp and Facebook. And interestingly, one in two were confident of their own ability to discern fake news, 70 per cent of those who came across fake news were not always able to discern the falsehoods.

[5789] Interestingly, while they are confident in their own ability to recognise fake news, the figure when you asked about the other Singaporeans, falls to about

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1 in 3. They over-assess their own ability to discern fake news and deliberate online falsehoods with respect to other Singaporeans. 2 in 3 are concerned about the spread of fake online news and about 8 in 10 are concerned about those who are profiting from deliberate fake news. About 80 per cent supported strengthening laws to better deal with the spread of false information. When asked, do you think there should be more effective laws to require those who publish the fake news to remove or correct the Asia Pacific, 92 per cent said yes. When asked, do you think people who put out fake news deliberately should be prosecuted if their actions have serious consequences, 91 per cent said yes. Very high levels of support for that type of intervention.

[5790] On that background, I have three questions, and I will leave it to you all how you decide who will answer which. The first is: given the very high levels of literacy in Singapore, we have very high levels of education literacy, the effectiveness of the libraries as an institution, if I remember rightly, one in two Singaporeans actively engage with libraries on a regular basis.

[5791] Ms Wai Yin Pryke: It is higher than that but yes.

[5792] Dr Janil Puthucheary: Higher than that. Please correct me. Clearly, Singaporeans are very used to the process of gathering information, reading about things, engaging in these issues. And the efforts that libraries and various other people have been engaging in for some time with respect to literacy, media literacy and now critical analysis of that media literacy, why is there such a high level of anxiety that is demonstrated in the polled findings for today?

[5793] Secondly, one of the issues is really who should deal with steps going forward, this business of 92 per cent supporting laws and 91 per cent asking for prosecution, it suggests that there is almost a sense that it is not about personal responsibility but they are externalising the source of solutions and responsibilities to deal with this matter. So, my second question to you is: how do we strengthen the sense of personal responsibility in dealing with what is likely to be a long-term intractable problem going forward.

[5794] Thirdly, particular to your role in NLB, when such a high proportion of the falsehoods is spread through platforms such as WhatsApp and Facebook, these are not platforms, products or services that are generally the sort of strength or the usual ways in which National Library Board engages with the public. If you say that the materials that you supervise, curate and propagate are the sources of truth and the platforms are where most of the falsehoods are being found, how do you deal with this discordance between the fact that there is a separate platform and medium for the propagation of falsehoods, versus a separate medium or platform for the propagation of truth and whether we need to find a way to bring those two together?

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[5795] Three separate questions: the anxiety, the issue of personal responsibility and the separation between the source of truth and the source of falsehood.

[5796] Ms Wai Yin Pryke: They are three very good questions that have induced a high level of anxiety in me. One reason for the high level of anxiety could well be what you mentioned in your second question, it is a sense of personal responsibility. Somehow, they feel that they are victimised by the environment and they don't sense that they have the skills and the wherewithal in order to find out for themselves or give themselves a better chance of discerning. This almost learned helplessness is something we are concerned about, and perhaps it is also the wider environment, where we need to promote more critical thinking, and the fact that you have the means to think critically, you have the means to act as well. In terms of enhancing this sense of personal responsibility, it is something that we have also noticed from other studies. One reason, again, could be this: it is not quite in my backyard, it doesn't really quite affect me.

[5797] The interesting thing is that there was an NIE study in 2017, which showed that whilst they could identify, more than 70 per cent of respondents could identify online falsehoods, they did nothing about it, they didn't write in and say, this is the wrong source, and you might want to change that. More conversations need to be done, in just promoting the fact that you are actually responsible and you have to call out. You have the role and you have the duty to call it out when you see something that is false. It is not going to be an easy solution and I honestly do not have the solution myself as well.

[5798] I was an educator for 30 years before being in this job. So, even as a teacher in my role as an educator, I have always not found it so easy to translate what is in the head knowledge for students into actions which they can work on and they can do something about. It is going to be an ongoing conversation, ongoing journeys, showcasing good examples of people who have done that. It was such an encouragement to me to hear about initiatives like the Roses of Peace, because I think that these are very important ground-up efforts that we should promote and we should massify more.

[5799] In terms of this dissonance between the tools that we use on our website or even like hard copy books and curated reads, compared to what is on WhatsApp, Facebook, Snapchat or Instagram, we don't seem to be crossing platforms, this might be something that we need to look at and look at very seriously. For example, I certainly know that for China, the libraries are very active on WeChat, which is a huge social media platform in China. I'm thinking that we really have to take a serious good look at how we can make sure we are present on the platforms where fake news dominates in some way.

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[5800] **Dr Janil Puthucheary:** If I may think towards the potential outcomes of where we need to go with the work of this Committee, could I summarise your points of view along these following lines, to see if you agree with me. First, that education is absolutely necessary, but it is not going to be sufficient because of the sense of what you can translate that education into in terms of action, and that's always going to be some degree of friction and bias around that.

[5801] **Ms Wai Yin Pryke:** Sure.

[5802] **Dr Janil Puthucheary:** Secondly, while we do want to encourage a significant amount of personal responsibility, that alone is not going to solve this, we need to look at all the other components of the ecosystem in order to deal with this. One of the things that we need to think about is to make sure that the truth or the information from a source of truth is put up right alongside the information that is found out to be false, on the platform where that falsehood is being spread, or at least close the gap between those two.

[5803] **Ms Wai Yin Pryke:** Yes, I agree.

[5804] **Dr Janil Puthucheary:** Thank you very much. Mr Chairman.

[5805] **The Chairman:** As there are no further questions, I would like to thank Ms Pek, Ms Pryke and Ms Chow for your presence here and your contribution to the Select Committee process. We will be sending you the transcript of today's proceedings, if there are any corrections to be made please make the corrections and return it to us. Thank you once again for being here.

(The witnesses withdrew.)

[5806] **The Chairman:** I propose we take our lunch break now and I will resume the meeting at 2.45 pm.

(The hearing adjourned for a break.)

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Paper No. 47 -- Prof Cherian George (Professor of Media Studies, School of Communication, Hong Kong Baptist University), was examined on affirmation.

[Mr Seah Kian Peng in the Chair]

[5807] The Chairman: Good afternoon and welcome back to the afternoon session of the Select Committee on Deliberate Online Falsehoods -- Causes, Consequences and Countermeasures. May I now invite the next witness to come forward to the witness table?

[5808] Prof Cherian George, good afternoon. For the record, please state your name and the position you hold in your organisation.

[5809] Prof Cherian George: Cherian George, Hong Kong Baptist University, Professor. I'm here in my personal capacity.

[5810] The Chairman: The evidence which you will be giving today before the Committee will be taken on oath. If you so desire, you can take an affirmation. The Clerk will now administer the oath.

(The witness made an affirmation.)

[5811] The Chairman: Prof Cherian George, please be seated. Welcome to the public hearing of the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully. I will now call on Dr Janil Puthuchery to begin.

[5812] Dr Janil Puthuchery: Thank you, Chairman. Prof George, thank you for your written submission, as well as coming before the Committee today. What I propose to do is to perhaps go through and summarise some of the various positions that we have arrived at or we have been presented with as a Committee and then we will go through your submission in some detail, if you don't mind, and give you some opportunity to clarify on some of the things you have put in your written submission. And then we will have a larger discussion about some of the things that arise from that.

[5813] Some of the written representations as well as the oral submissions from a variety of people speak to national security as it is affected by deliberate online falsehoods, and we have a table -- I think it's table 1, if you can project it on the

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screen -- so, a variety of people have taken positions that information warfare threatens our national security, our sovereignty, that this is now becoming an established part of state craft and the military arsenal, as important as conventional kinetic warfare. So, the prevalence of disinformation campaigns as a means of state-to-state action is becoming significant.

[5814] Several people have taken the position that it is persistent and permanent, and this is not something that is present only at times of overt conflict, that even in the absence of an open conflict, it is persistent, it is permanent, and in fact, almost necessary for it to become effective during a time of conflict.

[5815] It has become quite an attractive option because the costs and manpower needed for this type of disinformation campaigns, online campaigns are disproportionately low. Low cost, low barrier, high impact, high returns. These types of tactics are highly effective and when used as part of that state craft arsenal, significantly reduce the need to deploy military hard power, making it even more attractive, the use of a misinformation campaign. For the purposes of ongoing state-to-state relations they carry on lower risk of detection and some people have argued that potentially almost impossible to detect some of these campaigns, because they can reside in our systems long before we can detect it and they can be conducted at a fairly low level of intensity.

[5816] Further, on page 8, that civilians and domestic proxies in the target country may be manipulated and used by state actors to deflect blame, and we would assume that any large country would have started developing their own capabilities. This becomes a requirement for being an effective international player. There are a number of states that have openly declared that these capabilities are part of their arsenal. But we can make the assumption, moving on to page 11, that these are also attractive options for smaller countries, especially given the relationship between cost and what it does for your asymmetry of conventional warfare.

[5817] Outside of state entities, there is a proliferation of commercial entities who also offer their expertise in this space to the highest bidder. Smear campaigns, hacking, spoofing webpages, mass emails; and these campaigns have serious real world consequences, the ability to influence events in real-time, aiming to weaken societies, destabilise target societies reducing our will to fight, sowing discord, destroying trust between communities, both exploiting existing fractures and tensions and potentially creating new sources of polarisation. These fractures and tensions are things that are in the community, between the community and key government institution, police and religious institutions.

[5818] Singapore, we have to assume, is as vulnerable as any state, given our multi-ethnic, multi-racial, multi-religious make-up and our history, potentially more vulnerable to some of these tactics, and it would be an error to assume that these attempts are

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not already happening here, and that these are linked to some of our regional security issues. So, attractive target, likely vulnerable, the means and tools are available and we should assume that various people who have strategic and security interests in our area, in our country, are already active in this space. That is for the national security frame.

[5819] If we look then particularly at the issue of deliberate online falsehoods, on table 2, the issue at hand is the extent of the impact, what is it, what are the factors that drive the impact of deliberate online falsehoods. We have talked about some of these things in the national security perspective, I won't repeat them.

[5820] The ability for these campaigns to erode trust on an ongoing basis, people have talked about the drip feed approach, trust in police being eroded and how there is a relationship between these low intensity messaging reinforced by a high visibility crisis, removing trust even further and you have a vicious spiral, a vicious circle of interactions between the two. This spread of misinformation corrodes our democracy, healthy public debate is affected, I think it is a point that you have alluded to in your submission as well, and the prevalence of these deliberate online falsehoods makes it more difficult to discuss key social political issues -- difficult to discuss and on top of that, they entrench existing polarised views, it is difficult to have a healthy debate and difficult for people to engage in views other than those that confirm their own worldview. And so, increasingly, people will be pushed to the extremes of worldviews as they engage in this space.

[5821] Some of this is biological, it is structural in the way we as human beings process information and the heuristics around these issues -- this is table 3 -- that we use mental shortcuts to process information, there is an information overload, humanly impossible to verify every single piece of information, and we are biologically wired to have a significant number of biases that we look for information that confirms our worldview, we accept information from particular sources or information that reinforces our worldview without too much critical thought and we have a tendency to reject things that would contradict our worldview. We have motivated reasoning, we go out trying to justify our worldview and there is the illusory truth effect.

[5822] As a result, there is a bias towards negativity in the online space where deliberate online falsehoods evoke strong negative emotions. There is a conformity cascade where this has a social impact where in close knit groups, people agree with their peers so they don't feel isolated. And we have some degrees of optimism that we can detect falsehoods, much higher than the data would suggest we are capable of. All of which means that the truth is relatively weak, compared to the falsehoods. It does not travel as far, it does not reach as many people and it is less likely to be appreciated by the people who read it.

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[5823] Prof Thio Li-ann, in her testimony, in her discussion, suggested that this would result in an undermining of the marketplace of ideas, this is at page 46 of her transcript on 23 March. I'm not sure if you can see that on the screen. We may be able to blow it up. "The marketplace of ideas is undermined by deliberate falsehoods." And she goes on to say in the same sitting, at page 51, line 5: "There is no rational reason for bringing deliberate online falsehoods under the rubric of protected speech."

[5824] Largely, the submissions, the various witnesses that have come here, the discussions we have had, agree that this is a significant problem, potentially affecting national security, likely affecting our social cohesion and the fabric of our society, likely to not be easily solved, certainly not by any single intervention or single approach, this will be a layered, multi-step multi-approach type of intervention, and fundamentally that the status quo should not be accepted, we will have to find something that we can deal with this.

[5825] So, you have in your submission suggested a number of possible interventions. These are in paragraphs 33 to 43; quite a wide ranging series of ideas, some are sense-making, things like an early warning system, hate watch group, you have called it, sense-checking NGOs. Some of them are reactive in terms of building up a space of knowledge, of fact-checking NGOs and PR and marketing self-regulation so that an increasing amount of truth is put out there, media and information literacy, inoculation through political literacy, social science research and some of it are actually intervening.

[5826] You talked about training for journalists and moderators, working with the intermediaries and also a change to some of our legislative tools, you have suggested, so a scope between, prior to the falsehood being developed, public education, things to do once you accept that falsehoods are going to be out there, how do you engage in that space and then how do you then react perhaps and deal with something after the fact. So, you have got a number of suggestion, 10 possible suggestions there, and I think the reason you have come up with those 10 possible suggestions is you fundamentally agree with the framing of the scale and the scope of the problem, as I have laid out and many other people agree with.

[5827] Perhaps you have some comments about these 10 suggestions that you have made.

[5828] **Prof Cherian George:** Thank you for bringing me up to speed on the discussions so far. I know that it has been many days and I appreciate you summarising it for me. I should start, though, by confessing that I am not at all an expert in state-to-state security issues. I appreciate that you have brought on board experts in that and I have learned from the little that I have seen of what they said. My own comments have been dealing mainly with sub-state actors, if you could put it that way.

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[5829] Dr Janil Puthucheary: If I could interrupt you, you would find their views reasonable?

[5830] Prof Cherian George: I do not have an educated basis on which to judge whether they are reasonable or not. They make sense to me but that is not to say that people who are more expert in those fields would find them credible. I certainly do agree that we have learnt the hard way that simple ideas used by political actors activate tribal identities in a way that it is very difficult to fight, and this is something we have seen around the world. Many of those simple ideas, which I deal purely with hate propaganda, do include some falsehoods, some disinformation, and that is my interest in this topic. Thank you for highlighting the range of suggestions that I have offered. I would say that these lean towards more upstream interventions, if you will, to try to build up a culture that is more resilient to disinformation, but also some, as you put it, reactive intervention; what do we do when disinformation is already in our midst.

[5831] Dr Janil Puthucheary: Thank you. When we look at the range of possible interventions, one of the things that comes up, of course, is legislative change, a new law, a new set of regulations. But really what you would agree is that is not the only possible response, you are arguing for a multi-faceted approach and also for a judicious and carefully calibrated approach. Whatever it is we do, it needs to have multiple components, multiple interlocking pieces that perhaps can reinforce and feed off each other.

[5832] Prof Cherian George: Absolutely. Law does have a place. Whether legislative change is needed? It is possible, maybe even likely, that legislative change is needed. I would say that it would need to be balanced, as you say, with non-legal interventions. My fear is that the potential effectiveness of those non-legal interventions may be underestimated.

[5833] Dr Janil Puthucheary: Sure. We will come to that in a second. This issue of a multifaceted judicious carefully calibrated approach, which I think is the sense I am getting of what you have said so far in most of your submission, I just want to draw your attention to paragraph 6 and make sure we are on the same page as to why you have phrased paragraph 6 in the way that you have.

[5834] In paragraph 6, you are talking about hate propaganda in the context of an instrument of identity politics, so your last sentence states: “Even if they do not culminate in violence, such tactics worsen social division and discrimination, undermining national cohesion.” You have got the reference at the bottom. So, you have said this in the context of what hate propaganda can do and the various nuanced extremist views versus low intensity views, but you are establishing in your paragraph

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that regardless of the intensity of the propaganda or the type of misinformation that is out there, it will have a corrosive effect. I just want to understand, reading these couple of paragraphs on their own, one could think that you are advocating a zero tolerance approach, but I think your position is a bit more of a nuanced multi-faceted approach. Am I right to say that?

[5835] Prof Cherian George: Perhaps I would put it this way: that we should have zero tolerance towards human rights abuses, such as discrimination against minorities and so on, but that is not to say that our response should not be nuanced, they can both be true, right? I'm supposed I'm guided by what some policy analysts point out, that an optimum response is not necessarily a maximal response. There is always the risk of overkill, for example, if we declare that we are going to have a war against discrimination, it is quite possible that the cure may be worse than the disease, to put it that way. Yes, I feel that we should take these risks extremely seriously, but precisely because they are such serious risks, we should be extremely smart in the way that we respond.

[5836] The particular paragraph that you highlighted, I guess it is motivated by the concern that I have that many countries, maybe less so Singapore, start getting concerned about issues like discrimination when it leads to violence, terrorism and so on. For example, Indonesia, which by and large has taken domestic terrorism quite seriously, but has taken threats that fall short of terrorism less seriously. And I would argue that around the world, that is often the case. You find minorities living in fear, the state not stepping in because the state as well as other non-state actors are not so concerned because it hasn't heightened to a terrorist threat. I'm signalling that, as a civilised society, we need to be concerned about discrimination, we need to be concerned about threats to peaceful co-existence, even if it doesn't manifest in outright riots, violence and terrorism.

[5837] Dr Janil Puthucheary: Given the range and different types of levels of impact that deliberate online falsehoods could have, you are suggesting of course that we should take it all very seriously but we should perhaps scale and nuance our response, depending on what type of impact or intent is behind the deliberate online falsehood?

[5838] Prof Cherian George: Absolutely.

[5839] Dr Janil Puthucheary: And this, I think, is reinforced in your paragraphs 9 and 10, where you suggest: "The menu of interventions should include legal prohibition of incitement of material harms, but also counter-speech against bigotry; civic and literacy education, and support for people-sector efforts promoting inclusivity and tolerance." That is in paragraph 9.

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[5840] Then you go into paragraph 10, and this is a line that you have taken from a work by Jeremy Waldron: “The reason why incitement to hatred cannot be left to the free marketplace of ideas is that such expression threatens the targeted groups’ equal rights. Being outnumbered or suffering from historical disadvantages, they are unable to defend themselves adequately in a free-for-all debate.” So, a range of issues, and a range of responses.

[5841] So, a recourse of the law then needs to be part of much broader response to deliberate online falsehoods. But a number of people -- Prof Goh Yihan, Prof Thio Li-ann and others -- have suggested that the legal framework we have today has significant gaps. Prof Goh Yihan suggests that while there are selective judicial, criminal and executive levers today, when he and others have tested these against real world situations, they run up against significant limitations and the limitations they are worried about are those of scope and speed, as well as adaptability.

[5842] SPH has similarly expressed concerns about existing laws, as has Dr Carol Soon; especially Dr Soon with respect to the rapidly changing environment that we are operating in. Some of the representations have been about who the law applies to. Mothership, in their transcript of 23 March, at tab 9: “From our own perspective as an online site, we are already regulated under the class licence...” And later on, they go on to say: “So, we can see that there is a need for an update as well, to manage certain challenges in that area.” Referring to other parties and other players. Jeff Paine and several others have made a similar comment about why they believe that there are gaps in the legislation.

[5843] Some of the people talking about gaps in the legislation are worried about the legislation in its applicability, scope, scale, speed and adaptability and some are worried about the legislation as in who it pertains to, the different new actors that are now on this particular stage that we are worried about.

[5844] Speed comes up as a regular concern when it comes to our legislative landscape. Dr Carol Soon says: “It needs to be fast and we can see how other stakeholders, perhaps mainstream media, can also play a part in trying to reach out and push out the correction as quickly as possible.” Prof Goh Yihan: “The second important characteristic is that deliberate online falsehoods are rapidly and easily spread.” Dr Shashi Jayakumar, talking from a national security framework largely: “You probably need a kind of legal framework to make clear that whatever you have in the physical world, whatever is outlawed in the physical world is outlawed in the online space. And also to target the specific threats and reduce the virality and speed, and if necessary take down obvious falsehoods.”

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[5845] SPH and CNA together have agreed: “The outcome or the output needs to deal with the speed of spread of the deliberate online falsehoods that any process that is not able to deal with things that spread in minutes to hours is not going to be affected in this space.” Prof Goh Yihan has gone on to say that even if there are changes to the law or the law is used to respond in this space, there can be a graduated or a nuanced approach. At one end you might have, for example, the requirement for clarification, but without a takedown of the offending deliberate online falsehoods.

[5846] In some situations, a takedown would be necessary because the material is offensive and likely to be inflammatory, but if we did that you would need some process for a party to challenge that decision. There would need to be some opportunity for redress. The process needs to be considered because the takedown, in order to deal with speed, needs to be easy and speedy but you must then have an opportunity to redress that in case an error is made and you want to reinstate the deliberate online falsehood.

[5847] There is also a component with respect to legislation around demonetisation. A significant number of the witnesses have talked about how the financial incentives, the business model and the structure of the various players that we are dealing with here actually drive some of this behaviour. While we cannot escape from that completely and we may not want to, when it leads to egregious behaviour which threatens national security, race, religion, our stability, then perhaps we need to consider what are the financial incentives that are driving this and we need tools and levers in order to deal with that.

[5848] Hence, some legislative framework to allow demonetisation of the process when it is egregious may be necessary. Even Mr Milner, Simon Milner, from Facebook, this is his testimony on 22 March, at page 166, lines 24 onwards, Mr Shanmugam said: “I’m talking about something slightly different, DOFs and demonetising sites that thrive on DOFs.” And Mr Milner replied: “Often these issues are the same. The issues you have are often associated with very clickbaity sites and we are taking steps to prevent them from advertising on Facebook and if they can’t advertise, they have got no business model.” So, within their framework, they feel that demonetisation is necessary, but of course not all deliberate online falsehoods happen within their platform. We may need to think of taking that approach and extending it out to other platforms.

[5849] Mr Patrick Daniel, from Singapore Press Club, in his testimony of 23 March: “There should be a range of remedies, everything from corrections and apologies, right of reply, takedowns and of course penalties if it is ascertained that it is deliberate intentional falsehoods.” Taking all that together, and you may not be comfortable commenting on all of it, specific experts have provided their opinions, but I hope you

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will accept that there will be some situations where intervention of some sort becomes necessary, even on the backbone, the necessary foundations of literacy, engagement, public education, and awareness that we have talked about. At one extreme, there will be situations where interventions will be necessary, that may require legal powers to do.

[5850] Prof Cherian George: Yes, certainly the law is one serious option. In fact, in cases of incitement, some have referred to the law as the last resort but I would go further and say that if today a politician or a preacher stand up and says, our country has no room for this other community, I don't think that's the time to distribute media literacy leaflets. Throw the book at him, yes.

[5851] So, the law is sometimes the first resort when it comes to clear cases of incitement. Having said that, I certainly agree with those who have expressed the need for caution and care in formulating and implementing the law. I would like to highlight maybe a few key principles that I hope will be followed. First of all, that any policy must acknowledge unintended consequences; secondly, the policy must avoid overbreadth, such that the law does not trap what would be legitimate speech in its attempt to catch illegitimate speech; thirdly – and I think this has not been focused on enough -- to acknowledge that the law, no matter how well written, may have limited impact because of the threat of backfire.

[5852] I am happy to elaborate on why this backfire effect is so important to deal with, especially when talking about hate propaganda. Yes, I do agree that the Committee and Parliament do need to consider whether new laws are necessary. I think it may be useful to distinguish between two different kinds of law making when it concerns regulating speech.

[5853] The first is, of course, the need to update your law in view of changes to technology, for example. Where the modalities change, the law needs to adapt accordingly, as we have been doing so for decades.

[5854] The second is changing the law to make certain classes of speech illegal that were not previously illegal. This is far more problematic and far more risky. My understanding is that most of the regulatory or legal innovations that have been going on in recent months and years as a result of problems like online disinformation have been in the former category.

[5855] My German colleagues, for example, tell me that the Network Enforcement Act does not create a new offence of so-called fake news, even though that is how the media often report it. It is really about catching up with the problem that types of speech that are already illegal in Germany are flowing through the net and the Germans feel the need to tighten the net.

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[5856] Similarly, in Indonesia, there have been recent crackdowns on hate groups, using the Electronic and Information Transactions Act, I believe. I am told that these do not in fact create a new offence of so-called fake news. In fact, it is using this law to catch group defamation, which is already illegal under Indonesian law. Just to make that simple point, that I think we are on safer ground if we update our laws to keep up with changing modalities; it is a riskier gambit if we are creating new classes of illegal speech.

[5857] In general, I think the more prudent, parsimonious and minimally invasive new laws are, the safer we are as a society. If I could elaborate as to why I think the backfire effects have been perhaps underestimated. We often think that if we can throw the book at offenders, that is the end of the story, but usually it is not. It is important, precisely because the threat is so serious, to think two or three steps ahead.

[5858] Dr Janil Puthucheary: Indeed. That is actually the point I was going to come to, which is how the laws might work in concert with other measures to minimise the unintended consequences of legislative change or regulatory approach. If I could perhaps take you on a bit of a tangent, so that we can maybe think of how we might frame the matter. If I could reference your paragraph 29, you make comments about what essentially we have perhaps gotten right or done well with respect to race and religion here in Singapore, especially the way that race has been substantially removed from the divisive electoral tactics that we do often see in other parts of the world.

[5859] Prof Cherian George: Religion more than race.

[5860] Dr Janil Puthucheary: Yes. But it is the tactics more than the factor that I'm talking about. I would suggest that this is not as a result of any single policy or any single option or change that we have made, it is a combination of the fact that we have a GRC system ensuring minority representation, we have a significant effort made around education with respect to the role of race and religion in our social fabric, our national identity and the potential fault lines going forward, its interrelationship with our social policies, whether it is how we live together, how we go to school together, how we look at cultural products and fund these and support these, the ethnic integration policy, which is to ensure that there are no ghettos or equivalents of the banlieue in Paris.

[5861] We have very significant social efforts by volunteers, by civil society organisations working around race and religion and the grassroots, as well as the religious community, and we also have some strict laws on hate speech, on speech which denigrates another race or another religion. We have these seven or eight different factors, multifaceted, iterative over a number of years, interlocking strategies

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and the outcomes, the correct outcomes, what you reference in your paragraph 29 is an outcome as a result of a wide range of interlocking strategies, efforts and laws and these are appreciated not just by yourself but also by a variety of people.

[5862] We have got testimony from Dr Roland Chia from the National Council of Churches: “The situation we find ourselves in, the harmony that we currently enjoy, is made possible by the contribution of different sectors in society and the Government through certain policies but also by the different members of the faith communities realising the fact that we are living in a multi-religious society and therefore we have to work together to build the nation.” We have a number of comments about this.

[5863] We talked to Mr Ahchak from the Archbishop’s Office. This is at tab 19 of the transcript on 14 March, page 158. Minister Shanmugam says: “Let me explain. When I say when the state says you can’t do something, you know that we have a strong legal framework that all of you support. For example, we have the Maintenance of Religious Harmony Act which I think must be a unique piece of legislation but you know what it does, my understanding is that all of you -- and this is a panel of a variety of religious leaders – are strongly supportive of it.” And the answer was yes.

[5864] Minister Shanmugam goes on to elaborate this point, which is the combination made by the two previous points that we have, the social efforts as well as the policies. “We have a framework of legislation, including the Sedition Act, and various other pieces of legislation, but as I said earlier, legislation can only say what you cannot do. You cannot create harmony by itself, I think for that you need a strong set of social policies. You need integration, you need the community to come together, the religious leadership to come together and you need the Government to work with the religious leadership and the community leaders so that we constantly emphasise the importance of integration, working together, respecting each other’s faith, the freedom to practice and at the same time, accepting and celebrating diversities. He goes on to say: “Would you say all these factors put together is why we have the very enviable situation we have in Singapore now?” Again, we generally have significant consent.

[5865] In the same conversation, at tab 21, page 65, line 9, Minister Shanmugam makes the point: “There is nothing given about it. It is the result of a lot of effort and a delicate mix, a mix that can easily undone. Would you agree?” Again, significant support for that point of view. So, we have an outcome that we are very enviable of today. If we look back, we can see that we have a multifaceted iterative approach, interlocking social policies, community efforts, as well as a legislative effort, which took a long time to get us to where we are today, but the result is that we are diverse, we are harmonious and we are loathe to lose what we have today. I’m sure you would agree with all that and this is a position that you would strongly support.

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[5866] Prof Cherian George: Yes.

[5867] Dr Janil Puthucheary: If we take that same conceptual framework now and turn it to this new area of deliberate online falsehoods, in reality, why do you need so many different interlocking strategies? It is because for some strategies there are going to be downsides, for example, whether it is the backfire effect or some other unintended consequence. So, you need that relationship between the variety of tools and levers and interventions, so that they play off each other, reinforcing the positive effects and minimising the negative effects. I'm sure that is a conceptual framework that you would strongly support.

[5868] Prof Cherian George: Of course.

[5869] Dr Janil Puthucheary: And very much what you are in agreement with, right? If I could turn to your paragraph 37, which is one of the suggestions that you made, to repeal the insult laws, and the argument that you are making is that racial and religious feelings, the idea of racial and religious insult, and then by extension intolerance and hate, can be weaponised. I think that is the term that you have used. I think your suggestion is that the weaponisation is possible as a result of the presence of these laws. That is my understanding of your position, right? But that weaponisation has not occurred in Singapore to date, despite the fact we have these laws, but your contention is that in other jurisdictions with those laws, that weaponisation has happened?

[5870] Prof Cherian George: Yes, that's right.

[5871] Dr Janil Puthucheary: But I'm sure you would agree that in other jurisdiction, in the absence of such laws, race and religion have been weaponised for all kinds of purposes, including political, so the presence of the law doesn't automatically mean it will be weaponised and the absence doesn't automatically mean it can't be weaponised. Would you agree with that hypothesis?

[5872] Prof Cherian George: You have raised a number of points and I understand that this point is probably the most controversial point in my entire eight pages of written testimony. So, if I could walk you through my thinking on that. First of all, I should state that I understand that it is in fact so controversial that I don't expect you to follow it. But I feel that it would be remiss of me not to register what I think is an emerging consensus, not in the west but really in other countries that have this law, that this is a law that needs to be repealed.

[5873] Just a few days ago, on Saturday, the National Law University in Delhi released its report after several years of studying hate speech legislation in India, and

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one of its many conclusions is that the section of the Penal Code that deals with the wounding of racial and religious feelings needs to be relooked and needs to be revised. This is especially significant because our own section 298 is copied and pasted directly from the Indian Penal Code. They are not the only ones.

[5874] If you look at equivalent insult laws in Indonesia, which would be blasphemy, the two leading institutes that study the growing religious intolerance in Indonesia -- the Center for the Study of Religion and Democracy, PUSAD; and the Center for Religious and Cross-Cultural Studies at Gadjah Mada University -- their researchers for a number of years have pointed out that the blasphemy law is more of a problem than a solution.

[5875] We are an anomaly, I would say, in criminalising the wounding of racial and religious feelings with no ill effects. And my simple question would be: are we prepared to say that we can guarantee that we won't slip into what the rest of the world has encountered, which is the weaponisation of these laws? You raise the point that we have by and large racial and religious relations that other countries would envy. But again, I would suggest that we shouldn't rest on our laurels and assume that the formulas that have worked in the past would work in the future.

[5876] My fear really is that we may be underestimating what we are up against. Because if you look at hate groups elsewhere in the region and elsewhere in the world, they are far more formidable than anything we have needed to deal with. I liken this to the fact that our school teachers and principals, say, are probably not the best experts in the world in dealing with school shooting scenarios. And that's a problem of success, so to speak. They don't need to be expert at dealing with school shootings because we don't have them. You would instead need to go to the US and speak to teachers and principals there about how to handle school shootings. I fear that, when dealing with hate propaganda -- for the best of reasons, it is a problem of success -- our policy thinking in fact is not as sharp as it should be because we have not had to deal with the kinds of threats that most of our neighbours face. So, that would be my starting point.

[5877] The truth is that I do see possibilities of these more serious hate propaganda efforts that would come from a number of scenarios that so far we have been unfamiliar with. It is for this reason that I think we need to look at the best thinking outside of Singapore, among policymakers and experts that have been dealing with this for years. I would say the consensus is that while you must have and vigorously implement and enforce incitement laws, laws that prohibit the wounding of feelings or offence or blasphemy by and large are a bad idea. They tend to backfire, they tend to be used by the most intolerant groups to point fingers at moderates, at people of different religions and so on whom they accuse of insulting their feelings.

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[5878] For example, an intolerant Sunni majority can point to a Shia minority or to the Ahmadiyya sect and claim that these people are wounding their feelings. We have not encountered such problems before, but who is to say that the kinds of religious and racial challenges that our neighbours face will not seep here. In the context of, for example, the growing tensions between Saudi Arabia and Iran, it would be reckless to assume that that kind of tension will not affect us. There are more. Can we guarantee that China will not play up the feelings of Chinese and will not exploit the fact that Chinese minorities are there in Malaysia and Indonesia? Are we confident that that won't seep into Singapore?

[5879] **Dr Janil Puthucheary:** If I can perhaps crystallise it a little, you are suggesting we need to reconsider this about a potential problem that may arise from the perspective of other countries that have already seen the problem.

[5880] **Prof Cherian George:** Exactly.

[5881] **Dr Janil Puthucheary:** They have seen this weaponisation or potential weaponisation of an issue that we have not seen.

[5882] **Prof Cherian George:** Exactly.

[5883] **Dr Janil Puthucheary:** No, I understand that perspective. But do you think the framework that I have put out just now was also a perspective that you could potentially agree with, which is that the absence of these laws does not prevent someone weaponising these issues?

[5884] **Prof Cherian George:** You are right that the absence of those laws does not prevent the weaponisation of insults but it tends to be much less damaging, much less serious when they don't have the law on their side. So, this tactic of deliberately taking offence is a global problem. It is deadliest when those same intolerant groups can not only point to their political enemies and say, "Your teachings, your place of worship, your books, et cetera, offend me." And in addition to that, they can demand the law take action because the law states in black and white that the state will run to your rescue if your feelings are hurt.

[5885] **Dr Janil Puthucheary:** So, the way in which the state carries out its calibrated response is an equally important component of this consideration, is it not?

[5886] **Prof Cherian George:** Yes.

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[5887] Dr Janil Puthucheary: So, that if this is going to work well, we need to, on the one hand, scope the issues for the threshold for intervention, as well as the way in which the state intervenes, so that you need do an opportunity to calibrate ---

[5888] Prof Cherian George: Yes. But again I would caution that it would be too optimistic to put our faith in that because, I mentioned earlier that we need to think several steps ahead, states with the best of intentions will find that when they try to use these laws responsibly, with restraint and so on, that itself is used as political admonition.

[5889] Typically, what happens is that a group will claim that another group or a book and so on is an intolerable offence, multiple police reports will ensue, the state or the courts could rightly conclude in fact that there was no serious offence, the group then points the finger at the state and says, "Aha! Our followers can now see the state is not on our side."

[5890] Really, the only way to avoid that kind of over-politicisation is for the state to draw the line that I suggest: that of course you take action where there is incitement but unfortunately when it comes to insult, don't go there. Don't attempt to -- how shall I put it -- don't make the mistake of policing people's feelings, because this is assuming that people will use it in good faith; the truth is, around the world, people are not using that law in good faith.

[5891] Dr Janil Puthucheary: But Prof George, have you not yourself argued that part of the reason for this is that states are leaving the intervention until too late, when violence and extremism are on the table, and that if states had intervened earlier and put in place many of the ground efforts, the social building efforts, the education efforts, that we have done so in Singapore, that that type of over the top escalatory, negatively reinforcing type of response would no longer be necessary?

[5892] Prof Cherian George: I don't accept that, for the simple reason that, as you said when you started, we are dealing with actors who are not necessarily Singaporeans, who have not been subject to the education that you are talking about.

[5893] Dr Janil Puthucheary: Professor, wasn't that your argument, that you are the person -- it was your sense that when we talked about the paragraph earlier on, where you said that you were drawing attention to the fact that states often only respond once there is violence and extremism. That is your thesis, that actually they should be encouraged to do something about these issues long before there is violence and extremism.

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[5894] And this is exactly what we have done here in Singapore, that we are dealing with the problems of race and religion in an historical sense and we are now thinking about how we will do so for deliberate online falsehoods and not waiting right up to the point of an incitement to violence and hatred before we do anything, in which case, in order to regain lost ground. You are absolutely right, we have seen many examples around the world where if you are only doing something at that threshold, you may well have to use a rather inappropriately large response.

[5895] **Prof Cherian George:** Let me clarify my answer. What I mean is that, at present, the state can count on a number of different instruments, from simply counselling offenders to using the law, to education, and so on, much of that is premised on the fact that we are dealing with usually fellow Singaporeans, Singaporeans who have been socialised into the kind of social compact that we have. And we have not needed to deal, as a result, with the kind of bad actors that in fact are not acting in good faith.

[5896] What I was trying to explain is that even though we have a wide range of policies in place that I hope we will strengthen, from education, through media literacy, through inter-religious trust building processes and so on, we should be aware of the fact that some of the actors that we would encounter in the future, if we are not encountering them already, are not receiving any of the benefits of any of this education or trust building. They are actors with their own agendas, and we may suffer collateral damage as a result of their actions, which are not as tempered and as measured as we normally are able to count on from, say, Singaporean preachers or religious groups and so on.

[5897] **Dr Janil Puthucheary:** But Prof George, I put it to you again with respect to our historical success, and you have repeatedly accepted that we have been very successful in this. Our issues of race and religion with respect to our social cohesion have been around long before there was the Internet. While you rightly point out all these ecosystem of interventions that we have that we can deploy here in Singapore, we can't affect people outside of our borders, but I'm sure you will agree that our racial and religious harmony has perhaps come under pressure from actors outside of our borders, nevertheless we have been successful at maintaining our racial and religious harmony.

[5898] We have had that approach pre-Internet, pre-deliberate online falsehoods, so why is it that, despite our track record of success for something as potentially divisive, explosive, inflammatory and central to national identity, using this approach of ecosystems, ground-up initiatives, social policies, together with legislative levers, some of them are particularly strict, we have been successful at managing ourselves,

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managing the pressures on us from other states and international relations, why do you not have some idea that we could do this successfully with respect to deliberate online falsehoods going forward?

[5899] We have heard from many of the people that the technology to apply different thresholds, levers and filters for any of the social platforms with respect to geography is easily doable, that this is not a problem for them. So, could we not in truth, take the approach that we have had around racial and religious harmony and apply it to what is now a new problem of deliberate online falsehoods, which has an interaction of course with the issues of race and religion?

[5900] Prof Cherian George: In short, the answer is really, for the same reason that this Select Committee has been convened: because we are entering a qualitatively new era, which may require qualitatively different thinking, and that is really the spirit in which I have made all my recommendations.

[5901] As I said at the start -- I was not being facetious -- I do not expect this Committee to recommend repealing section 298, although I do in all sincerity hope that over the long term the competent authorities, the Academy of Law, the AG's Chambers and so on, will in fact look deeply into whether this law needs to be tweaked, considering that even in the country that we inherited this law from, their experts have pointed out for years that it does not work.

[5902] All I would suggest, within the framework of the Select Committee, is that when you do draw your laws, do try to avoid pegging them to section 298. Because, as I mentioned earlier, of course we would expect legislation to ensure that it keeps up with technological change, et cetera, and it is able to address the public interest in the way that our existing laws do. So, I would expect whatever new legislation is planned to, in a sense, be pegged to or to ride on existing offences. In most cases, those offences, like incitement and so on, do need to be updated for the Internet. All I'm counselling is that the new law does not include any section that rides on section 298, specifically on the wounding of racial or religious feelings, because the evidence overwhelmingly from around the world is that that causes more problems than it solves.

[5903] Dr Janil Puthucheary: I understand your position, Professor. But what would you say to the members of the religious community, the religious leadership, who take the very opposite view from what you have just described and who feel that such a tool is necessary to maintain and protect what we already have in Singapore?

[5904] Prof Cherian George: It would require, of course, a certain amount of political education, which I think our leaders have the political capital to engage in.

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It would require explaining to them, exactly as you have, that in fact what protects different religious groups is something far more extensive and far deeper than simply Section 298 or the protection of wounded feelings. It would involve explaining to them the kinds of threats that are being caused elsewhere. It would involve explaining to them that, yes, we have been lucky in the sense that that particular provision may have, in a sense, been used by responsible actors, both on the government side and in response to also fairly responsible actors on the side of religious groups and so on, but we cannot guarantee that.

[5905] It was in fact a law professor who told me something that I understand all good law students learn – it was new to me because I didn't study law -- which is that when drafting law, never think about how you would use it, think about how it would be used by your worst enemy. We have been fortunate not to have to confront that. I am simply counselling that as we draft new legislation for these new times, think about how any of that legislation might be abused, number 1, by a government that is not as responsible as the current government; number 2, abused by groups that may not be as temperate, as restrained, as moderate as we tend to deal with in Singapore. You did mention also that there is a range of possible interventions from demonetising the Internet to perhaps just requiring clarifications, to actual blocking and so on. I would certainly say that ---

[5906] Dr Janil Puthuchear: Professor, not demonetising the whole Internet, right? Just demonetising the particular ---

[5907] Prof Cherian George: Yes, of course, that's right. That bad behaviour should not be rewarded by the market, so to speak.

[5908] Dr Janil Puthuchear: Yes.

[5909] Prof Cherian George: That is the least debatable, it is a win/win all round if that could be done. The idea of finding a way to insert the kind of, almost like a right of reply, when there is an objectionable propaganda site, for example, if there is a way to insert some kind of advisory, such that before you move on to that offensive site you are receiving alternative sites that are more authoritative, you are receiving advice from some trusted honest broker to say that the site you are about to visit has, in fact, been identified as a hate site. In principle, this is wonderful. I would say that this is not a detriment to free speech, it falls into the category of what some behavioural scientists call a nudge. They are changing the choice architecture, without actual censorship. In principle, no problem.

[5910] The question is whether it is technically possible. I wish it is. But I am told by geeks who know the Internet a lot better than I do that it is in fact much harder than I hoped it would be, so there are technical problems there.

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[5911] Dr Janil Puthucheary: There appears to be some difference of opinion about that.

[5912] Prof Cherian George: Among the experts?

[5913] Dr Janil Puthucheary: Yes.

[5914] Prof Cherian George: I'm sure.

[5915] Dr Janil Puthucheary: Yes, largely driven by what might be their financial incentives.

[5916] Prof Cherian George: So, I hope that is possible. Takedowns, which do affect free speech more, in some cases it seems very clear-cut, but I would say that even these, there is a risk of backfire. I keep using the term backfire because I have seen worldwide how even quite reasonable takedowns are exploited as further propaganda ammunition. This routinely happens.

[5917] If I could just give you one example of how these groups think several steps ahead. This was in response to some change in the algorithm that Google made, I think last year. One of the most determined hate sites in the US is a site called Jihad Watch. It is out-and-out anti-Muslim propaganda. It used to concern me, two or three years ago, that if you type into Google Islamic terms like "jihad", "shariah" and so on, to find out more about them, Jihad Watch would appear on the first screen, usually just behind Wikipedia. This is alarming. Why is Google recommending this site that hate watch groups have identified as an out-and-out extreme hate group? I was very glad to see last year that Google somehow changed its algorithms to reward authoritative sites, so now, if you do a Google search on terms like "shariah", "jihad" and so on, you will instead be served entries from authoritative news sources like BBC, from Encyclopaedia Britannica, from legitimate Muslim organisations and so. You can still find Jihad Watch but it slips to the fourth or fifth screen. Great so far, it looks like a triumph for reason. But, again, what is the next step?

[5918] The next step is that the people behind Jihad Watch used this for publicly advantage. The owner of Jihad Watch, Robert Spencer, launched a counter-counter-propaganda offensive with articles designed to agitate his supporters. One of the headlines read, "Google bows to Muslim pressure, changes search results to conceal criticism of Islam and Jihad." Another article: "Google's new hate speech algorithm is anti-Semitic and pro-Jihad."

[5919] This is not unusual, this is normal. You put in a countermeasure, they counter you with propaganda. Don't forget, they are not limited by decency, truth or anything good. They know no limit.

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[5920] Then you have Fox News, the dutiful servant of these groups, interviewing Robert Spencer and Jihad Watch and portraying them as victims of the left liberal bias of the media. This was Tucker Carlson (who was on TV in Singapore a few hours ago). This is not an isolated case. I understand from my colleagues in Germany that this has already happened with its new Network Enforcement Act. You have intolerant populist groups claiming dishonestly that their posts are being banned, to increase distrust in their institutions. And they have extreme groups flagging posts they do not agree with, in order to game the system, to force the platforms to take down moderate posts. That is what we are dealing with.

[5921] **Dr Janil Puthucheary:** We will always have an issue where the adversary will be changing its tactics in response to whatever intervention we put forth.

[5922] **Prof Cherian George:** It is not changing its tactic, it is part of the playbook

[5923] **Dr Janil Puthucheary:** Exploiting every loophole and every opportunity to get their message across.

[5924] **Prof Cherian George:** In this case, it is not a loophole. Of course, that has happened as well, you put in a technical block they found a way around it. This is in fact a consistent playbook that applies not just to online laws, it applies to any kind of restrictions that affects their work.

[5925] **Dr Janil Puthucheary:** They will find a way.

[5926] **Prof Cherian George:** They use it. What they do is that the moment the government comes after them, they point to it to play the victim and increase the ---

[5927] **Dr Janil Puthucheary:** I'm sure you are not advocating we should therefore do nothing?

[5928] **Prof Cherian George:** No, but we should do it with open eyes and recognise that we should not over-depend on law.

[5929] **Dr Janil Puthucheary:** But we should do our best to intervene in this space to get the outcome that we need.

[5930] **Prof Cherian George:** The outcome by and large will not be found primarily through law. It needs to be done but we need a lot more action in the non-legal space.

[5931] **Dr Janil Puthucheary:** Indeed, I think largely no one has suggested that any legislative change is the be-all and end-all, it is an eco-system of interventions and approaches that we are looking for.

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[5932] Prof Cherian George: I'm glad to hear that.

[5933] Dr Janil Puthucheary: Thank you, Prof George.

[5934] Mr K Shanmugam: I think you can take it that on the last point, I haven't really discussed with my panel members but I will be surprised if any of us believes that the law is going to be the complete solution. It cannot be. It has not been in the real world, in a variety of issues that we deal with and I can't see how it can be the complete solution here.

[5935] I think what has come out very clearly in the evidence is that the challenges are very significant, the approaches to deal with those challenges have to be very multifaceted, it has got to include a very substantial amount of media literacy, education, an approach of bringing a much better understanding to the people of the risks, and an ability to understand what is true and false. But underpinned with the legal framework that gives the necessary powers to intervene, to keep the framework intact and allow all of these other initiatives to work. But that is the kind of evidence that has been put forward so far. I would think it is far too early for panel members to take a view but those are the kinds of views that sound sensible. I mean if anyone were to say you are going to solve with this with some legal solution, it would have been done somewhere else much earlier. I wanted to explore in slightly conceptual, the point you made about illegality, what is illegal, updating the laws to keep up with, say, changes in technology and creating new offences. I wonder if there is another aspect.

[5936] One of the most helpful papers that had been put to this Select Committee was from a couple of people in Germany, and the point they made is you have the public sphere, the public space, public square, whatever you call it, where you discuss issues of public policy, you debate in Parliament, you have the media, and you have the private space, where people pass remarks to each other and those are not curated, those are not thought through, those may often be highly inaccurate.

[5937] What has happened with the Internet is that you have a merging of the private and public space. What I would say to a friend without much of a thought and which could be completely inaccurate can now be shouted out to 100,000 people, 200,000 people, with very different consequences. So, the public and private spheres have merged and to that extent that makes public discussions, policy making, for example, in Europe discussions on immigration, extremely different. I think they make public policy making and public discussions on many areas very difficult.

[5938] Rather, the other point is, today with the comment which I click on to a huge number of people, which is then viral. I could destroy reputations, I could tarnish people. You must have come across in your teachings, a number of people who have

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been affected by online mischief targeted at them. In the real world, if you are going to hit someone, the law is clear. In the virtual world, you do that, it's not always clear that there is a legal remedy. I wonder what you would say about that grey area. Let's say there is a lacuna, it doesn't come within any of the existing laws, it doesn't come within, say, law of defamation or it doesn't come within, say, the harassment laws and it doesn't come within the laws of assault, but nevertheless, it is false and it deeply damages somebody else. You can imagine circumstances. What would you say about that?

[5939] Prof Cherian George: Under the first category of updating laws to address harms that have already been recognised as worthy of legal intervention. For example, in the same way that the new, now not so new, Anti-harassment Act, as I understand it, it did not actually create a new kind of harm that was of interest.

[5940] Mr K Shanmugam: Take it that there can be a lacuna, I think the kind of area that I'm describing would not be unfamiliar to you, assume that there could be a lacuna in terms of our current laws, for the time being, and I just wanted, I mean if you can help us, it would be helpful, but if you think that that's not an area of your expertise, that's fine. I just wanted to understand.

[5941] Prof Cherian George: I acknowledge there might be harms that were previously not regarded as the proper focus of the law, that now the stakeholders do take an interest in. In principle, yes, that would be the case.

[5942] Mr K Shanmugam: It is really that it is not so much as takes an interest, but you see people's lives being ruined and affected and damaged by a quantity which then has a qualitative difference, in that it is spread to so many people through modern technology.

[5943] Prof Cherian George: In principle, yes.

[5944] Mr K Shanmugam: I understand. There is another point that I wanted to understand from you, or rather share with you. It may not be within the remit of this particular Select Committee to look at section 298, but there is a Penal Code Review Committee that is looking at a root and branch review of the Penal Code and we will certainly put your views across to that Committee, headed by MinLaw, Ms Indranee Rajah. I would make this philosophical point though, I think there may not be much of a difference between us and this. Coming back to the point that Dr Janil made -- in these areas, yes, there are the countries which are concerned about such laws. Yes, we have seen abuse of such laws, without having to name countries. We have not seen abuse of that law. The question in my mind is: I have also seen abuse of similar types of principles, even absent such a law, because a government wants to do it or governments want to do it or unwilling to stop others from doing it.

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[5945] So, the point is the absence or presence of that law is not the determinative factor, it is going to be what sort of government you have, I think that is going to be the key point. Because these areas of race, religion, wounded feelings and so on, can be impacted quite badly with bad governance, absent or present section 298. But your point will be, “why have it anyway?”, assuming that is a given. Why have it anyway?

[5946] One has got to look at section 298 together with the other sections we have in the Maintenance of Religious Harmony Act and the other provisions, because, just as I mentioned to the religious leaders, the framework of laws that surround what can and cannot be said about another race, another religion in Singapore, there are a number of different pieces of legislation that do that.

[5947] Thankfully, we have come to a position today where we don’t invoke them very much. That is good, we don’t need to, we don’t have to. But the very fact that we can invoke them I think has a salutary effect on a lot of people. And all the other interventions that Dr Janil talked to you about, without them we won’t have this situation anyway. So, we will look at your views, and I will pass them on to my colleague, Edmund Low, to see if removing it in some way will weaken that legislative framework or whether it can be removed without a serious impact on the legislative framework, and I want to put on record that the government doesn’t look at legislation in the context of racial and religious harmony as the first port of call. The first port of call is usually discussions, grouping of the religious leadership, asking them to talk about the right approach to their flock.

[5948] You will be aware of the latest sort of discussions centering on what a Christian preachers alleged to have said about Muslims. I don’t know the fact, I don’t want to comment on it, there are investigations, but it again shows you how sensitive and serious these things are and we want to make sure we have the right legal framework.

[5949] If comments have been made and if they are hurtful, then we want to be sure we are in a position to act. That is not so much a question as much as a discussion. I am putting that point to you and we will take back your views.

[5950] Prof Cherian George: Thank you.

[5951] Mr K Shanmugam: Thank you very much.

[5952] Prof Cherian George: I appreciate the comments of the Minister. If I could just highlight one point that I believe may have perhaps not been given enough attention, and that has to do with education. There has been a lot of talk about media literacy education, but in my view, I think what is perhaps even more important is

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political literacy or what might be called civic education. Because we should learn from other countries' mistakes here. And it has become quite obvious that in the US and Western Europe, perhaps because they are established democracies, they may have underestimated the need for ongoing civic education. They have dropped the ball and as a result the populations of US, Britain and elsewhere became more susceptible to intolerant populist disinformation. The kind of civic education that I'm talking about is really the basic principle that democracy is more than just a numbers game, that it in fact also includes equal rights for minorities, it is not that the majority must always win.

[5953] I think it is probably no accident that the Western European country that has been most resilient against populist disinformation is the one that, for obvious reasons, has had to invest the most in civic education, Germany. I think that we can do a lot more in educating our public about core political views that need to be entrenched. These include equal rights, non-discrimination, religious freedom, the basic principle of reciprocity or what the religions call the Golden Rule: that whatever respect and room that one group expects from others and the state, must be extended to other groups in equal measure.

[5954] It is striking how this basic democratic principle has been forgotten in many established democracies. If you are talking about long-term intervention, these are the principles that will make Singapore much more resilient against hate propaganda.

[5955] Mr K Shanmugam: When I suggested something like that, there was some unhappiness. The Minister or one of the education ministers sitting here, I'm sure, has listened very carefully to you. Thank you.

[5956] The Chairman: Indeed, Prof George, just before we went for our lunch break, we had representatives from the National Library Board and we discussed quite a bit about the importance of information literacy -- a point which many other expert witnesses before you also emphasised the importance of that. If there are no further questions, I would like to thank you, Prof Cherian George, for taking the time to participate and to contribute to the Select Committee process. In a few days, we will send to you a transcript of today's proceedings. Do go through them and if you have any minor amendments, please make the changes and send the transcripts back to us.

[5957] Prof Cherian George: Thank you very much.

[5958] The Chairman: Again, thank you.

(The witness withdrew.)

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Paper No. 12/12A -- Mr Howard Lee (PhD student and former news website editor), via video-conference,

Paper No. 48 -- Ms Kirsten Han (Journalist and writer),

Paper No. 112 -- Mr Ngiam Shih Tung (Vice President, MARUAH), representing MARUAH (Working Group for an ASEAN Human Rights Mechanism, Singapore),

Paper No. 154 -- Mr Terry Xu (Chief Editor, TOC), representing The Online Citizen (TOC), were examined under oath or on affirmation.

[5959] The Chairman: We are keeping the seats in the middle free because there is a video conference, and so that the rest of the panel can watch the video link. If I may start for the record, could I ask everyone here to please state your name and the position you hold in the organisation? If I could start from Mr Ngiam?

[5960] Mr Ngiam Shih Tung: Good afternoon, my name is Ngiam Shih Tung. I'm the Vice President of MARUAH.

[5961] Mr Terry Xu: This is Terry Xu, Chief Editor for The Online Citizen.

[5962] Ms Kirsten Han: I'm Kirsten Han. I'm a freelance journalist.

[5963] The Chairman: The evidence which you will be taking today before the Committee will be taken on affirmation.

(The witnesses took oaths or made affirmations.)

[5964] The Chairman: Please be seated. Mr Howard Lee, welcome. We are coming to you. For the record, could you please state your name and the position you hold in your organisation?

[5965] Mr Howard Lee: My name is Howard Lee. I am representing myself as an interested individual, although I am currently a PhD student at Murdoch University. I am also coming from my position as a former editor of a news website in Singapore.

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[5966] **The Chairman:** Mr Howard Lee, the evidence which you will be giving today before the Committee will be taken on affirmation. Clerk, please administer the affirmation for Mr Lee.

(The witness made an affirmation.)

[5967] **The Chairman:** Thank you to all of you. Welcome to the public hearing of the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is for us to put questions to all of you. You have taken a solemn obligation to answer your questions truthfully. I will now call on Mr Edwin Tong to begin.

[5968] **Mr Edwin Tong Chun Fai:** Good afternoon to all of you. Thank you very much for coming to assist us. We are dealing with questions of deliberate online falsehoods. We've seen your written submissions and what I propose to do is because there are broad areas of overlap between all four of your submissions, I propose to start with some broad propositions on the DOFs, and also to explore the landscape and ecosystem in which this issue has arisen for us to discuss. And then I will come down to each of the specific submissions for each of you. That's what I propose to do.

[5969] All of you would be content providers. You understand the term? Yes. One is a journalist, I heard you say, one is a former editor and one is a current editor, and I think, Mr Ngiam, you also produce content for publication. Correct?

[5970] **Mr Ngiam Shih Tung:** (Inaudible).

[5971] **Mr Edwin Tong Chun Fai:** Yes, yes.

[5972] **The Chairman:** Can I request that when you speak to ensure the microphone is on for recording purposes.

[5973] **Mr Edwin Tong Chun Fai:** As content providers, you would have occasion to use social media like Facebook to transfer that content for your readers. Correct?

[5974] **Mr Terry Xu:** Yes, that's correct.

[5975] **Mr Edwin Tong Chun Fai:** That would be the main way in you would transfer your content or publish it?

[5976] **Mr Terry Xu:** Not all because we do transmit through mobile apps and people do go on the site itself. It's not the only way, but it's the main distribution channel.

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[5977] **Mr Edwin Tong Chun Fai:** The main distribution channel would be social media sites followed by your own online platform?

[5978] **Mr Terry Xu:** Own sites, then, followed by mobile apps and so forth.

[5979] **Mr Ngiam Shih Tung:** Yes.

[5980] **Mr Edwin Tong Chun Fai:** Thank you. I would like to take a leaf out of my colleague's book. I want to give you a sense of the kind of submissions that have been made to us over the past five or six days' hearing which has taken place over the past two weeks. Just to give you a sense of what has been said and then frame some of the issues for you to consider in the context of the landscape and issues we are faced with.

[5981] I would like to start with looking at a couple of tables. You will see them on the screen shortly. So, what I've done is these tables have been shown to several other witnesses before. I think you may have seen as well when you sat behind. But they summarise the evidence given by each of these representors and the transcript and relevant references are there. I will just quickly take you through it.

[5982] So, on issues of national security, and this is in the context of DOFs, there is a prevalence of disinformation campaigns that one has seen around the world. They threaten a state's national security, sovereignty. They are an established part of a military arsenal, just as important as conventional kinetic warfare.

[5983] If you go to page 2, Dr Michael Raska says that it is a persistent, permanent effort that takes place all the time and occurs even in the absence of open conflict. Page 3, why such a method is an attractive option is because the costs and manpower needed for this would be disproportionately low. Page 4, there is also, as also in your case, an increased reliance on Internet and social media as the primary source of news and information which renders them ideal vectors for an information attack.

[5984] Over the page are some interesting examples of how easy and how inexpensive it would be to manipulate votes online, to buy click farm services, to engage in bot activity, to buy Instagram likes and to buy other social media likes like WeChat and so on.

[5985] Dr Michael Raska has told us that state actors use this as asymmetric warfare, including disinformation campaigns, to create a situation in which a target state makes a decision leading to its own defeat.

[5986] Dr Janis Berzins has said that information and psychological wars are conducted to reduce the morale of an enemy's armed forces and civilian population.

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That's why we are told very often that you find that the target medium focuses on race, religious and other social fault lines.

[5987] Over the page, page 7, that these unconventional warfare methods reside in our system long before it is detected. They are deployed long in advance. Dr Shashi Jayakumar told us that.

[5988] Over the page, at page 8, civilian and domestic proxies are often used in the target country and the reason for that, obviously, is a falsehood could emanate from overseas, but given the nature of the Internet, the fact that it is trans-boundary, the majority of these disinformation narratives can usually be transmitted by domestic proxies who either draw from or share or use inspiration from abroad.

[5989] Dr Gulizar has said that civilians may be involved in disinformation campaigns, knowingly or otherwise as circulators, as part of the militia and also by carrying out cyberattacks.

[5990] Dr Ben Nimmo has said that disinformation operators try and infiltrate the population by interacting with genuine members of the community. In other words, coming in, infiltrating the social media networks, befriending and being part of the genuine community online and then try and build up a following in that group. They will then be able to insert bias or false information into that group in order to influence and steer a particular political direction.

[5991] At page 10, a perfectly thriving state can in a matter of months be transformed into an arena of armed conflict, sometimes the victim of foreign intervention and sink into a web of chaos and civil war.

[5992] Page 11, Dr Ben Nimmo says even if a small group doesn't have the capability to create its own botnet, it can easily rent the botnet for the occasion and use that to influence outcomes: there is a proliferation of commercial activity, and the most recent example being Cambridge Analytica, which no doubt you will have heard. There is significant and serious impact of disinformation campaigns. They do have consequences in the real world and influence events in real-time. This drives narratives, creates cognitive effects in which online behaviour has offline consequences and vice versa.

[5993] The aim of this, at page 14, is to weaken, destabilise target societies psychologically and overall reduce the will to fight. How they work as I mentioned earlier is they try to sow discord, destroy trust focusing on community groups, deepen fractures, exploit tensions by working at groups as both end of the spectrum and pushing them further apart, leveraging and amplifying existing societal fault lines but also creating new ones potentially.

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[5994] Page 17, between communities, sowing distrust between government and key institutions like the police and religious institutions. Erode trust in key government institutions like the police, like emergency services like key state organs like the judiciary.

[5995] What we've learned from the Russian campaigns include the effect of polarising the elite in society causing or inciting mass panic with loss of confidence in key government institutions. They generate distrust against the police which is a highly trusted institution in Singapore. Incidents have generated fear and distrust. Falsehoods have also reduced trust between the citizens, and at page 20, bring it closer to home in Singapore, some of our representors have told us that Singapore is a sandbox for subversion and it would be mistaken to assume it is not already happening here.

[5996] Finally, at page 22, Dr Michael Raska says we are an attractive target for cyber warfare. We have built-in potential for being divided along racial lines, religious lines and nationalistic ones as well.

[5997] I will pause for a moment and ask if you would disagree with that?

[5998] Mr Ngiam Shih Tung: I think this catalogue of various misdeeds is actually covered by existing laws already.

[5999] Mr Edwin Tong Chun Fai: That's not my question. I said would you disagree with the view that ---

[6000] Mr Ngiam Shih Tung: I'm prefacing. The answer is, yes, these things are possible and they all would be illegal under existing law.

[6001] Mr Edwin Tong Chun Fai: I've not focused on laws and have not asked you any questions on laws yet. So, you would agree with the broad propositions I've outlined from these witnesses?

[6002] Mr Ngiam Shih Tung: The specific cases we have given we can't really tell because we don't know the facts. If, in fact, it is undercover operations we may never know, but certainly there is evidence in the past of countries have carried it out. It would be certainly have been illegal -- whether it took place in the 19th century or 1915 or today.

[6003] Mr Edwin Tong Chun Fai: Just so I'm clear, if at any time any of you disagree with the comments or with each other, please say so. Anything from Mr Xu or Ms Han?

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[6004] **Mr Terry Xu:** Sorry, is it possible to relook at the table, the last page?

[6005] **Mr Edwin Tong Chun Fai:** I will leave it up there.

[6006] **Mr Terry Xu:** The part where it says about the attacks on the trust on the police, policing, religious, judiciary. Who said that? I think it was -- so undermine the support.

[6007] I would say I agree with this. I generally agree with the comments, but given this particular -- I think my view is there might not be, say, in cases where deliberately attacking, but more bringing out the gaps in which trust could be further built by having more transparency. If the concern that's being raised is about transparency of operation and how the government agencies act, I don't think that can be considered as a deliberate attack. So, I think there should be a difference.

[6008] In general, I do agree, but on some areas I think it needs to be more specific.

[6009] **Mr Edwin Tong Chun Fai:** We are talking about something that is falsehood and deliberate. So, in that context, you would agree?

[6010] **Mr Terry Xu:** It would depend on what is defined as falsehoods. At this point when given to me, I search falsehood, based on the past few days of definition of falsehood, I can't really agree, based on that definition. But in general, I do agree that public trust has to be cultivated in our public institution and it is important that the public has utmost trust. But similarly importantly, there needs to be transparency being given. I think respect needs to be both sides.

[6011] **Mr Edwin Tong Chun Fai:** It would be highly damaging to our civil society if that trust is eroded?

[6012] **Mr Terry Xu:** Yes, that's correct. I agree.

[6013] **Mr Edwin Tong Chun Fai:** Right. We are taking about falsehoods in the sense that it is something that is not true.

[6014] **Mr Terry Xu:** I find it hard to agree straightforward because based on previous hearings, Dr Janil mentioned on say, facts that are not backed by the government, or the state, or facts not having the state participate ---

[6015] **Dr Janil Puthucheary:** Sorry, that's not what I said.

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[6016] **Mr Terry Xu:** I believe it because I quoted you specifically.

[6017] **Mr K Shanmugam:** There can be no basis for saying that anything as long as it is backed by the government is automatically true.

[6018] **Dr Janil Puthucheary:** That's not what I said.

[6019] **Mr Terry Xu:** Anything that is not backed is a falsehood.

[6020] **Dr Janil Puthucheary:** That's not what I said.

[6021] **Mr K Shanmugam:** That is even more ---

[6022] **Dr Janil Puthucheary:** That is not what I said. If you can point me to the point where I said that, please do so.

[6023] **Mr Terry Xu:** The hearing when you were speaking to SPH and Mediacorp.

[6024] **Dr Janil Puthucheary:** I did not say that in that speech or that hearing.

[6025] **Mr Terry Xu:** I stand corrected.

[6026] **Dr Janil Puthucheary:** Please do.

[6027] **Mr K Shanmugam:** We haven't reached that stage.

[6028] **Mr Terry Xu:** Okay, sure, no worries. But based on my perception of the falsehood that is being defined, I can't give my consensus on that yet.

[6029] **Mr Edwin Tong Chun Fai:** We'll come to that.

[6030] **Mr Terry Xu:** Thank you.

[6031] **Ms Kirsten Han:** To answer Mr Tong's question, if we could go back to the table and right at the bottom, I would agree that with the general feedback that these are some potential harms that could come from deliberate online falsehoods, but as with Dr George before us, I'm not an expert on national security or cyber security. I cannot say whether I agree or not to assertions like "Singapore is a sandbox for subversion or we are an attractive target for cyber warfare." There may be some contention amongst the experts in the field as well so I wouldn't want to say -- I would not stand by some of this since I don't have the expertise.

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[6032] Mr Edwin Tong Chun Fai: Save for those comments, do you feel it is a reasonable set of views from our previous representors?

[6033] Ms Kirsten Han: I would agree that these are some potential harms that could come out of ---

[6034] Mr Edwin Tong Chun Fai: Let me maybe move away from the table and show you a report that is recently published. I will have it on screen so we can all look at it at the same time. It is a report from the Canadian Security Intelligence Service. And the title of the report is “The security challenges of modern disinformation”. You can see that on the page. It’s a long report. I would like to show you parts of the executive summary that appears from page 7 onwards. You see from the opening paragraph of the executive summary that it says: “The reach and speed of the Internet and social media have escalated the potential impact of disinformation.”

[6035] As a statement, you won’t disagree with that, correct? You have to articulate so that ---

[6036] Mr Terry Xu: I do agree with that.

[6037] Mr Edwin Tong Chun Fai: And you see it goes on to say: “Increases in data transmission capacity coupled with the shift towards pragmatic advertising have resulted in a precipitous decrease in the ability of traditional journalism to mediate the quality of public information” Skipping a few lines down: “Within that torrent is a current of lies and distortions that have threatened the integrity of public discourse, debate and democracy.”

[6038] Under the heading “Agents of disinformation”, you will see several actors pointed out here. Some examples of how the falsehoods are amplified include the use of an extensive network of Internet trolls, bot networks, use of state controlled media outlets, like Russia Today, or Sputnik, both of which were the subject of some discussion and evidence before us previously.

[6039] Second bullet point, using Facebook, Twitter and other channels to propagate this, to create a false story and make sure it reaches a segment population likely to be influenced by these social media platforms. The use of forged documents, phony experts, doctored photos, videos, anyone who challenges the lies then becomes a target of high volume online vilification.

[6040] You would agree that there is no space for this kind of activity in our online landscape?

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[6041] **Mr Ngiam Shih Tung:** I think I will definitely agree with ---

[6042] **Mr Howard Lee:** Sorry, is it okay -- I thought I would make a point. Mr Tong asked whether we do agree that there is no space for such discourses in our society. I think the point that we need to be fairly clear here is that a lot of the instances that these various experts have pointed out in the span of the hearing relate specifically to cyber security. I think I share with the rest of the people in this panel that to some extent we are out of our depth here in terms of how we can address issues of cyber security.

[6043] On the point of misinformation or disinformation, my sense then would be that whether this has some degree of latitude in our society, or for that matter in any society, very much depends on what is it that we define as disinformation or misinformation. Because what I can see so far, based on many days of following the hearing, is that there is a wide diversity of views in terms of how exactly we define what misinformation or disinformation is. We have cyber security issues on one hand. Potentially, I believe a few of the experts have also brought up issues about hacking and how exactly we define this I think ---

[6044] **Mr Edwin Tong Chun Fai:** Mr Lee, can I stop you there by going back to the point? Maybe I will define the question like I did when I first asked it. I'm talking about use of false stories and to read from this paragraph: "The use of phony experts, forged documents, doctored photos and videos and anyone who then challenges it becomes a target for high volume online vilification." This is a very recent document from the Canadian security unit. I'm simply asking whether you see any role for any of this in our online space.

[6045] **Mr Howard Lee:** So, you are referring to the kind of information that is ---

[6046] **Mr Edwin Tong Chun Fai:** No, I'm referring to what I have just said, forged documents, doctored photos, fake videos, false stories.

[6047] **Mr Howard Lee:** In effect you are talking about the content that is being circulated, is it?

[6048] **Mr Edwin Tong Chun Fai:** Using these methods of falsity.

[6049] **Mr Howard Lee:** My point would be that the content itself really should not be used. As to the intention of why they are using it, that we can take up separately.

[6050] **Mr Edwin Tong Chun Fai:** Mr Lee, it's a separate matter. What I am focused on, just to make sure we draw the parameters clearly, is that I think I would

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certainly not accept any of these as being something we should peddle in our online space. I'm trying to get this panel's agreement on that.

[6051] Ms Kirsten Han: I would say that these should be debunked and definitely there should be a response, but I urge that it be a non-legal response and we should not have new laws simply to censor this content. That's not to say that we leave them alone, they should be responded to.

[6052] Mr Edwin Tong Chun Fai: Yes. So, the starting premise is they need to be responded to. The method by which you choose that response is something we can talk about.

[6053] Ms Kirsten Han: Yes, that would be key.

[6054] Mr Howard Lee: Yes, sure.

[6055] Mr Edwin Tong Chun Fai: Thank you. I would like to go back to the document.

[6056] It goes on to talk about the Russian, Chinese and Philippine campaigns. Just quickly cast your eye over it. They have outlined some methods by which the actors in those jurisdictions conduct the activity. So, it's a mix of using exploitable divisions in target audiences, pushing a nationalist agenda more than an ideological one, targeting a population. The Chinese use domestic cyber fortresses, the messages protected domestically and globally are both nationalistic and ideological. The Russian disinformation machinery is explicitly weaponised as a resource for future wars, weakening a target country's sense of danger and diminishing the will to resist.

[6057] Over the page, you will see that in the second bullet point from the top, during the Brexit campaign, a large number of Twitter accounts were active, particularly on the leave side but most anticipated immediately after the vote strongly indicating that it was driven by bots, it reflected the hyper-partisan and simplistic style of the British tabloid press.

[6058] In addition, there have also been independent emergent activists, you will see that in the paragraphs that follow. The paragraph at the bottom deals with agents of disinformation, who are the enablers. And it talks about information ecosystem enabling large-scale disinformation campaigns, false news spread in many ways by Facebook and Twitter or especially important tools used to target specific population segments, individuals accept the false news as credible or useful and spread it further. State agencies make extensive use of bots and phony accounts to popularise false news stories and spread them in cascading volumes impossible for human actors to produce

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or vet individually. Social media companies have become increasingly aware of their role in this problem, but not all of their leaders are convinced of the responsibility to eliminate such false news.

[6059] Finally, under the Russian disinformation messages, you will see that they have adjusted to circumstances and state objectives but they remain persistent major themes, according, for example, Western government are fractious or world leaders represent a powerful elite disdainful of and acting against ordinary people. All of these themes are added to the specific support themes which arise in the 2016 US elections, for example.

[6060] Then reactions that you will see summarised by the Canadian papers here that multiple actors and agencies work to counter and defend against this threat. Governments are increasingly insisting that social media companies take responsibility for the content they facilitate. European legislators are ahead of those in the US, some governments have moved to block known disinformation media streams in their countries shielding their citizens from attempts of foreign influence.

[6061] Under “outlook” last paragraph: “Disinformation poisons public debate and is a threat to democracy. Raised public awareness is needed to distinguish the real from the false. There are many ways for governments and organisations to counter the threat, but there is no guarantee that even effective counter-campaigns can defeat the high volume flow of malicious communications.”

[6062] In broad terms, that’s the landscape that deliberate online falsehoods operates in. Would you accept?

[6063] **Ms Kirsten Han:** Yes.

[6064] **Mr Terry Xu:** Yes, I agree.

[6065] **Mr Edwin Tong Chun Fai:** If you all agree with one another, I would take it that one “yes” will be sufficient so we can move on. One then has to look at how we tackle the DOFs in the context of a landscape such as that sketched out by this Canadian paper. Would you agree?

[6066] **Mr Terry Xu:** Sorry, can you repeat the question again?

[6067] **Mr Edwin Tong Chun Fai:** Yes. When we look at how we tackle and deal with the DOFs, one has to look at it in the context of the landscape that is sketched out by the Canadian paper here.

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[6068] **Mr Terry Xu:** I agree. It is situational. Yes.

[6069] **Mr Edwin Tong Chun Fai:** And we also have to apply that situational context to where we are in Singapore. Correct?

[6070] **Ms Kirsten Han:** Yes.

[6071] **Mr Edwin Tong Chun Fai:** In Singapore, we've heard many representors tell us that we are special, but also particularly vulnerable because of our diverse racial, religious, cultural background. I think you would accept that?

[6072] **Ms Kirsten Han:** I don't think I would stand by saying that we are especially vulnerable, but as mentioned before, I don't have the same expertise as national security experts.

[6073] **Mr Terry Xu:** My stance is I do agree that with our diverse society, we do seem to be susceptible to such attacks. But then because of our education of how society develops, such attacks are pretty tough for the conventional methods mentioned by the other experts to take place.

[6074] **Mr Edwin Tong Chun Fai:** Let's look at a couple of other pieces of evidence from the previous representors. Then, I will show you some online papers and then maybe we can invite your further views on this.

[6075] If you look at the next table I have, it is on examples of falsehoods relating to race and religion. Again, it will come up on the screen shortly.

[6076] So, Dr Carol Soon, I think is a name you're probably familiar with, has given the example of an online doctored video of Ahok and his allegedly anti-Islam speech, which went viral very quickly. Rumours that he was backed by a party linked to China and that led to hundreds of thousands of Muslims protesting against Ahok and demanding his arrest. She cited as an example of how sensitive an issue like race and religion would be in a country like Indonesia and what impact it had on the elections.

[6077] Different representors also spoke about the 2012 and 2014 Indonesian elections focusing on Jokowi, a Javanese-Muslim identity and online submissions that seeks to bring that into question.

[6078] Dr Ben Nimmo, over the page, in the US talks about falsehoods that were used to exacerbate the distrust between African Americans and the police force using Twitter and Facebook accounts. You would have heard of the Black Lives Matter campaign and the impact that has had on views of the police in the America as well as the distrust between particularly the African Americans and the police.

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[6079] In the Ukraine, at page 3, the Russian disinformation campaign has sought to divide the Russian-speaking Ukrainians and the Ukrainian-speaking Ukrainians to split and divide the country. That comes from someone who is co-founder of stopfake.org.

[6080] Closer to home, 2015, there was a fabricated article about how a Filipino family had disrupted a 2015 Thaipusam procession telling local Indians to stop playing the drums because the loud noise was making a child cry. That turned out to be completely untrue as there was no such complaint.

[6081] Would you accept that much of the falsehoods to the extent they are seeking to target a particular audience to divide and to undermine social cohesion, would ride along the lines of issues such as race, religion and culture? Fair statement?

[6082] **Mr Ngiam Shih Tung:** Using race, religion and so on is a common political tactic. That is certainly true. It's been true for hundreds of years. So, still true today.

[6083] **Mr Edwin Tong Chun Fai:** Yes. And now with the online presence, with the information superhighways that is Google and Facebook, that is something that has been accentuated and proliferated. Would you accept?

[6084] **Mr Ngiam Shih Tung:** The only difference is the speed. Whether it is more or less than before, I don't know. The speed of the Internet also allows the countervailing forces to react faster. Both factors could be involved.

[6085] **Mr Edwin Tong Chun Fai:** Yes, you would accept that?

[6086] **Mr Terry Xu:** I agree with the representative from MARUAH on what he has said. The dynamics have not changed over the centuries or millennium. Race and religion is something that is really sensitive. And with the modern technology, people can transmit those so-called seditious ideas or comments more rapidly.

[6087] But then, similarly, counter-arguments or comments can be made together. For example, the mention of the TRS article that was published -- actually, I'm not too sure -- in any case, when the article was first published within a few hours, my publication published another so-called narrative of what actually happened. In fact, it was testified in court that the eyewitness shared the article and said that what the defunct TRS written was actually not true. A lot of the commentators went to our site and got to know that it was actually not true.

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[6088] Mr Edwin Tong Chun Fai: But you saw the Canadian paper explain that all of these falsehoods, spreading stories, false stories on racial and religious lines are then accentuated by bots and trolls which multiply the effects significantly. Wouldn't you agree?

[6089] Mr Terry Xu: I did try to procure a bot myself. I think at this point it is pretty hard to mimic a human being. What it does is simply copying and pasting messages and stuff. So, with that I think it is very easy to debunk what the message is trying to say, to perpetuate because government authoritative bodies or the media could easily crush the rumours.

[6090] Mr Edwin Tong Chun Fai: I will get to some examples on how bots have been used quite effectively. But before that, one last table to deal with. Some other evidence given in the course of the last two weeks. This deals with the impact of DOFs. So, some of them you have seen before, but I think you will see the first page, Dr Michael Raska's evidence that DOFs aim to weaken and destabilise target societies psychologically.

[6091] Over the page, communities are pitted against each other. Destabilisation of the Ukrainians, we've seen before. Experience in Europe, Dr Hegelich and Dr Morteza gave us evidence of that. What has become of disinformation campaigns against the migrants. Over the page, Dr Nugroho, founder and Chairman of Mafindo in Indonesia says disinformation can cause serious violence and gave an example, which is quite graphic. Trust in constitutions can be eroded through deliberate online falsehoods. The head of Kremlin Watch and Dr Shashi Jayakumar has said that as well. Trust in police eroded, you asked me about that earlier, this is from Dr Ben Nimmo and as well as closer to home, Dr Damien Cheong, who is a research fellow at RSIS. And in particular using the social media platform to proliferate false stories about African Americans being targeted by the police had some significant effect when the Black Lives Matter campaign went on.

[6092] The spreading of misinformation which corrodes democracies. Public figures are often targeted by their racial and religious identity. Falsehoods then make them seem to work against people. In other words, portraying a false image and picture of these public figures.

[6093] At page 8, such falsehoods seek to entrench existing views. For example, the refugee debate in Germany was influenced significantly by this. And Dr Carol Soon says that many people are pushed to either extreme when that view may not have been what they might have held if left to their own, safe for what has been propagated online in the form of these DOFs.

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[6094] You asked me about some examples. Let me take you to it. Before that, I will frame the issue in this way: DOFs are deliberate online falsehoods. There is a spectrum between that and truth. You would agree?

[6095] So, you have truth on one hand, falsehoods on the other. Closer to the truth side you will have opinions based on truth, you have misimpressions, you have mistakes, you have misinterpretation, misrepresentation and then falsehoods. So, that is a spectrum. You would accept?

[6096] **Ms Kirsten Han:** Yes, and the spectrum is key to today's discussion.

[6097] **Mr Edwin Tong Chun Fai:** I think what you will want to say is one must have a differentiated response, or a variegated response to what you might find on that spectrum?

[6098] **Ms Kirsten Han:** Not just a different response, but also concern over who gets to decide what lies where on the spectrum.

[6099] **Mr Edwin Tong Chun Fai:** Yes. The need to eradicate deliberate online falsehoods in the form that I've outlined to you and using the definition in the Canadian paper, you would have no difficulty with? So, on one end of the spectrum you would all agree that something must be done to remove this as far as possible from our online landscape. Correct?

[6100] **Mr Howard Lee:** I would actually disagree with that. I will just point out that actually ---

[6101] **Mr Ngiam Shih Tung:** I will just go first. I was saying -- gosh, now I've lost my train of thought. You talk about eradicating falsehoods. I think that might be a bit too strong a word. We certainly must challenge falsehoods. Eradicating sounds a bit different.

[6102] **Mr Edwin Tong Chun Fai:** What I mean to say is that steps must be taken to deal with these falsehoods, and in some cases you will need to remove them, in some cases you need to correct them with true information. In some cases, you do a combination of that.

[6103] **Mr Ngiam Shih Tung:** That's probably true, although before you can do any of that, you also have to determine true or falsehood, which as you know, can be debatable.

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[6104] **Mr Edwin Tong Chun Fai:** Well, speaking for myself, I believe there should really only be one truth.

[6105] **Mr Ngiam Shih Tung:** Unfortunately, truth can change over time.

[6106] **Mr Edwin Tong Chun Fai:** No, especially when you are dealing with a set of facts. There can only be one set of facts.

[6107] **Mr Ngiam Shih Tung:** Even scientific wisdom changes over time.

[6108] **Mr Edwin Tong Chun Fai:** I'm not talking about scientific wisdom. I'm talking factual position. There can only be one set of facts.

[6109] **Ms Kirsten Han:** But how those facts are presented ---

[6110] **Mr K Shanmugam:** Let me give you a set of example which might help. Let's say we have an altered video of President Obama criticising all Christians. Or, as you had, a video of Ahok, altered video, fake video, criticising all Muslims, Islam. Do you think there are two sets of facts or only one set of fact?

[6111] **Mr Ngiam Shih Tung:** The fact that is being put forward is, say, Obama made certain statements?

[6112] **Mr K Shanmugam:** There is a video with words put into his mouth which is possible now with technology. So, if you listen to the video, he is criticising Christians. Likewise, you had a real case of Ahok altered video attacking Muslims. Do you think there are shades of truth in that?

[6113] **Mr Ngiam Shih Tung:** In the case, in the specific cases that you mentioned, no.

[6114] **Mr K Shanmugam:** Let me give you another example. A suggestion that President Jokowi is Christian. Do you think there are shades of truth in that?

[6115] **Ms Kirsten Han:** This is where the spectrum comes in. So, such things that are clearly false and could be debunked would be on one end of the spectrum as a clear falsehood.

[6116] **Mr K Shanmugam:** Wait, the question is, are there shades of truth in such a statement?

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[6117] **Ms Kirsten Han:** Not in this case, but unfortunately content is not always this clear.

[6118] **Mr K Shanmugam:** So, I think in this discussion, it is good to keep in mind we are talking about factual falsehoods. I think you have a legitimate point in saying how do we define falsehoods and are there, at the margins, some areas where there can be some disagreements. But let's keep to conceptually clear definitions first. We are talking about factual falsehoods, we are not talking about opinions. For example, you take a table, there can be shades of opinion as to whether it is a nice table, whether it is a bad table, whether it is useful table, not a useful table. We are not talking about opinions.

[6119] We are not talking about comments. We are talking about facts. So, let's stick to that. You got to be conceptually clear. That is what we are dealing with here. In any such thing, of course, then there must be a mechanism to identify what is true and what is false factually. I don't think we are talking about that yet.

[6120] So, today, at this stage, the question is simply if something is clearly false in the way that I've told you, Hillary Clinton is selling arms to ISIS or she is running a paedophile ring. All of this has been put forward and believed by a number of people. Or the Ahok example I gave you or the President Obama that wasn't an actual video, but it was an experiment done by a university.

[6121] So, sticking to that, is there a place for those in the framework of speech. And the specific question is, these sorts of falsehoods, conceptually now, leaving aside the question of how we come to decide on their falsity, conceptually once -- if it is false, do you need to deal with it? I think that is the angle that is being explored right now.

[6122] **Mr Ngiam Shih Tung:** I think if it is false ---

[6123] **Mr Howard Lee:** If I may interject right now, I know Law Minister you are not preferential towards debating on philosophical issues, but I think we do need to point out that there --

[6124] **Mr K Shanmugam:** No, I am talking about a philosophical issue, I am talking about a conceptual issue.

[6125] **Mr Howard Lee:** That is very good. If that's the case ---

[6126] **Mr K Shanmugam:** Let's deal with the conceptual issue. True and false, and

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if it is false, should we deal with it?

[6127] Mr Howard Lee: If that is the case then I think I do need to point out first and foremost that there is a difference between what is factual and what is truth, because there can be various facts. I think there is no disputing that something that is not factual should not be the case. But truth is often an interpretation of various facts that are put together. I think we do need to make that distinction.

[6128] Mr Ngiam Shih Tung: To clarify, you asked whether we want to take action against falsehoods. We may want to take action which cause harm. So, the question is, of course, what is the threshold for causing harm to society or to individuals. Ironically, sometimes we also take action against truths which are harmful. That is another point to look at.

[6129] Ms Kirsten Han: Could I seek clarification that the Committee's definition of falsehood would come down to that narrow definition of something that is demonstrably not factual and wrong, in that "Jokowi is a Christian" sort of clearly false statement, and that's it?

[6130] Mr K Shanmugam: There are different issues here. First the conceptual point. True and false. I think that is clear. Our terms of reference are to deal with falsehoods. And certainly the way we are proceeding or thinking about, and panel members can disagree, is we are not looking at say opinions which are unreasonable, for example. The facts may be true, but the opinion may be something that a very, very small minority, maybe one out of 1,000 might agree with. I don't think we are looking at opinions, for example. We are looking at facts.

[6131] Then, there are shades in terms of how you process. How do you determine the truth versus what is false? And I did hear Mr Lee talking about how there can be shades of truth. I think there is no point debating that point. I think we just leave it. I think different people can have different views as to whether there can be shades of truth. True, false, following from that, taking into account the speed with which the Internet moves, and sometimes you need to deal with it immediately, there has been some evidence given to the committee about whether -- how do you deal with something that is said to be false. Whether you go and deal with it first and then determine whether it is true or false later, or whether you deal with it upfront in which case it might take some time and you weigh the consequences and damage, and so on.

[6132] Those are issues which I think is too premature for us to take a view on. Conceptually in terms of our terms of reference, we are looking at falsehoods. The kind of examples that Mr Tong has put forward, the kind of examples I've talked about.

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[6133] We had a law professor who said to us what certainly I know and what the lawyers will know, which is that what is true and what is false is something that is best determined in court pretty much every day. That is the lifeblood of lawyers. So, that has to be something that has got to be dealt with.

[6134] So, should we deal with falsehoods? I think that is a question being discussed right now. And, if so, how? How do you determine truth and false? I don't think those questions have been asked. They have been asked of other witnesses. And then the process, how should the process be and what sort of speed with which we should move. And what comes first, what comes later. Those are issues that need to be thought through. I don't think Mr Tong has been exploring those. I hope that's clear.

[6135] Mr Terry Xu: I do agree like examples such as the Jokowi and Ahok case. It is undeniable that such falsehood is unacceptable, undesirable and detrimental to democracy. The two examples could be promptly proved to be untrue once the individuals come out to disprove that this is the case. We go back in time and look at the weapons of mass destruction that is supposed to be in Iraq.

[6136] Mr Edwin Tong Chun Fai: Can I suggest that we move on from this? I will give you an example.

[6137] Let's look at false information that was peddled on Twitter and the impact it has had. I will put it on the screen so you can see. There is an article about a fake account that is being run by a Russian troll. Not this one, this is another picture that was put on Twitter, but it was not removed. There is another one which deals with a fake account run by Russian troll farm who then refused to take it down.

[6138] So, let me give you this example. You can enlarge it, you can see. There is an account created by Russia's Internet Research Agency. It drew 136,000 followers by tweeting divisive messages in the name of the Tennessee Republican Party, the GOP. You go a few pages down to the page after this. I will read it to you: "Some of its tweets were deliberately outrageous, such as one in December 2016 that claimed that unharmed black men killed by police officers deserved their fate. It also trafficked in deliberate fake news claiming just before it was shut down, that a photo of the Cleveland Cavaliers NBA championship parade was actually a crowd waiting to hear Donald Trump speak."

[6139] This is a situation where there is a clear falsehood, is being portrayed to influence a particular outcome and suggests a particular political view. That is an example of what myself and Mr Shanmugam has spoken about, something that is deliberate, online and false. You would accept that is something that should be taken down?

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[6140] **Ms Kirsten Han:** I think I would like to point attention to two paragraphs below which says “They gained enough support from the far right that when it was finally shut down commentators like Reddit pro-Trump The Donald forum expressed outrage.” I feel this feeds very much into Dr George’s point about backfire and how it can be used.

[6141] **Mr Edwin Tong Chun Fai:** No, that is not the point. The point is ---

[6142] **Ms Kirsten Han:** I agree, but you asked if we think it should be taken down. My position is to counsel that there are certain unintended consequences that also need to be taken into account.

[6143] **Mr Edwin Tong Chun Fai:** Coming back to our original point, there is fake news, 136,000 followers on Twitter. It is proliferated. It creates a situation where, or it masquerades a situation to drive a particular outcome that is politically motivated. You would agree that something should be done about this, right?

[6144] **Ms Kirsten Han:** Yes, but whether it is legislation or not is a different issue.

[6145] **Mr Edwin Tong Chun Fai:** That is something we will come to but don’t jump the gun. That is something we will come to.

[6146] **Mr Terry Xu:** I agree it is not desirable, but then again like what Kirsten has said, I don’t necessarily think it is in the best interests to take the thing down. Some people, although you have say over 100,000 people sharing it, but then again we do not know the exact nature of sharing. For example, President Trump’s tweets, you have millions of retweets, et cetera, but then again a lot of them are also condemning what Trump is saying. So, the hundreds of thousands that ---

[6147] **Mr Edwin Tong Chun Fai:** I’m focusing on this example where 136,000 were false by using trolls and bots.

[6148] **Mr Terry Xu:** Correct, okay.

[6149] **Mr Edwin Tong Chun Fai:** Let me show you the impact that has had. I will show you another article on the same Twitter account.

[6150] The one that is titled “Things Americans are shocked by in Europe”. So, the commentary on the same Tennessee Republican Party account and this time if you just look at four or five paragraphs from the top, “Party officials concerned that people were confused ...” and so on. A quote from Ben Leatherwood: “It was a very disturbing online presence throughout the 2016 election cycle. Leatherwood said racist posts

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that often appeared on the account exploited divisions in America, some post feature anti-immigrant and anti-Muslim messages. It's a shame how quickly people fell into that trap, Leatherwood said." And if you look at the box to the left of that, there's another quote from Mr Leatherwood, it says, "Whether it was Russian or not, it should be alarming to all Americans to see how easily our differences can be weaponised and exploited." That must be a matter of concern. Would you agree?

[6151] Ms Kirsten Han: Yes.

[6152] Mr Edwin Tong Chun Fai: And this is occurring in a place like the US where media literacy is reported to be high.

[6153] Mr Howard Lee: Mr Tong, if I may just refer to this point. I think we need to make a distinction between what appears to be an opinion, which is what someone is saying that people deserve to die. So, harsh as it might seem, it is indeed someone's opinion, as compared to deliberately doctored images.

[6154] Mr Edwin Tong Chun Fai: Mr Lee, that is an opinion generated by someone who is not real. It is a bot or a troll.

[6155] Mr Howard Lee: I would then like to go back to the point that you were talking about, the influence of bots. With all due respect to what the Canadian report has churned out, I managed to find this research that was being done by this group of people that actually proved otherwise. It is an article in Social Science that is by Vosoughi, Roy and Aral and I would like to ---

[6156] Mr Edwin Tong Chun Fai: Mr Lee, we have moved away from the Canadian report. I want to focus on this. The point is, yes, you might debate about whether it is a bot and a troll and what its impact is, but in this case, in this example, 136,000 with the tweets that are not just untrue, but also designed to fan anti-Muslim and discriminatory sentiments. Wouldn't you agree that this is something that should be dealt with?

[6157] Mr Howard Lee: I think it should be something that should be dealt with, but not in the way of shutting it down. That would be the steps that we can take which you mentioned many times that we can discuss later, of course. At this point in time, I think -- sorry, if I may -- I think there is a need to point out that the common perception that having bots will basically make it go viral, that is seldom the case. This report that I'm reading on the other hand, again I'm not expert on this, but based on what I've read so far, it is quite telling that it is not just the bots that are propagating it but actually human intention to propagate that is more of an issue.

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[6158] Mr Edwin Tong Chun Fai: Whether it is propagated by bots or other humans, you must not forget that the original message is a fake message, false message. Never happened. Dressed up a parade of people watching a basketball game to try to influence people to think that they are all waiting to see Donald Trump speak. That is false. The impact it has, I will show you when it is not taken down.

[6159] I will give you another example from a passage in relation to when there was a congressional hearing and Twitter was asked to explain why it was not taken down and then explain the impact for not taking it down. I will show you the transcript excerpt. While it is coming up, Twitter eventually took 11 months to shut it down. In 11 months, this account had gathered 152,000 followers, posted a total of 10,000-over total tweets and re-tweets. Of which 9,800 were original tweets. The original tweets from this account received more than 67 million impressions just within the first seven days after posting. So, that is the impact that this false account on Twitter purveying false information, designed to flame anti-Muslim and fuel discriminatory sentiments, had.

[6160] Wouldn't you agree that something had to be done about it? And even in this case Twitter apologised for not taking it down earlier.

[6161] Mr Terry Xu: I'm speaking on behalf of myself. My personal sense is I don't agree on taking down messages, but my personal view is I don't agree on having fake accounts being authorised, being allowed. I do agree, I do think it is the right way to allow people to comment anonymously, but however you do have to have an account that is tied to yourself so you can be held accountable for whatever untruth you are spreading. So, in this case, the undesirable comment like what Mr Lee has mentioned about, "I want to kill someone". That is opinion. Whether or not the person is held to it, that is up to them. It cannot be the thing where a bot is allowed to transmit such ideas because eventually no one will be held accountable for it.

[6162] Mr Edwin Tong Chun Fai: Let's look at what real life impact there might be also in the US, in Texas as well. There is an article in Motherboard, let's put that up as well.

[6163] Ms Kirsten Han: While that is happening, could I interject because I have a slightly different view from Terry. What we have seen just now is about the number of followers it has. The number of followers one has does not necessarily correlate to the impact that one has. There are many accounts that might have many followers but we don't know what the real-world impact or change in social mindsets might be. I think there is not necessarily enough research to see how much that works but I agree there should be some response to falsehoods, that it should be debunked and it should be engaged.

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[6164] Mr K Shanmugam: Ms Han, one of the reasons for taking you all through the earlier evidence was actually to tell you some of the evidence that has been given.

[6165] There has, for example, there was evidence about the impact of the Czech population as a result of falsehoods directed by they say a foreign government, where a substantial part of the population believed the foreign propaganda, and as a result, has prevented appropriate policy-making towards Ukraine. They believe the Ukrainian Government are full of fascists. There was heuristic evidence about how we tend to believe falsehoods, particularly if they are very negative.

[6166] So, we are going to go around in circles if we sort of agree on some things and then later on we question that evidence. If you disagree with that evidence, that's fine. It's not a question everyone has got to agree to everything, but there is some very clear evidence that has been given of populations being impacted, populations being affected, including American population, making choices as a result, violence having erupted, both in Indonesia, US and other places, and I'm sure you have been closely following the evidence. But if you don't believe that falsehoods have very real-world impact, then I think you should be free to say so ---

[6167] Ms Kirsten Han: I think that is a mischaracterisation of what I say respectfully, Sir.

[6168] Mr K Shanmugam: That's good to hear. If we agree there are real-world consequences, then I think we take it from there.

[6169] Ms Kirsten Han: I think I was responding to the point that the number of followers were used as evidence of impact. I'm not saying there is never any impact. Of course there is potential for impact and of course in some situations there has been some sort of effect, but I was simply responding to that particular case, we were shown a number of followers as evidence of impact and I was questioning that correlation.

[6170] Mr Edwin Tong Chun Fai: To address that point, Ms Han, I also told you the number of impressions made within the first seven days, and it was 67 million from 162,000 followers. The US Congress also heard that the actual Tennessee GOP Twitter account carried with it only 240,000 impressions in the same period, the first seven days. So, I understand your question, but the point really is you don't just look at the number of followers, you also look at the impressions it creates versus the actual account that it would otherwise have had. The actual impact it would otherwise have had had it been a genuine account.

[6171] Ms Kirsten Han: To clarify when we talk about impressions we are talking about ---

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[6172] Mr Edwin Tong Chun Fai: Twitter's language.

[6173] Ms Kirsten Han: That refers to the number of people who click on it or open the image. So, again I would question using that sort of number as actual impact on human action. But I see the point you are trying to make. I simply wanted to problematise this correlation a little bit. It seems a bit hasty.

[6174] Mr Edwin Tong Chun Fai: I was going to go back to the other example. So, if I may just refer you to that Motherboard article. I will quickly take you through the facts and put some points to you. There was a protest that took place in the streets of Texas. And if you just look at the bottom paragraph, that's a picture of the protest. If you look at the bottom paragraph it starts with: "The first protest, called Stop the Islamisation of Texas was organised by a Facebook group with more than 250,000 followers called Heart of Texas... As it turns out, a counter-protest on the same day, at the same time, and at the same location was also organised by Russian trolls, this time using another Facebook called United Muslims of America which had more than 300,000 followers. What neither side could have known was that Russian trolls were encouraging both sides to battle on the streets and create division between real Americans. Burr said to the head councils of the three leading American companies, Facebook, Google and Twitter, paying for the ads and causing this disruptive event in Houston cost Russia about \$200."

[6175] This is another example that to me was startling. That you could use the Internet, use bots, use trolls, have two sides come to the same location, create a demonstration in the US for as little as \$200. That is something that is obviously through the use of false information and playing up on the sentiments of people who visit these sites. Would you not agree?

[6176] Mr Ngiam Shih Tung: Yes. In fact, it is certainly a falsehood, but if you look in this particular case, I'm not sure about the Twitter example you gave earlier, but this particular case was among the cases cited in the US government indictment of the Russian agents.

[6177] Again, that was using existing laws. It was already illegal under existing law and they used existing law to take action against these particular Russian trolls.

[6178] In this case, where a statement causes harm and it is against the law, certainly whether it is stated offline or online, it would still be illegal.

[6179] Mr Edwin Tong Chun Fai: Right. Do you disagree?

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[6180] **Ms Kirsten Han:** I think this would be a clearer example of real-world impact rather than number of Twitter followers, but I would also say perhaps later we might talk about what might contribute to something like that.

[6181] **Mr Edwin Tong Chun Fai:** All right. I think the point I'm trying to make to all of you is the context in which we are being asked to evaluate, not only deliberate online falsehoods, what has to be done about it and the impact it has on society is, I think, a fairly clear view that if you peddle falsehoods in this fashion, in the examples I've given, then something has to be done about it. Do you agree?

[6182] **Ms Kirsten Han:** Yes.

[6183] **Mr Howard Lee:** I think that is an instance of individuals who are trying to incite unrest, and in that case, yes, something should be done about it.

[6184] **Mr Edwin Tong Chun Fai:** I want to show you something that Claire Wardle wrote to us in her submission. Sorry, it was Claire Wardle to the UK Parliament. Again I will put it up on the screen so you can see it. She gave evidence not long ago on 8 February 2018. I will read it while it gets on the screen. She was asked: "Something that concerns me slightly, in the legislature or regulation system, not to cause another problem, would it not be right that there would be other players waiting to come into the space, wanting to set up, wanting to play fake news. That must be a danger as well across the world." She says, "To your point too about the media, I think one question we are not talking about or not thinking through enough, is that if you are a disinformation agent, the thing that you really want is amplification by the mainstream media. They are targeting journalists, they are targeting mainstream media because for them they see debunks as a form of encouragement. They are planting false information on sites."

[6185] Ultimately, the point of what many disinformation agents are trying to do is to simply cause confusion. It is not about any one particular rumour. It is about getting any country to appoint where the citizenry say we can't trust anybody anymore and my fear is that we are getting there pretty quickly."

[6186] This comment reflects the fact that sometimes it is not one major event or one major falsehood that causes the problem, but what one regards as the slow drip or pernicious effect. Would you agree?

[6187] **Ms Kirsten Han:** Yes.

[6188] **Mr Edwin Tong Chun Fai:** This can sometimes arise when disinformation is slowly fed about the state of certain affairs, or a state of certain events or institutions, the purpose of which is to slowly undermine trust in that institution. Correct?

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[6189] **Mr Terry Xu:** Yes, I agree. But I'm just trying to wrap this around my head. Because the example mentioned, I agree that it totally is not desirable, but then it falls under cyber espionage, isn't it?

[6190] **Mr Edwin Tong Chun Fai:** Leave aside how we categorise it. I've moved away from the example. The example is one clear event, that it is a single event, single occasion when they went onto the street. What I'm now trying to pick up from what Ms Wardle is saying in terms of the other possibility that you get a series of smaller, slower, more pernicious kind of disinformation campaigns designed ultimately to weaken an institution. That is one of the concerns. Would you agree?

[6191] **Mr Terry Xu:** I agree. In fact, you can just drip that together with some truth and false. So, slowly gaining trust of the followers.

[6192] **Mr Edwin Tong Chun Fai:** Yes.

[6193] **Mr Terry Xu:** Then again, as I said, if it is by agents from a foreign country, that should be under espionage.

[6194] **Mr Edwin Tong Chun Fai:** As I said, we will leave the categorisation later. In terms of how one responds to this, again we've heard a series of different propositions given to us. I know Ms Han tried to go there earlier, but I will tell you what were some of the responses given to us, in terms of how we should have countermeasures in place. Obviously, legislation is one solution.

[6195] But along with that, some other suggestions include the conduct of more studies on the problem to examine the ambit of it. To enlist the cooperation of technology companies, using their abilities, using their IT skills, using the level of technology that they have. Public education was something emphasised by a few commentators. Media literacy as a long-term solution was also suggested to us.

[6196] Having a centralised fact-checking agency, having an independent fact-checking entity to verify these facts. All in all, a multi-pronged solution which has a range of solutions for different issues, differentiated depending on the nature of the problem you are dealing with, including legislation would be the right approach. Would you agree?

[6197] **Mr Howard Lee:** I would actually disagree with that. From what I can ---

[6198] **Mr Edwin Tong Chun Fai:** Sorry, Mr Lee, hold on, since you say you disagree, can you explain the nature of your disagreement so that we are clear.

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[6199] **Mr Howard Lee:** My disagreement is on the point of legislation, because I have read nothing so far that basically tells me legislation will actually help.

[6200] The other points, yes, definitely, you need the fact-checking bodies, you need to have non-government groups, independent councils to do this, and better education, yes, civil society getting involved. For sure, yes, except for legislation.

[6201] **Mr Edwin Tong Chun Fai:** So, legislation has been suggested to us by members of the religious organisations, by Dr Shashi Jayakumar, Dr Carol Soon, by several foreign commentators and experts, by representatives even of tech companies, but you would disagree?

[6202] **Mr Howard Lee:** I think ---

[6203] **Mr Edwin Tong Chun Fai:** Maybe you can answer the question first then you can explain.

[6204] **Mr Howard Lee:** No. Which is where I'm trying to get to. I think the sense I'm getting from them is that legislation should be considered as a very last option when essentially all things fail. Am I right to say that?

[6205] **Mr Edwin Tong Chun Fai:** No, you are not right to say that as a general characterisation, but even if you do say that, you would accept that legislation is one of the items in the regime that should be available to deal with online falsehoods. Would you accept?

[6206] **Mr Howard Lee:** As recommended by these various individuals, yes. It is something that they have brought up, yes.

[6207] **Ms Kirsten Han:** I would differ from that. I would disagree that additional legislation to police content for deliberate online falsehoods is necessary.

[6208] **Mr Edwin Tong Chun Fai:** So, you don't think any additional legislation is necessary?

[6209] **Ms Kirsten Han:** Yes, that's correct.

[6210] **Mr Edwin Tong Chun Fai:** Are you familiar with the evidence given by previous experts or representors who have said otherwise?

[6211] **Ms Kirsten Han:** I wouldn't say I have a comprehensive view, but my personal view would be to disagree with them when they say legislation is necessary.

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[6212] **Mr Ngiam Shih Tung:** If I may cut in, I think there is already a lot of existing legislation. That's MARUAH's position. We are very clear on that. We may certainly want to apply existing legislation or modify it at the margins, but again, until we see a specific proposal, it's very hard to comment whether legislation is desirable.

[6213] **Mr Edwin Tong Chun Fai:** You would take that view even in the knowledge that the dean of the SMU Law Faculty disagrees with that and proposed and explained why existing legislation would not suffice to deal with the problem that we have?

[6214] **Mr Ngiam Shih Tung:** I'm not familiar with the specifics of his proposal.

[6215] **Ms Kirsten Han:** I have read his proposal and I strongly disagree with it.

[6216] **Mr Edwin Tong Chun Fai:** But, Mr Ngiam, you have not seen the proposal?

[6217] **Mr Ngiam Shih Tung:** Not in detail.

[6218] **Mr Edwin Tong Chun Fai:** So, you would hold that view even in the knowledge that the law professor, dean of the SMU law faculty holds a different view?

[6219] **Mr Ngiam Shih Tung:** I'm not sure whether the dean is speaking from a legal ... art of law perspective or whether he is speaking from a public policy perspective.

[6220] **Mr Edwin Tong Chun Fai:** It doesn't really matter. I mean he's speaking from a legal perspective as someone analysing the sufficiency of the laws relevant to the issues we are grappling with.

[6221] **Mr Howard Lee:** I think the dean is entitled to his opinion.

[6222] **Mr Ngiam Shih Tung:** That is all hypothetical. Until I see specific proposals, it is hard to say whether it is justifiable.

[6223] **Mr Edwin Tong Chun Fai:** Which you haven't seen?

[6224] **Mr Ngiam Shih Tung:** Correct.

[6225] **Mr Edwin Tong Chun Fai:** Thank you. Earlier I think we agreed that when you look at the landscape and consider the DOFs that we have to deal with and how we should deal with it, one should have regard to our local context in which we are facing and, therefore, addressing the problem. Correct? Would you accept these propositions that by and large trust in the Singapore Government is high, compared to

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countries such as the US, UK, France, Germany, at least on the World Economic Forum Global Competitiveness Index, on the Edelman Trust Barometer, on other relevant world ranking studies that have been done on trust of the population in government. Would you accept?

[6226] Mr Ngiam Shih Tung: I think qualitatively I would accept that. However, I would caution against using the Edelman Trust Barometer specifically, considering that it ranks China and UAE as higher trust than Singapore in terms of trust of government, media and NGOs.

[6227] Mr Edwin Tong Chun Fai: All right. But you have no reason to disagree with this apart from this?

[6228] Mr Ngiam Shih Tung: Qualitatively speaking, certainly we have a high level of governance in Singapore.

[6229] Mr Edwin Tong Chun Fai: All right. Would you also accept that in terms of trust in the judiciary, we are one of the highest in the world, if not the highest?

[6230] Mr Ngiam Shih Tung: It's hard to ---

[6231] Mr Edwin Tong Chun Fai: Hard to say?

[6232] Mr Ngiam Shih Tung: Again ---

[6233] Mr Edwin Tong Chun Fai: The World Economic Forum's Global Competitiveness Report ranks us as number one, the US as number eight, the UK as number six, France and Germany as 30th and 15th respectively.

[6234] Mr Ngiam Shih Tung: I think those surveys tend to be business oriented. So, from a commercial point of view, I am sure we have a very efficient legal system which will be appreciated by businesses.

[6235] Mr Edwin Tong Chun Fai: I think if you look at the study, which I'm not sure you've looked at, you will see it's not based on competition in the form you have just outlined. It is certainly not commercial in nature. Have you studied the report?

[6236] Ms Kirsten Han: I have not seen the report but I am happy to accept what you have said.

[6237] Mr Edwin Tong Chun Fai: I'm trying to understand the context. What about trust in police? Would you accept that it is, again, relative to other countries, as well as on an absolute basis, trust in the police would be high?

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[6238] **Mr Ngiam Shih Tung:** Yes, that is probably true.

[6239] **Mr Edwin Tong Chun Fai:** If you take the Gallup studies, Singapore is number one, the US at 26, and the UK at 26 as well with a score of 85, and France at 54. Any disagreement with that?

[6240] **Ms Kirsten Han:** No, I accept that.

[6241] **Mr Edwin Tong Chun Fai:** So, when you compare and contrast Singapore with some of these more established jurisdictions who have been dealing with online falsehoods, finding ways to tackle them, grapple with them, one has to consider the context in which we are looking at the problem and maybe proposing solutions and countermeasures. One cannot throw out the baby with the bath water by saying that we've got to reconstruct everything. We will have to retain and look at what has worked for us. Would you agree?

[6242] **Ms Kirsten Han:** Yes.

[6243] **Mr Terry Xu:** (nods)

[6244] **Mr Ngiam Shih Tung:** Obviously, yes, we should be ---

[6245] **Mr Edwin Tong Chun Fai:** Yes. And in the context of looking at where we are, I would like to put up a table that sets out where we are in terms of different aspects like education, housing, police, judiciary, and just put that out there and let you have a look at it and see the numbers that I cited earlier, where I got them from.

[6246] Do we have this table, the one with Singapore in the middle and the boxes at the side? I know it is a bit small, but we will zoom in to the relevant portions, starting with education.

[6247] Look at our rankings over there. First, out of 72 countries in OECD. NTU and NUS have progressively gone up in ranking. They are now 11 and 15. Literacy rate is high. If you look can at the police, Gallup has ranked Singapore Police top out of 135 countries, likewise the other two studies. Life expectancy, second-longest healthy life expectancy at birth in the world. Government and media: We have gone through those numbers which you have seen. Housing: Singapore has one of the highest home ownership rates in the world, at 90 per cent. Mercer ranks Singapore first out of 231 countries for city infrastructure. On the right, quality of life: UN Development Programme ranks Singapore as fifth in the world in human development index. Mercer ranks Singapore as top city in Asia Pacific. Economic Intelligence Unit ranks Singapore as the sixth best country.

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[6248] Just go down to healthcare. Bloomberg rates Singapore as fourth in the world. Second bullet point, second-most efficient healthcare system and a 2016 study published by The Lancet, which is a leading medical journal, scored 188 countries on health goals set by UN, and Singapore held the top spot.

[6249] On the judiciary, you've seen those numbers, the box in green, and on rule of law, Singapore is ranked 96th percentile. Heritage Foundation Index, Economic Freedom ranked Singapore second out of 180 countries. Quality of governance, PERC ranked Singapore first among 16 countries. Transparency International ranked Singapore sixth out of 180. And the World Economic Forum, I showed you earlier.

[6250] Would you accept that one has to consider our climate in the context of these indicators around Singapore and about Singapore?

[6251] **Ms Kirsten Han:** Yes.

[6252] **Mr Edwin Tong Chun Fai:** Yes, thank you. And part of the reason we have got to this level must be because we have maintained a degree of balance between our different and diverse racial, religious and cultural groups that co-exist in Singapore. Would you accept?

[6253] **Mr Ngiam Shih Tung:** I think that is a precondition for the existence of Singapore.

[6254] **Mr Edwin Tong Chun Fai:** You put it as a precondition. You wouldn't disagree, right?

[6255] **Mr Howard Lee:** I'm sorry, I think you could be talking at different points. Our race and religious issues should not be conflated with many of these ranking results, if you ask me.

[6256] **Mr Edwin Tong Chun Fai:** I think then, I will just reflect that is a disagreement between you and the rest of the panelists.

[6257] Would you also accept that there is then the need to take this into account as we decide how to deal with online falsehoods and what measures to take, particularly since studies have shown and I think our representors have told us, that purveyors of DOFs online tend to exploit racial and religious lines to achieve their ends. So, one has to strike that balance and be very mindful of it. Would you agree?

[6258] **Ms Kirsten Han:** Yes, and that's what we need to discuss today.

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[6259] **Mr Edwin Tong Chun Fai:** Thank you. Now, I will come to one or two more examples before I then go into some of the specific submissions. So, if I may ask you to just go back to the screen, and I would like to show you a Facebook page that is called Ban Islam Now. You will have it on the screen in a moment. Have any of you seen this before or come across it?

[6260] So, this is a page on Facebook. Just quickly reading this posting: “As we summarise the Koran’s commands to kill gays, stone women who have sex, coerce child brides, kidnap and rape non-Muslim women, general calls for the genocide of deviants, dissidents and unbelievers and a strict law to murder anyone who leaves this cult, we learn something important. One cannot favour both human rights and Islam, banislamnow.com.”

[6261] Would you accept that while this obviously is a statement of opinion or view of this website, it is not something we should tolerate in Singapore?

[6262] **Mr Ngiam Shih Tung:** I think that would be quite obvious. As I said, there are many existing laws which cover this.

[6263] **Mr Edwin Tong Chun Fai:** No, Mr Ngiam, I know you are very anxious to get to the laws and so on. That wasn’t my question. The question is: should we tolerate this and have this freely circulate in our online community in Singapore?

[6264] **Mr Howard Lee:** Mr Tong, if I may, I think it should not be tolerated simply because it is factually incorrect.

[6265] **Mr Edwin Tong Chun Fai:** Would you not accept ---

[6266] **Mr Howard Lee:** It could be an opinion, but it is factually incorrect and it tries to separate human rights from Islam. To my knowledge, Islam as a faith actually is quite acceptable to human rights.

[6267] **Mr Edwin Tong Chun Fai:** Thank you. I think Ms Han would not disagree that it should not be tolerated.

[6268] **Ms Kirsten Han:** Yes.

[6269] **Mr Edwin Tong Chun Fai:** Another website, The Truth About Talmud. Have you come across it? I will put it on the screen so you can see it. There is one which has the headline “Non-Jews exist to serve Jews”. This is another one about the divide between the Israeli and Palestinians. There is another one that says, “Non-Jews exist to serve Jews”. Again, would you accept that these comments have no place in the online world? Leaving aside true or false, these are opinions that touch on crucial issues of race, religion and multi-cultural harmony. Accept?

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[6270] **Ms Kirsten Han:** I would say that they should be addressed. It -- I wouldn't necessarily phrase it as "no place in the online world" because that sounds a little bit like censorship. But I agree they have to be addressed.

[6271] **Mr Edwin Tong Chun Fai:** Well, I guess we get to what should be addressed about it. Maybe it is opportune to look at what Facebook then said about it and deal with it.

[6272] If you look at the House of Commons debate, and at the hearing where Mr Simon Milner who was also here before us, he had been asked some questions about these two sites. If I can refer you to question 423 where he was asked about these two that I've just shown you. Quickly cast your eye over this. You will see he was referred to those sites and right at the bottom of that paragraph it says, "You still have on Facebook a couple of the pages that we raised with you. One is called 'Ban Islam' and the other is called 'The truth about Talmud', both of which have some deeply offensive racist things on them". His answer, about six lines from the top: "These pages in and of themselves do not violate because we can make it clear that you can criticise religions but you cannot express hate against people of their religion. 'Ban Islam' is a page that is designed to criticise Islam as a religion. It is not expressly in and of itself designed to attack Muslims. That is also true of 'The Truth about Talmud' and the other two pages regarding the holocaust that you have notified to us." This would reflect the tech companies', in this case, Facebook's, policy approach to when they would remove or not remove online content; right?

[6273] Would you say that this is something that should be determined by the tech companies themselves or should we find a way to self-regulate and decide for ourselves what values we want in our society and what kind of information should be available online?

[6274] **Ms Kirsten Han:** I think this is a very complex issue and I would be wary of trusting one source of deciding what should be regulated and what should be allowed or not, be it Facebook or any other party.

[6275] **Mr Edwin Tong Chun Fai:** Can I address Ms Han's point? I think there is a difference between the rules governing the regulation, which is what Mr Milner is explaining, and a sense of what we say is a reflection of society's feelings as to what is right and wrong. Those are different things. Would you agree?

[6276] **Ms Kirsten Han:** Yes, but the key is really how do we actually get an accurate reflection of what society thinks and who has the power to determine what society thinks on society's behalf.

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[6277] **Mr Edwin Tong Chun Fai:** I can go by these examples, which is why I put it to you, to get a sense of what you as people who write content, publish and edit content, and put it online, what you think, and I think the consensus was that, save for I think, Mr Lee, you would not tolerate this, using the language loosely. So, would you accept that that is something that should be delegated to what the tech companies decide entirely or do you feel as a society we ourselves, the state, should have a role to play in that?

[6278] **Ms Kirsten Han:** I think there is a difference here between when I said it should be addressed and this question about whether Facebook took it down because when I said it should be addressed, I did not actually mean that it should be taken down. I definitely do think that it should be responded to, that it should be rebutted and it should be debunked, but I think there is a difference between saying, "I feel it should be addressed" and that Facebook or a government or some other organisation should be able to decide that it is something that needs to be ---

[6279] **Mr Edwin Tong Chun Fai:** Right, and therefore, you would accept, therefore, that the tools necessary to address it, be it removing it, debunking it, issuing a post that corrects it, should be available?

[6280] **Ms Kirsten Han:** I think that is what we are here to discuss today, yes.

[6281] **Mr Edwin Tong Chun Fai:** No, would you agree that those tools must then therefore be available?

[6282] **Ms Kirsten Han:** I agree there should be tools to address it and respond to it, but I do not necessarily agree that it should be then taken down.

[6283] **Mr Edwin Tong Chun Fai:** But it would be situational depending on which post, what it says and post to post, a question of degree?

[6284] **Ms Kirsten Han:** I would generally, as a rule, highly counsel against takedowns because of issues that perhaps you might want to discuss later, but I would point to the question again of backfire and effectiveness and I would highly recommend that we look at non-legal measures.

[6285] **Mr Edwin Tong Chun Fai:** But for you to have the range of options that you have to debunk it and so on, would you not need tools to deal with that as well? Your idea of debunking might in one case be to issue a clarification or to require these companies to host those platforms to carry a clarification, but would you not need tools to allow you to do that as well?

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[6286] **Ms Kirsten Han:** Of course, there should be tools to debunk. My specific point was to counsel against resorting to takedowns and censorship.

[6287] **Mr Edwin Tong Chun Fai:** I know. What you are saying is it's not necessarily just takedown or should be takedown. But my point is the broader one, that whatever option you decide is appropriate for this remedy to deal with this online falsehood or to deal with these comments which are not religiously or racially harmonious, one must have the ability to do it in the first place.

[6288] **Ms Kirsten Han:** I don't really follow this question because surely, if it is on Facebook we do have the ability to respond to it either through our own Facebook pages commenting on that page ---

[6289] **Mr Edwin Tong Chun Fai:** If you feel the best approach in this case is to have Facebook themselves on this site, same site where one would land when you see the "Ban Islam" site, to carry the same clarification at the same location, you would need to make sure you are able to tell Facebook to do it and they must then do it. Would you agree?

[6290] **Ms Kirsten Han:** Yes.

[6291] **Mr Terry Xu:** My view on this is that I agree with what Mr Milner has given evidence that the page if it is criticising religion should be allowed because it is a fair opinion, but it is a different thing when you direct hate towards people or individuals. I'm puzzled at why the two pages are not considered as hate pages.

[6292] **Mr Edwin Tong Chun Fai:** Mr Xu, that is a separate point, because obviously that is something Mr Milner was asked as well.

[6293] **Mr Terry Xu:** My view is that Facebook should have taken down the two pages and they should be held accountable to the policies they have set up. Obviously, the question is would the Government compel them to follow what they have said.

[6294] **Mr Edwin Tong Chun Fai:** That's the point, isn't it, in exploring a range of options available? I appreciate entirely Ms Han's viewpoint that one doesn't necessarily resort to takedowns, but within the range of options that you have, you must be able to enforce it and be able to effectively carry it out and see it through. There is no point saying that, yes, the right approach is to debunk it and to deal with it, but we don't have the tools to do so. It stands to reason, right?

[6295] **Mr Terry Xu:** I cannot answer on behalf of Facebook, but as the content provider and platform owner, they would have to set out their stance on such matters.

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[6296] **Mr Edwin Tong Chun Fai:** I know, but in this case leaving aside Facebook's own position ---

[6297] **Mr Terry Xu:** My view is the two pages should have been taken down based on their policy.

[6298] **Mr Edwin Tong Chun Fai:** Yes, and if they are not?

[6299] **Mr Terry Xu:** Then, they have to be questioned on why is it not considered as hate speeches.

[6300] **Mr Edwin Tong Chun Fai:** Should there be remedies available to do so?

[6301] **Mr Terry Xu:** I can't answer for them.

[6302] **Mr Edwin Tong Chun Fai:** No, what is your view?

[6303] **Mr Terry Xu:** My view is that there should be a mutual understanding between the Government and the company on what is the expectation of the company as a platform providing such means of communication and to be responsible in hosting ---

[6304] **Mr Edwin Tong Chun Fai:** And if there is no such mutual understanding, should there be remedies?

[6305] **Mr Terry Xu:** Should there be remedies; again my view, is it?

[6306] **Mr Edwin Tong Chun Fai:** Of course, your view.

[6307] **Mr Terry Xu:** Really in terms of this type of content, I would say, yes, there should be some way in which the Government can compel them to take down the content. Because in our national context, it is illegal, it is inflammatory, so in the harmonious context, we shouldn't allow that.

[6308] **Mr Edwin Tong Chun Fai:** Thank you. I want to show you one other example. This time it is on YouTube.

[6309] **Mr Ngiam Shih Tung:** May I interject on this? I think the question is whether the responsibility is a duty, or rather, if you want to have tools against it, do you want to use the tools against the Internet, say, Facebook, and the network, or the person who produced it?

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[6310] Mr Edwin Tong Chun Fai: That's a question of how we apply the remedies. In some cases, it will be appropriate to go after the content provider, in some cases the host. But no, we're not there. I'm just looking at the content as being of this nature and I think I understand Mr Xu's point. Thank you.

[6311] I want to show you another one or two more examples on YouTube. This is a picture of Dr David Duke with a caption. And the caption says, "Jews admit organising white genocide." Again, in this case Mr Barron, who is from Google, which owns YouTube, was asked to explain why this was not taken down. I would like to show you his response. If you look at the response and go to question number 415, Mr Barron was asked, "Where in it is there actually something that justifies the title 'Jews admit organising white genocide'?" Mr Barron says: "I am not going to defend the content of the video. I found it abhorrent and offensive. However, the important question which relates to the wider issue of freedom of expression, is whether that content is illegal and whether it breaks our guidelines. Our policy and legal experts arrived at the conclusion that it didn't. I think everyone in this room would agree that it was deeply distasteful."

[6312] Question: "But your own guidelines say that it is not acceptable to post malicious, hateful comments about a group of people solely based on their race or religion or so on. How on earth is the phrase, 'Jews admit organising white genocide' as well as being clearly false, not a statement that is a malicious or hateful comment about a group of people solely based on race, religion or the other protected characteristics that your own guidelines and community standards say are unacceptable?" Mr Barron then says: "The conclusion in this case is that it didn't break our policy guidelines."

[6313] Would you, Mr Xu, put this YouTube posting in the same category as the earlier two Facebook postings as well?

[6314] Mr Terry Xu: Based on -- I have not seen the content, but based on the title, it would basically meet the criteria of targeting a specific race ---

[6315] Mr Edwin Tong Chun Fai: Yes, and in this case despite apparently it meeting it, and certainly the committee here thought so, Facebook, or in this case YouTube or Google didn't remove it, and in fact said, "It doesn't breach our content guidelines." And the UK legislators were powerless to force them to do so.

[6316] So, it begs the question, I think, of what kind of standards then do we want to see in our society. Is it standards that are imposed or dictated by tech companies who host these sites or should we ourselves have a say in what these standards ought to be, especially when we are confronted with what I regard in this case as quite a clear example, but the tech companies refused to take a position.

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[6317] **Mr Terry Xu:** That brings me to -- if the committee would be aware of a recent video that was viral -- created by a US vlogger. I don't know his name. It was taken at the suicide forest in Japan.

[6318] Apparently, YouTube did not want to take down that video and it went viral. However, eventually, it took it down not because of the hosting country or Japan asking it to take down because it is so insensitive, but because of the backlash created by netizens, people who are offended by the video.

[6319] So, I'm a bit halfway here and halfway there. The thing is ---

[6320] **Mr Edwin Tong Chun Fai:** No, Mr Xu, so you are not halfway, let me explain the point I'm trying to make.

[6321] **Mr Terry Xu:** Sure.

[6322] **Mr Edwin Tong Chun Fai:** The point objectively is we all have a view on what this video or what the caption is trying to portray.

[6323] **Mr Terry Xu:** Correct.

[6324] **Mr Edwin Tong Chun Fai:** Certainly, the chairman and the committee in the UK had the same view. And they put it to Mr Barron that on any way of looking at it, it ought to breach their policy and therefore should be taken down.

[6325] **Mr Terry Xu:** Agree.

[6326] **Mr Edwin Tong Chun Fai:** So, it is nothing to do with whether netizens have an outcry or some other views are expressed. But objectively, looking at the standards in society that you wish to have versus the content that is being purveyed. But in this case they refused to do so and said that it was not a breach.

[6327] My question to you is, should we accept that and move on or should there be other levers which we can then deploy to give effect to a response that we want to give. I take on board Ms Han's point that the response can be a takedown, may not be a takedown, there can be a range of other non-takedown options as well, but the fact of the matter is, would you accept not being able to do anything about it because they take the view that it is not a part of the guidelines or not a breach of the guidelines, is acceptable?

[6328] **Mr Terry Xu:** If you ask me in my personal position, I would say I would not agree to ask YouTube to take down the video, but as much as I can, based on

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my personal powers, I would campaign for that video to be taken down. Because the thing is, as I said, YouTube, as big as the company is, it is very susceptible to public opinion.

[6329] Mr Edwin Tong Chun Fai: Yes, of course. I'm trying to work something that is outside of public opinion, in other words trying to define the issue.

[6330] Mr Terry Xu: That's the thing. If the content is that seditious or controversial, or total falsehood, no one in their right mind would support its existence.

[6331] Mr Edwin Tong Chun Fai: Yes, but in this case, it was this kind of comment and this kind of content and it was not ---

[6332] Mr Terry Xu: I agree that is unacceptable that the Google representative was to answer in this way, that whatever is written there does not violate its policy but it clearly did ---

[6333] Mr Edwin Tong Chun Fai: So, the additional question then is, since it is unacceptable, as you say, to answer this way and take this position, should there be a step that can be taken to remedy this?

[6334] Mr Howard Lee: Mr Tong, if I may, I will add in at this point that I agree with you that every society has the right to at least debate on what they find acceptable and not acceptable and if necessary to take that action. But by that 'society' I think we also need to consider that a lot of these social media platforms, including YouTube and Facebook and Twitter actually constitute their own society, which is a fairly global population. And in no way trying to justify for any of these social media giants, I think we need to take that into consideration in our policy-making, that they are basically answering to the need of their societies, in that sense.

[6335] Mr Edwin Tong Chun Fai: Of course. You are right, Mr Lee, and in some ways also it is commercially driven because the more they have in their society, as you call it, therefore the more eyeballs they have on the sites and the more commercially profitable their sites would be.

[6336] Mr Howard Lee: For whatever the justifications, be it for commercial reasons or for building that community, I think we should accept that that is their position.

[6337] Mr Edwin Tong Chun Fai: But you will accept whatever is their position, we as a society ourselves must have our own position and be in a position to decide for ourselves what level of tolerance we have for sites like these which on one side it might undermine race relations, on another it might undermine religious relations,

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and we must have the right to decide for ourselves what we want to do about these sites, right?

[6338] Mr Howard Lee: I think it is right for Singapore society to decide for itself, but I think it would be fairly hubris of us to think that we represent Facebook society.

[6339] Mr Edwin Tong Chun Fai: No, we don't, but we must have the right to decide for ourselves as a state, as a society, as Singapore.

[6340] Mr Howard Lee: As a part to play in the wider ecosystem that make up the social media giants, yes.

[6341] Mr Edwin Tong Chun Fai: Right. So, you would agree with my proposition, except that you do say that we must take into account that wider ecosystem that they have, that these platforms have.

[6342] Mr Howard Lee: Yes. Agree, yes.

[6343] Mr Edwin Tong Chun Fai: Thank you. Was there anything else? Did I cut you off, Ms Han? No, okay. Let me show you one more example and then I will go down to your specific submissions. I want to ask you to look at a story about National Action. Are you familiar with this movement? I will show it to you.

[6344] So, National Action, if you read the byline, a neo-Nazi organisation accused of being more radical than the BNPs. If you quickly cast your eye down this article: "Alex Davies has described the National Action as like the BNP but more radical. The group openly idolises Adolf Hitler, advocates ethnic cleansing and has voiced support for Thomas Mair, the far right terrorist who murdered labour MP Jo Cox."

[6345] If you go over the page, "What is National Action?" There is a short description of it. It is a neo-Nazi group established in 2013. Is National Action linked to violence? It has posted comments on line such as "Our thoughts go out to Thomas Mair" and "only 649 MPs to go" in relation to Jo Cox's unfortunate death.

[6346] Over the page: "Although National Action has targeted Muslims, it is chiefly anti-Semitic propagating Jewish conspiracy theories while fostering a deep obsession with violence." Now, YouTube has been hosting sites associated with National Action and that has prompted the Home Affairs Committee from the UK to clarify with YouTube why that wasn't removed. I will quickly ask you to look over the next few exchanges which defined the problem.

[6347] There is a letter of 7 March 2018 from the Committee chair to Google. In the opening paragraphs, it seeks to ask for: "... an immediate explanation as to why

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YouTube is continuing to host and promote through your search engines propaganda from the proscribed far right extremist organisation National Action”. Proscribed is something that refers to the fact that it has been outlawed or made illegal. “despite repeated promises to do so”.

[6348] Despite promises that its video will be removed, it is still on YouTube. “It shows either hopeless incompetence or a shameful abdication of responsibility.” A few days later, it was still not removed and the representative from Google was summoned before the committee.

[6349] I will ask you to look at the transcripts of 13 March 2018, which is about two weeks ago. At question 483, you will see that the chair had welcomed everybody to the emergency session and so on, then talked about the National Action, and then asked directly, “Why is it still up on the platform?” William McCants said: “I would to say to begin with that we apologise for these videos being on our platform. They should not have been there. You should not have had to come back to us repeatedly ... and that they are four videos which are from a proscribed terrorist organisation.”

[6350] If you go over the page to 484, the chair had asked: “Then why, why is it that when we raised it with you and you said it would be taken off and it’s still there?” Then, Mr McCants said: “Well, because the technology they employ to remove it requires an exact match.” That was his first answer.

[6351] Then, the chairman says at 485: “Why didn’t you tell the reviewers”, the reviewers are the people who review the content and decide whether it is to be taken off. McCants says: “You make a valid point. We are fine-tuning our technology and making sure we are spotting even smaller clips” and so on.

[6352] I ask you to refer to a different question now, 553. At 553, the same Mr McCants is asked: “Why has it taken so long?” Then, it is put to him: “It is really disturbing not only for this committee, but for anybody watching that it has taken the committee so many occasions to try and take a singular video down.” 554: “Where are the reviewers based?” Answer: “They are all over the world. These particular reviewers that made this call, I believe, one was in Europe, two or three other individuals were involved. I am not sure where they are based.”

[6353] The chair says: “You do not even know where these four individuals are based?” Answer: “No, I do not.”

[6354] Question 555: “We have a large team of reviewers based in Ireland, which is not in the UK.”

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[6355] Question 558, the chair says: “Six days on from raising this and sending you the letter on behalf of the committee, you still do not even know where the individuals involved were based or whether they were YouTube employees or whether they were contracted out. How many of the people who make these decisions are not YouTube employees?” Answer: “Generally, I do not know a number.”

[6356] This vein goes on for a while. I picked this to illustrate a point, that even in a situation where, unlike the other examples, in this case Google says, yes, it doesn’t comport with my policy, it should be taken down, there are apparently technical difficulties in taking it down.

[6357] Again, my question and point to you is, should there be some remedy at the end of the day, if takedown is the right approach, then to require the takedown? If some other way of debunking it, in your words, Ms Han, is required, then to require them to do that? As opposed to having legislators spend some time chasing their tail in this case over a video that is obviously offensive, that promotes the killing of the local MP, but for one reason or another, for a protracted period of time, Google just can’t seem to be able to do it or have the gumption to go and do it? Would you agree?

[6358] **Ms Kirsten Han:** Could I seek some clarification? I certainly don’t dispute that all these major tech companies are facing massive tech and personnel and probably process issues with how they regulate the content that shows up on their platforms and definitely there have been long-standing criticisms about community standards of Facebook, Twitter, Google, but to seek clarification because these specific examples that we’ve looked at are examples of locals perpetuating abhorrent views targeted at their own community.

[6359] If this were to happen in Singapore in such an example, we already have the Sedition Act and all these other laws to do that. For example, when YouTube said our question was whether it breached guidelines or whether it is illegal, in a Singaporean context, it would be illegal already.

[6360] So, are we also then talking about then Government action to be able to compel tech companies to address all other inflammatory or abhorrent content from other parts of the world targeted at other populations because that seems to suggest a very wide range of ---

[6361] **Mr Edwin Tong Chun Fai:** I’m simply saying if one takes the view, as no doubt you would have seen that committee took, that this is a video or a link that should be removed or taken down, and for one reason or another, even if YouTube agrees it is within their policy, or it breaches their policy and so should be taken down but it is not, then, should there be a remedy to allow that to happen?

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[6362] Ms Kirsten Han: In the context of takedown orders, I would really urge the Committee to not have such remedies in this context. But I do agree there are other ways of response. Yes, of course, it is fair that we should be able to respond in some way.

[6363] Mr Edwin Tong Chun Fai: I understand you, Ms Han. I use this as an example. In your series of examples, you might take the view that a takedown may not be necessary, but some other form of debunking could be; but I am simply taking the UK committee's example. They have decided it should be taken down but for one reason or another it's not. So, I am simply saying, using that example, if takedown was determined to be the right approach, on that basis, would you not agree that if they are not able to fulfil it, then some remedy must be available to achieve that outcome?

[6364] Ms Kirsten Han: It has been taken down in this case, was it not?

[6365] Mr Edwin Tong Chun Fai: No, no, leave that aside. Subsequently, obviously, it has been, after, as you can see, a protracted period of time. But using that as an example, if, for one reason or another, and in fact in this case there are many reasons why it was not taken down, from reviewers to the data match and so on, would you not agree that the remedy must be available to allow that to be effected?

[6366] Mr Howard Lee: Sorry, Mr Tong ---

[6367] Mr Edwin Tong Chun Fai: Can you let Ms Han answer, then, I will come back to you.

[6368] Mr Howard Lee: Sure, sure.

[6369] Ms Kirsten Han: I think the Government would be well within its rights to engage with the social media companies, the tech companies about the content that they find problematic. I would counsel against passing anything that would allow the Government to become an arbiter of what should be and should not be allowed.

[6370] Mr Edwin Tong Chun Fai: Yes, Mr Lee?

[6371] Mr Howard Lee: You did mention that it was eventually taken down. So, it would appear in this case the UK Parliament's wish has been fulfilled. So, why would this still be an issue unless you are talking about taking it down immediately? Is that the sense ---

[6372] Mr Edwin Tong Chun Fai: Obviously, the UK committee felt it should have been taken down much earlier. I'm using that as the landscape.

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[6373] Mr Howard Lee: Right.

[6374] Mr Edwin Tong Chun Fai: Also, to address Ms Han's point, if it is not done in a way that you feel is the right remedy, and I hasten to add it depends on the situation, and I take your point that it may be a debunking that is necessary, or like in this example the committee thought a takedown was necessary, but if it is not done, whichever is the chosen form of response, then should there be the right to insist and eventually compel the remedy? That's my question.

[6375] Ms Kirsten Han: I see what you mean, but the reason I counsel against legislation that would allow that sort of compelling is because there are many other effects of such legislation. I agree it is not an ideal scenario and it will be frustrating to some, but I would say that the local Government would be well within their rights to continually engage with these tech companies and flag how they believe it is a breach of the community standards, that it is highly problematic content, but that's why I would not agree that there should be a measure that would allow the Government to compel, for instance, removal.

[6376] Mr Edwin Tong Chun Fai: But in this case they agree that it should be removed, it's not as if they don't, but it's not done.

[6377] Ms Kirsten Han: I think then this is a process issue. Their tech issues were not up to speed, so it's not a case of the Government having to force their hand. It really was an issue that they've already acknowledged and they have already said they will work on it.

[6378] Mr Edwin Tong Chun Fai: And if in your example, in your own sense, a debunking was necessary, not a takedown, and you decide on a specific set of measures to debunk it, and the platforms don't effect it, should you then have a remedy to compel it?

[6379] Ms Kirsten Han: Could you give a more specific example. For example, like a sort of transparency ---

[6380] Mr Edwin Tong Chun Fai: If you take the view that a certain set of measures, whatever they might be, is the appropriate and necessary response to debunking this site, or this falsehood, but the companies or the tech companies refuse to do it or are unable to do it, would you feel that the remedy should be available to force it?

[6381] Ms Kirsten Han: I would support remedies that enhance transparency, so for example ---

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[6382] **Mr Edwin Tong Chun Fai:** No, Ms Han, focus on ---

[6383] **Ms Kirsten Han:** Yes, I am getting to the point.

[6384] **Mr Edwin Tong Chun Fai:** I'm trying to understand your position and that's why I'm using your postulations for this.

[6385] **Ms Kirsten Han:** That's why -- if it is in the interests of transparency, rather than censorship, I would support measures that would allow governments to then say, "Look, this needs to be labelled that this was funded by this person" or "It comes from this source. The provenance needs to be clear." I would support that sort of measures.

[6386] **Mr Howard Lee:** Mr Tong, can I also add --- sorry, Kirsten.

[6387] **Mr Terry Xu:** Howard, you want to go ahead?

[6388] **Mr Howard Lee:** Yes, I just want to add that when we are talking about debunking -- what you have said has led me to the conclusion, I apologise if I am wrong, that you think that to debunk it, you need the tech company to do something about it, when in actuality, no, there are plenty of measures you can take to debunk this.

[6389] **Mr Edwin Tong Chun Fai:** Sorry, Mr Lee, I think we are at cross purposes. I was trying to address it based on what Ms Han was saying earlier about requiring them to debunk it. But I take your point that there could be a range of other measures which we have spoken about.

[6390] **Ms Kirsten Han:** I agree with Howard that there are a range of ways to address and respond and debunk something like such content without requiring the tech companies to do something. We all have our own YouTube and Facebook accounts. Why could we not start there as well?

[6391] **Mr Edwin Tong Chun Fai:** You want to say something?

[6392] **Mr Terry Xu:** Yes. In this case, YouTube itself acknowledged that it violates their policy and then because the reviewers are not able to take a look at the video or whatever reason, they are unable to take it down.

[6393] The thing is, it is not about the takedown issue, because by their own, they should have taken down the video ---

[6394] **Mr Edwin Tong Chun Fai:** But they did not.

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[6395] **Mr Terry Xu:** But they didn't. The thing is, it's not about compelling them, but how are they compelled to hasten the whole process?

[6396] Again, my own personal view -- Facebook is an international company. It's not like a local company where you can compel. If it's a local company, I would say, legislation speaking, if they are unable to comply with this at the time, do you fine them on a daily basis ---

[6397] **Mr Edwin Tong Chun Fai:** Mr Xu, for the moment, don't conflate what we say should be done with how it should be done. That can always be a process that we engage on later on. I'm just focused on what we say should be done. Maybe, the best way of looking at this is just to show you another example of what was put on Twitter. Can we put up the picture on Twitter that was not taken down?

[6398] Okay, so we saw this earlier, it's a graphic image, and it's obviously one which is designed to fuel and fan discriminatory sentiments, there's a white Caucasian lady giving birth with migrant immigrant men around her, killing the baby as well. It's a very graphic image and it came up in the UK Parliament too. And Twitter was asked why this was not taken down, and they said this is not against our policy.

[6399] Now, as content providers, each of you, would you agree this is something that should be removed?

[6400] **Ms Kirsten Han:** I think it is abhorrent but I don't agree that it should be removed or that we should be able to compel its removal. I would definitely recommend more engagement with Twitter. If they don't think it violates their policy, then it seems that there should be engagement about that policy. But I would counsel being hasty in passing laws that would allow the compelling ---

[6401] **Mr Edwin Tong Chun Fai:** I think you made the point. The point that Twitter made in response to UK hearing when they were asked about this, is that this did not breach their policies. We are not in the YouTube video scenario. They take the view it doesn't breach their policy so they are not taking it down.

[6402] My question was a different one: if you were faced with this, would you not want to decide for yourself as a society what it is that we should be having purveyed within our own society and decide on what, if any, potential negative influences it might have which might undermine our social cohesion by way of racial or religious divides?

[6403] **Ms Kirsten Han:** I think we keep talking about society as if it's a homogenous thing that we can pin down, this is what society thinks, this is what society wants. It is not so simple, in my view, that that is so easily arrived at.

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[6404] I agree that probably -- and I would hope -- that a majority of society find such an image abhorrent but, as I would repeat again, and I think this point will stand, no matter how many examples I see, that we should not be able to have one body be the arbiter of what is acceptable.

[6405] **Mr Edwin Tong Chun Fai:** Would you put this online, any of you?

[6406] **Ms Kirsten Han:** I personally would not put this online.

[6407] **Mr Ngiam Shih Tung:** I mean again I would not put it online, simply because it is bad taste. For anything that I put my own name to. But how other people might use it is a different story. For example, you are using it here to illustrate examples, so clearly you don't think it is inflammatory enough not to show in Singapore.

[6408] **Mr Edwin Tong Chun Fai:** This was shown in the UK as an example and I think it is a good example of what differences of views might be and what one might regard as offensive and what a tech company might then regard as not a breach of their policy, so it is used in that context.

[6409] **Mr Ngiam Shih Tung:** We would all agree it is offensive. Whether it is illegal is a different question.

[6410] **Mr Terry Xu:** I personally also would not put this up, but the thing this content is hosted on a platform that is international.

[6411] **Mr Edwin Tong Chun Fai:** But you are getting into the how.

[6412] **Mr Terry Xu:** Yes, I wouldn't say how. Let's go another way. We as a country, we find this abhorrent, we want this to be taken down. Let's say there's another community around the world that has more individuals than us, that Twitter also has a base there and supports this.

[6413] So, where should this company stand on this content, whether should it be taken down or supported by the other group that says this content should be left up there? It becomes like a pull between who should they send, when it comes to this, because we find it offensive, and therefore we should take it down.

[6414] If this was in Singapore, I would say take it down. But the thing is, in a situation where this content is available elsewhere or it is even put up by another place

[6415] **Mr Edwin Tong Chun Fai:** Let's go back to your explanation, but keep it to Singapore.

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[6416] Mr Terry Xu: Okay.

[6417] Mr Edwin Tong Chun Fai: If it's Singapore, you would agree it should be taken down?

[6418] Mr Terry Xu: If it is Singapore, yes, I would say it should be taken down, especially since our laws would say that this is pretty much illegal.

[6419] Mr Edwin Tong Chun Fai: One of the points that has come through in all of your submissions is you say that it is not easy to define DOF. I want to show you what Prof Thio Li-ann said and get your views on it. If I can have the exchange that took place on 23 March. I'll just show you the transcripts, at page 53 of that transcript, and this Mr Xu is getting towards the how, because one of the points all of you say or make in your submissions is how do we decide or define what it is? Having gotten your views on what is the appropriate kind of response, I think we now get into the how we might frame that response. At line 16, Minister Shanmugam was asking Prof Thio some questions:

- a) "Mr K Shanmugam: There was some discussion earlier with another witness as to whether we can define what is a falsehood. You're a Professor of Law, a very eminent Professor of Law. You know that in our law falsehoods are defined in various places; correct?"
- b) Prof Thio: Yes.
- c) Mr K Shanmugam: The courts have had no difficulty identifying what is false and what is true; correct?
- d) Prof Thio: They regularly have to do so.
- e) Mr K Shanmugam: That is the basis on which a lot of case law goes.
- f) Prof Thio: Yes.
- g) Mr K Shanmugam: If you were to ask a lawyer, 'Is there any difficulty?' They would say, 'What difficulty? This is the basic bread and butter thing that we do all the time.'
- h) Prof Thio: It is a question of evidence and procedure and certain facts are easier to establish than others, but we have to do it.

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- i) Mr K Shanmugam: Therefore, it would be possible to define what is a falsehood?
- j) Prof Thio: Yes.”

[6420] Would you accept that the proposition that in law, it is common for lawyers and through case law to define and decide upon what is false and through that, through that exercise, we will then be able to be clear what is a deliberate online falsehood, at least as defined by the law?

[6421] What then might matter, of course, would be in some cases evidentially it is easier to make out, in other cases it is less easy to make out, but as a definitional exercise, it's quite clear. Would you agree?

[6422] Ms Kirsten Han: I disagree with that. I would agree with the part that whether something is true or false is constantly a matter in the courts and a matter that is a lawyer's bread and butter, but I would not agree that it makes it clear. We have seen instances where something that a court decided was false turned out to be true. So, for example, the NKF scandal, two people had made allegations against TT Durai, they were sued for defamation, they actually had to pay damages because apparently the courts did find that it was false and it was defamatory, they had to pay damages and later on it was found that it was true. I would agree that it is constantly a thing that is before the court but it doesn't necessarily make it clear and that would be why in my submission I say it is a real concern, because if this lack of clarity goes into actual legislation which then the courts would rely on, then it perpetuates the problem over and over.

[6423] Mr Edwin Tong Chun Fai: But if you agree that a falsehood, and one that is deliberate at that, that is online, is something we want to guard against, is something that has the potential to undermine national security interests, drives a wedge between person to person, undermines social cohesion, don't you think that something has to be done about it? Because the flipside of what you are saying is that we don't do anything about it, which can't be what you are saying?

[6424] Ms Kirsten Han: That is not what I'm saying, of course something should be done about it, but what I'm saying is that we have sufficient legislation already to deal with it and we should not have any more legislation.

[6425] So, I would advise that when something is done about it, we look at non-legal measures such as media literacy, building public trust, transparency that other individuals who have given evidence have already stated.

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[6426] Mr Edwin Tong Chun Fai: How then should we approach the problem? Because if you want to try and find ways of dealing with deliberate online falsehood, whether it is through legislation or non-legislation, one must first be able to identify that DOF, and that then comes back to the question of how you define it, isn't it?

[6427] Ms Kirsten Han: I think the definition becomes a major problem when we are talking about legislation, when it is about media literacy, about engagement, you don't need such a set in stone thing, because it is not about who is going to be charged in court. It becomes a bigger conversation of debunking, of different opinions, of actually managing conflict and negotiating conflict. Allowing people to make up their own minds, to be able to recognise what they see, educating people. So, the definition I'm really concerned about is what might end up going into legislation that would have an impact.

[6428] Mr Edwin Tong Chun Fai: Earlier on, we looked at different gradations between truth and falsehoods. That might be the case for something that is closer to one end or the other. But when it is a falsehood, surely if the law professor says it can be defined, we do need the definition in order to know when it appears and when it then needs to be acted upon.

[6429] Ms Kirsten Han: But you wouldn't need it to be a set in stone definition written down. For example, Jokowi is a Christian, yet if that is a falsehood, that could be easily debunked without needing any court or legal arbitration to say that it is a falsehood, they have all this evidence of him praying at mosque, of other evidence of him stating clearly that he is a Muslim and that could be easily done without needing any court or legal definition of whether it is true or false. It will come out of that public conversation.

[6430] Mr Edwin Tong Chun Fai: If you wish to take action against or about something, a publication that is going online that is false, don't you need to identify the falsity of it first?

[6431] Ms Kirsten Han: I would be counselling against the taking legal action in the first place. For the debunking, I would say that it would be, as Howard has said, you don't always need legal action to deal with that.

[6432] Mr Edwin Tong Chun Fai: I think your position is despite the relative ease with which one can define falsity as explained by a law professor, your view is that one should not be defining it, instead one should be using non-legal, non-legislative means, I would say regimes or methods which are more in the vein of education, countering and media literacy efforts, as opposed to legislative?

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[6433] Ms Kirsten Han: Yes, I would counsel that because if we are talking about disinformation campaigns as a whole, rather than isolated examples, a lot of disinformation campaigns rely on things that lie on the spectrum. For example, if we say that Breitbart is not a credible site in the US, it does not mean everything on it is as demonstrably false as “Jokowi is a Christian”, but that it does lie on the spectrum.

[6434] So, I would think a more effective response to things that respond to disinformation campaign as a whole would be the non-legal measures. Rather than -- if we look at such narrow definition as a “Jokowi is a Christian” sort of situation, that only addresses a tiny part of this disinformation campaign. Also then, it would have the issues of backfire, issues of eroding public trust, that is a danger I feel we should definitely be aware of, that legislation that would criminalise things that we consider to be falsehoods or that some -- the government considers to be a falsehood, might lead to the erosion of public trust because people might use it, as Dr George said, as a backfire to claim oppression or instead of debunking the claim, make people feel like you are removing it because you are hiding something, which might end up fuelling conspiracy theories and that might actually erode trust in public institutions.

[6435] Just now, we looked at the table about how well Singapore is doing and I think that puts us in a very good position to look at non-legal measures and more long-term measures, because there is good trust in institutions, there is higher education, there is high connectivity and all these good things, which put us in a very strong position to look at longer term and more holistic measures rather than knee-jerk and hasty responses.

[6436] Mr Edwin Tong Chun Fai: As you heard Mr Shanmugam earlier, no one here is saying that one looks at only legislation, I think that is clear at the outset, and certainly for this Committee, speaking for myself, that’s my view. I think one must be looking at the different spectrum of items. I don’t disagree with you that when you look at disinformation that is perhaps less on the false side but still equally pernicious and has a slow drip effect, public education in the long term, media literacy, would be useful, but even Prof George said, if I quote him correctly, if you have something that is serious, false, damaging, going viral and undermining social cohesion, you can’t go and distribute a media literacy leaflet and expect the issue to go away.

[6437] Ms Kirsten Han: Yes, of course, but we already have a lot of legislation ---

[6438] Mr Edwin Tong Chun Fai: Let me finish. Even Prof George acknowledges that in that situation, you need the tools, the right remedies, including legislation, to deal with it. While you accept what Prof George said about the backfire effect, you should also accept that he what he says in such a situation, that media literacy is not for all situations.

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[6439] **Ms Kirsten Han:** Yes, I accept that in some situations, legislation would be required but my case is that we already have a raft of legislation that allows us to address these things.

[6440] **Mr Edwin Tong Chun Fai:** If we take that as a starting point, then I think you would accept it is for someone to decide if that legislation is indeed enough.

[6441] **Ms Kirsten Han:** Yes, and my issue is that there is a danger in allowing someone to decide. Who gets to decide, who becomes that arbiter?

[6442] **Mr Edwin Tong Chun Fai:** Someone has to decide.

[6443] **Ms Kirsten Han:** Yes, and I think that is very dangerous. So, I would counsel against introducing any new law that might have an impact on censorship. In fact, I would like to actually, if I may, refer to a high level expert report from the EU Commission. From the Green Paper -- we have seen that the Green Paper points to a number of European cases as to how they have been targets of disinformation campaigns.

[6444] So, I think it is particularly relevant to look at the EU Commission's high level expert group report because these are the countries that we have identified as having been targets and this is what the report that was put together by a lot of industry experts ---

[6445] **Mr Edwin Tong Chun Fai:** Are you dealing with the point on legislation?

[6446] **Ms Kirsten Han:** Yes, and so these experts say ---

[6447] **Mr Edwin Tong Chun Fai:** Wait, Ms Han, can you tell us whether you are dealing with the point on legislation?

[6448] **Ms Kirsten Han:** Yes, I am. In this case, they would counsel against things that would include "censorship and online surveillance, which would come under legislation, and other misguided responses that can backfire substantially and that can be used by purveyors of disinformation in an 'us versus them' narrative that can delegitimise responses against disinformation and be counter-productive in the short and long run. Attention should also be paid to lack of transparency and to privatisation of censorship by delegation to specific bodies, entities or private companies."

[6449] In this expert report, they highlighted that this is a particularly bad practice which might be counter-productive, which is in line with why I would counsel that we do not introduce any more new legislation.

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[6450] Mr Edwin Tong Chun Fai: I understand but I do go back to what Prof George himself also said, and I think you would agree, because I thought I heard you say that you can't use education literacy efforts and so on, which are all long-term prospects, as something to respond quickly, namely, to an on the spot problem; right?

[6451] Ms Kirsten Han: Yes, I believe Dr George gave the example of if a preacher was preaching hate against a particular community, it is not the time to be distributing media literacy fliers, and he specifically said, "Throw the book at him." And I would agree with that and my point is that we already have many books to throw at him, we don't need any more new books.

[6452] Mr Edwin Tong Chun Fai: The question of whether there should be more books or less books or the same books is a question that will be taken up and we have heard Prof Goh Yihan, dean of SMU law faculty, give a view on that, plus other experts as well. So, we will move on.

[6453] Mr Ngiam Shih Tung: Sorry, can we go back to the point of defining falsehood. I think you asked us whether we accept it is possible to define truth or falsehood and notwithstanding ---

[6454] Mr Edwin Tong Chun Fai: I asked you whether you would agree with Prof Thio's views.

[6455] Mr Ngiam Shih Tung: On whether it's easy to agree with falsehoods, "No". I think I would not agree with that. We need to look at the recent POHA case between Mindef and Dr Ting. Five different judges looked at the same facts and they couldn't even agree on whether the two facts in question were true or false.

[6456] Mr Edwin Tong Chun Fai: Don't ignore what Prof Thio said about the evidence. The evidence that gives rise to it can be difficult in some cases and can be easy in other cases, but it doesn't mean that you cannot define what it is.

[6457] I accept that on a case-by-case basis, the evidence will be different, and that is what she has said as well, but it doesn't take away the fact that in law many legal propositions are defined on falsehoods and one has to have a definition before you can even proceed. I'm not sure we are not at cross-purposes here, on this question.

[6458] Mr Howard Lee: If I may add on that point, if we look at what Prof Thio said, it is fairly insightful actually, because she said that how you define falsehoods is based on facts, which in itself is quite problematic when you talk about information, because at any point in time, as with the case of NKF, there could be different facts coming out at different times, and it is about the inter-play of facts that basically allow us to understand what is essentially true and what is false.

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[6459] In most cases, if you were to say somebody killed someone, he admitted to it, he had a weapon in his hand, all these are the facts, but can we actually safely say the same thing for information? That is something that I'm personally not too certain about.

[6460] **Mr Edwin Tong Chun Fai:** I would just say this, Mr Lee, that there are obviously versions of facts that have to be found, that is what the judge does all the time, based on evidence. Once that is done, one then looks at the definition of what is false and applies that. Prof Thio is saying that that definition that attempts to define what is falsehood is not difficult.

[6461] I'll move on to some of the points in your specific submissions, starting with Mr Xu. You have referred at page 2, paragraph 3, you refer to this Vietnamese tourist. This is not a falsehood, right? This actually happened?

[6462] **Mr Terry Xu:** Yes.

[6463] **Mr Edwin Tong Chun Fai:** It is not really what we are talking about. This was an event that took place and it was reported. It is a true incident, right?

[6464] **Mr Terry Xu:** Yes, it is a true incident. I'm just saying, using this incident and you compare it with the TRS incident, people tend to share things that they are emotionally involved in. I'm not saying that the case is a falsehood, in fact it came with a video, but the thing is people without, in most cases and on articles and stuff, they will share things when they are emotionally involved, they feel for the person, and therefore they will share, without going through the proper fact-checking channels.

[6465] **Mr Edwin Tong Chun Fai:** This scenario would be quite different from the Ahok kind of scenario, right?

[6466] **Mr Terry Xu:** The Ahok kind of scenario would be a religious kind of push rather than an empathy driven desire to share. As in a lot of the stories where people share about facing heavy medical bills, being -- not to say it is true -- but bullied by officers from the family care centres, et cetera, this may not be true but people tend to cite these because there is an absence of other facts that disprove or prove this thing and they would very well go and share.

[6467] **Mr Edwin Tong Chun Fai:** All right. On this question of legislation, I want to go back to Ms Han's point. I think you have the report with you which you cited to me.

[6468] **Ms Kirsten Han:** Yes.

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[6469] Mr Edwin Tong Chun Fai: You were using it to make the point that it did not recommend any legislation. Let me take you to the relevant portions. At page 31, you will see that the high level group which you cited, HLEG, expressly left the door open to regulation. If you look at page 31 and I read: “The HLEG believes that as a first step the best responses are likely to be those driven by multi-stakeholder collaborations. It should be acknowledged, however, that the ability of self-regulatory measures in this area has never been tested and the willingness of all parties to adhere to such an approach remains to be proven. Moreover, their effective and consistent implementation across the whole of EU may represent a challenge for all players concerned. Therefore, based on an independent evaluation of the effectiveness of the proposed general code of practices, the European Commission should consider, in a second step, appropriate regulatory responses or competition instruments in order to ensure that the actions recommended in the report are effectively implemented.” It does not say that legislation is not to be considered; correct?

[6470] Ms Kirsten Han: Yes.

[6471] Mr Edwin Tong Chun Fai: Thank you.

[6472] Ms Kirsten Han: But I would also like to emphasise that it also very specifically says that censorship should be avoided, freedom of expression should be avoided and governments should also avoid regulating.

[6473] Mr Edwin Tong Chun Fai: That is not necessarily the same as saying no legislation; right?

[6474] Ms Kirsten Han: My point on no further legislation refers to the legislation regarding policing content and regulating content. I would be okay with legislation, for example, like a Freedom of Information Act or an honest ads policy that pushes for transparency, as I have said before.

[6475] Mr Edwin Tong Chun Fai: We will get to that. The point remains that one of the reservations they had on the code of practices was the effectiveness of implementation. It is not to say that the Code of Practice or any regulation was not to be considered, but one of the reservations was about its implementation across the whole of EU, which doesn't quite represent the same challenge for us. Would you agree?

[6476] Ms Kirsten Han: Yes, I agree with that in the Singapore context. But again, I go back to the point about the censorship, I think that really needs to be made. That is the key point and that is why I'm here today.

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[6477] Mr Edwin Tong Chun Fai: Yes, but I think we also agree that legislation doesn't mean censorship.

[6478] Ms Kirsten Han: But I can't comment about that until we actually see a draft of the legislation.

[6479] Mr Edwin Tong Chun Fai: You also agree that contrary to what you said earlier, this report doesn't rule out legislation?

[6480] Ms Kirsten Han: I said it in the context of legislation that polices content, yes. The report does emphasise more on transparency, media literacy, the diversity and sustainability of the news media, empowering users and research.

[6481] So, yes; it doesn't completely rule out all legislation but it does specifically say that censorship should be avoided. I do hope that if there is a draft Bill, there can be more open public consultation of this form so that Singaporeans can be involved in this process.

[6482] Mr Edwin Tong Chun Fai: We were at the Vietnamese incident, which is different from the Ahok incident, which was a clear falsehood. It's also different from -- you would remember there was a terrorist attack in London in March 2017. I want to show you some of those reports. This was one that was generated, a picture of the site of the attack where there were plenty of laughing icons and like icons to this, trying to paint a picture from Al-Jazeera's live Facebook coverage that the Muslim world is laughing at the London attack. That is obviously something that was generated falsely to promote a particular sentiment.

[6483] Next, let me show you this article in the Washington Post, where in the aftermath of the Paris attacks there were apparently scenes of revelry, the title of the clip was "Muslims around the world celebrate the Islamic victory in Paris, France." The video was rapidly disseminated and along with the dissemination, there was outrage. The video, in fact, had nothing to do with terrorism, it was filmed in 2009, some six years prior to that, not the weekend of it, and it showed the Pakistanis celebrating a cricket match victory following the ICC World 20 Tournament. But the video had generated 500,000 views within hours of it being live on Facebook. It is not the only piece of fake evidence demonstrating apparent Muslim joy over the Paris attacks. These falsehoods are designed to incite a particular sentiment in society. Would you agree?

[6484] Mr Terry Xu: Yes, I agree.

[6485] Mr Edwin Tong Chun Fai: They can travel and go viral very quickly, would you agree?

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[6486] **Mr Terry Xu:** Yes, I agree.

[6487] **Mr Edwin Tong Chun Fai:** You have seen the harm that the speed at which it has travelled has caused; would you agree?

[6488] **Mr Terry Xu:** Yes, I agree.

[6489] **Mr Edwin Tong Chun Fai:** So, any response has to be attenuated to deal with that harm that it has caused. Would you agree?

[6490] **Mr Terry Xu:** I think from a media practitioner perspective, if something like that happened in Singapore, all of us would be scrambling to find out is this really true. I think that is ---

[6491] **Mr Edwin Tong Chun Fai:** Let's start from the proposition that it is untrue. It is untrue and it never happened, but it continues -- the fact that it is untrue doesn't mean it stops being viral. It continues being transmitted. Right?

[6492] So, would you agree that in that context, in that situation, the appropriate response has to take this into account, has to attenuate -- the response has to be attenuated to the kind of harm that a viral video like this can cause. Would you agree?

[6493] **Mr Terry Xu:** I will agree and frankly, if you ask me, it shouldn't be -- I'm repeating what Ms Han is saying -- shouldn't be a takedown. Instead, something like a message which says that this is not verified.

[6494] **Mr Edwin Tong Chun Fai:** Why would you not advocate a takedown when it is obviously false and itself generating outrage?

[6495] **Mr Terry Xu:** What if it is true? Not in this case, not on this side of so-called racial ---

[6496] **Mr Edwin Tong Chun Fai:** Let's focus on these parameters, let's say it's false in this instance, it never happened and they spliced the video together to create a particular image that didn't take place. It is causing outrage to people who think it is true. And there is a ---

[6497] **Mr Terry Xu:** Okay.

[6498] **Mr Edwin Tong Chun Fai:** Let me finish. And there is a harm associated with each share, like or repost. Would you not agree that the remedy that you have must be able to target and address that?

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[6499] **Mr Terry Xu:** I ---

[6500] **Mr Howard Lee:** May I answer that?

[6501] **Mr Edwin Tong Chun Fai:** No, let Mr Xu have a crack at it first. Anyway, it's his report that I'm focused on.

[6502] **Mr Terry Xu:** I would say -- how would I say it -- let's say individuals share this report. The first thing that people would ask is, is this true or not?

[6503] **Mr Edwin Tong Chun Fai:** Mr Xu ---

[6504] **Mr Terry Xu:** I'm really looking at this as it is. If an account that basically had -- because I scour through the social media, the Facebook on a daily basis ---

[6505] **Mr Edwin Tong Chun Fai:** Sorry, Mr Xu, I know you do, but these parameters: it is false, as I said it is a video spliced together, it is intended to and you can see it has caused incitement and it creates a sentiment against Muslims. But it's untrue, but it's going viral and with each share and repost, it causes more damage. Don't you think the remedy must include an appropriate response, attenuated to this damage and harm?

[6506] **Mr Terry Xu:** Yes, but the thing is, I understand that Facebook actually has measures in place where people can report the video or stuff. In fact, I believe that is what happened to certain videos that is circulated in Singapore, where people report on videos and then it is taken down once it reaches critical mass.

[6507] **Mr Edwin Tong Chun Fai:** But if it is not?

[6508] **Mr Terry Xu:** If it is not taken down like in the cases, I have not really seen that. But if it's not, obviously, it's like what I mentioned in the previous case, where Facebook and Google say that it should have been taken down based on their policy ---

[6509] **Mr Edwin Tong Chun Fai:** Should be, but if it is not?

[6510] **Mr Terry Xu:** But if it is not ---

[6511] **Mr Edwin Tong Chun Fai:** Then, shouldn't one have the teeth to be able to do it or at least effect some remedy that is appropriate to the potential harm it is doing?

[6512] **Mr Terry Xu:** The question is: should there be or not? Okay. If you ask me off the cuff, yes, there should be, there should be some measures in which if really this is going wildfire, you cannot control ---

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[6513] Mr Edwin Tong Chun Fai: 500,000 in a short space of time.

[6514] Mr Terry Xu: Then, again, it goes to the issue, I believe Facebook accounts, if it's on the news site, then obviously the news site has to be accountable for that. If it's individual, then the person has to be accountable; but if it's from a fake account then there's an issue by itself.

[6515] Mr Edwin Tong Chun Fai: Let me show you another example, Al-Jazeera this time, and this time in the context of something closer to home, in Myanmar. The title is "Rape used as a weapon in Myanmar to ignite fear."

[6516] At the bottom of the page, so there was a Buddhist woman who filed a report, alleging that two Muslim co-workers had raped her. Before long, the local website picked up the story.

[6517] Over the page, there was a prominent Buddhist monk who published a claim on his Facebook page, the allegations went viral, the consequences were lethal. "Within 24 hours, on 1 July 2014, angry Buddhist mobs armed with sticks, knives and torches marched through the streets of Mandalay. They circled the local mosque, Muslim-owned businesses, and the teashop where the accused worked. There were motorcades and shouting, 'Kill the Kalars'" Kalars means Muslims. Samar Nyinyi, a Muslim civic leader who witnessed the violence: "Folks from the cars spit on Muslims openly in the daytime and after that, folks came with swords and spears. One Buddhist and one Muslim man were killed in the ensuing two days of violence, dozens were injured, Muslim shops ransacked, and a mosque badly burned. But the original allegation of rape that seemingly incited the violence -- the one that Wirathu posted on his Facebook page -- was part of a carefully orchestrated lie. The rape never happened."

[6518] Another example of a falsehood which has quite devastating consequences. Would you agree?

[6519] Mr Terry Xu: I think the issue is not on the allegation per se but the call ---

[6520] Mr Edwin Tong Chun Fai: On the sharing?

[6521] Mr Terry Xu: The sharing of the falsehood and calling for the Muslims to be killed. That is really the trigger point. The falsehood can be easily disputed by the efforts of the local police and media to disseminate the information. What is the spark is the action of this anti-Muslim monk.

[6522] Mr Edwin Tong Chun Fai: Yes. But this is something that illustrates that speed is important, right, because within 24 hours, this had happened?

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[6523] Mr Terry Xu: But the thing is: how would you determine whether or not the allegation is true in the first place? End of the day the police still have to conduct their own investigation on whether this claim is true or not.

[6524] As I said, the whole massacre or the whole issue is caused by this person calling for the blood of the other religion.

[6525] Mr Edwin Tong Chun Fai: Based on a falsehood.

[6526] Mr Terry Xu: Yes, but whether it is true or false, the person should not be calling for that.

[6527] Ms Kirsten Han: May I interject here briefly, because I find this example very useful for something to hopefully save time, so we don't have to go over it again. On this point, if we were talking in the context of a takedown, such a post if we do assume, as Terry said, perhaps at that point, at such speed you might not actually know if the rape did happen or not, but even if we assume it is false, I do not see how at this point compelling a takedown would necessarily fix the problem, because this is playing on such deep rooted social divisions that by the time you get to the incitement of people with swords running around in the streets, the actual existence of the post is irrelevant at this point. The takedown of it will not defuse this mob, in fact it might again -- I'm sorry if I sound like a broken recorder -- backfire and make people go "Facebook is deliberately oppressing us, they have something to hide, they don't want this rape to go out". Even if the rape is false, it might lead to more inflamed tensions. I wanted to jump in just to say this example could illustrate the point I was trying to make.

[6528] Mr Edwin Tong Chun Fai: And save Mr Xu an answer.

[6529] Ms Kirsten Han: No, I believe he had already answered.

[6530] Mr Edwin Tong Chun Fai: If you take the view that the more people know about this, the more incendiary it becomes, then, surely the stopping of spreading would be measure number 1. I accept that there would be other measures that are needed, but it would be measure number 1 and speed is crucial, isn't it?

[6531] Ms Kirsten Han: The difficulty is, would it really stop the spreading? Because it is not really fool-proof; we might end up with the Streisand effect of them going, "Oh, I think there was a takedown order issued by the government and they have taken down something", and that spreads and it creates more unhappiness. Unless we are talking about a situation where we have such tech dominance that a takedown literally means it vanishes from the Internet forever, we cannot assume that this would be the case.

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[6532] Dr Janil Puthucheary: Chairman, can I just interrupt with a clarification on this particular point? May I confirm that both Ms Han and Mr Xu, your view is that, faced with a false, racially motivated rape allegation, which is now inciting violence, you would prefer for that information to persist because you would prioritise the negative consequences of backfire over any potential benefit from taking that down? In other words, you are more worried that taking it down will cause greater harm and inflame passions more, and so you would prefer for this to be left to circulate because that is less harm than what would happen if it continues to be spread? Is that your position?

[6533] Ms Kirsten Han: No, I'm saying that in a Singapore context we would already have laws, such the Sedition Act, that could tackle inciting disharmony between racial and religious groups.

[6534] Dr Janil Puthucheary: Ms Han, that's not the question I'm asking, I'm not asking whether there are other measures. Mr Tong has made it clear. He is not asking whether other measures would not be brought to bear, and we all accept that many measures may be used in these situations.

[6535] The issue is, yes, we would do all the other things, but even doing all the other things, your position is it is better to leave this up there because the harm or the backfire effect is worse than the harm of further inflaming racial tensions?

[6536] Ms Kirsten Han: No. I believe you are characterising it as, if I don't endorse a law that allows takedown, you are saying we should leave it there and let it spread?

[6537] Dr Janil Puthucheary: No, I'm not talking about the law, I'm saying that it has to be taken down.

[6538] Ms Kirsten Han: I am talking about law, that's why I said in this case ---

[6539] Dr Janil Puthucheary: But that is not the issue here. I'm asking: your characterisation is that it is better to leave it up there and allow further hatred, further violence, further confusion to spread, because you are more worried about the backfire effect than the further harm that this information does? We haven't worked out how we will take it down yet but I'm asking: do you want it taken down?

[6540] Ms Kirsten Han: No.

[6541] Dr Janil Puthucheary: For the reasons I have stated?

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[6542] **Ms Kirsten Han:** No, my position would be that we should explore other measures and use the existing laws that we already have, but I would not take that down.

[6543] **Dr Janil Puthucheary:** Okay.

[6544] **Mr Terry Xu:** My position is different. You see, I think Dr Janil conflated the two things, because there are two posts. One post is alleging that a rape happened, the other post used the fake news to justify calling for the ---

[6545] **Dr Janil Puthucheary:** I'm not talking about the first post; I am talking the second post using the first post.

[6546] **Mr Terry Xu:** In that case, I personally advocate taking down the second post because it advocates hate speech.

[6547] **Dr Janil Puthucheary:** Okay. So, you would advocate taking it down?

[6548] **Mr Terry Xu:** Yes.

[6549] **Dr Janil Puthucheary:** The first post, which is a false allegation of rape, is a crime and it is racially motivated, I am asking whether you would need for that to be taken down or you think it is okay for that to persist because you are worried about the backfire effect?

[6550] **Mr Terry Xu:** As I said, allegation of rape, how do you determine within hours?

[6551] **Dr Janil Puthucheary:** I understand, but it has been proven false.

[6552] **Mr Ngiam Shih Tung:** Did you say it was racially motivated or was it driven by a business rival?

[6553] **Dr Janil Puthucheary:** I think you are confusing two issues here. It is racially motivated, it's a person of one race making an allegation against a person of somebody else's race. Let Mr Xu finish, please.

[6554] **Mr Terry Xu:** What point was that?

[6555] **Dr Janil Puthucheary:** The point I'm making is that even if you accept that it was false, in other words, the woman turns up and says, "Yes, by the way it was false", you don't feel that that needs to be taken down?

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[6556] **Mr Terry Xu:** I believe it should be taken down.

[6557] **Dr Janil Puthucheary:** So, both posts you would agree ---

[6558] **Mr Terry Xu:** But the thing is because it's different from, say, because it is racially sensitive or there is a tendency for it to spiral out of control, then you take it down. So, to prevent that becoming out of control, then you take it down. When it is proven that ---

[6559] **Dr Janil Puthucheary:** Mr Xu, there are two different points, I'm not conflating the two. The second post you agree should be taken down because it is an incitement to violence?

[6560] **Mr Terry Xu:** Yes. That's ---

[6561] **Dr Janil Puthucheary:** And the first post, you would agree, should be taken down once it is proven to be a crime?

[6562] **Mr Terry Xu:** I would say once it's proven it's a falsehood.

[6563] **Mr Howard Lee:** Can I interject at this point?

[6564] **Ms Kirsten Han:** I will just quickly elaborate. What I am saying is that, yes, it should be left up and, yes, backfire is an issue. And we don't know which would inflame it more, if we leave it up, more people might join, if we take it down, more people might join because of the backfire and we don't know which one will clearly create the harm.

[6565] **Dr Janil Puthucheary:** I'm not asking if we have an uncertainty, I'm asking your position is that ---

[6566] **Ms Kirsten Han:** Yes, my position is because there is this uncertainty, I would leave it up, because since there is this uncertainty, I'm also concerned about how this law would then be applied, not just in this case but in other cases. That's what my position would be.

[6567] **Dr Janil Puthucheary:** Thank you, Ms Han.

[6568] **Mr Howard Lee:** I would like to add that I tend to agree with Mr Tong that we actually do need a quick response. My only query is which would actually be the quicker response. Do we try to legislate, outlaw it and effectively take it down and ban it, which could be a fairly long process, or basically leave it as it is and basically inform people that ---

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[6569] **Dr Janil Puthucheary:** So, what is your position, Mr Lee?

[6570] **Mr Howard Lee:** My position would be to leave it there.

[6571] **Dr Janil Puthucheary:** Because you are more worried about the backfire effect than the potential further information?

[6572] **Mr Howard Lee:** That is only one part of what I'm concerned about. The other part I'm concerned about is the speed at which we can resolve the situation. I'm not talking about the speed at which we take it down. We have to resolve the situation by going out with an advisory that says, either the police are still investigating this, or if we know the facts, we know this to be true ---

[6573] **Dr Janil Puthucheary:** I understand, we need to do a variety of things, I just wanted some clarity that it would be your preference to leave the material up. That's all I wanted to understand. Thank you very much.

[6574] **Mr Howard Lee:** And because it is more efficient than a take down, yes.

[6575] **Ms Kirsten Han:** I would like to highlight that the Myanmar context is extremely different from the Singapore one as well.

[6576] **Mr Edwin Tong Chun Fai:** Different only because I think you are saying that it starts off with a heightened sense of conflict between the different races?

[6577] **Ms Kirsten Han:** And also the media literacy level, the Internet literacy level, the information literacy level is extremely different between Myanmar and Singapore. We're talking about Myanmar, a place which not that long ago, had very low Internet penetration that suddenly exploded across the population very, very quickly.

[6578] **Mr Edwin Tong Chun Fai:** Mr Xu, back to your submission. You also made the point in your submission that at various junctures you had raised queries with the police but they were not answered. You made some points like that here.

[6579] **Mr Terry Xu:** Yes, that is correct.

[6580] **Mr Edwin Tong Chun Fai:** First of all, are you suggesting that every query you make to the police whilst an investigation is going on should be responded to?

[6581] **Mr Terry Xu:** It should be responded to as saying, we are looking into the matter. At least there should be some ---

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[6582] **Mr Edwin Tong Chun Fai:** But it doesn't give you a substantive response. You are okay with that?

[6583] **Mr Terry Xu:** To the best of their ability, because so far what I have met is basically a stone wall.

[6584] **Mr Edwin Tong Chun Fai:** Investigations until they are completed are confidential; right?

[6585] **Mr Terry Xu:** Yes, correct. Okay, I agree on that. Things that are ongoing are sensitive, information that is sensitive should be kept from the public, but even after the whole thing is over and charged, the query remains unreplied.

[6586] **Mr Edwin Tong Chun Fai:** If you look at it in the context of what you say here, you asked about it in the context of the Thaipusam procession that you mentioned in your report and you also raised it in the context of the Benjamin Lim case.

[6587] **Mr Terry Xu:** That's correct.

[6588] **Mr Edwin Tong Chun Fai:** In both cases, the investigation was not completed; correct?

[6589] **Mr Terry Xu:** It is not included in this, but the questions that I raised had nothing to do with the so-called details of the investigation but more of the procedures by the police. So, it basically had nothing to do with the case itself, but more of what is the operational procedure of the police. Whether or not they released or not has nothing to affect the case.

[6590] **Mr Edwin Tong Chun Fai:** Leaving aside the question that you just outlined, as a content provider, as someone who publishes and circulates articles carried on Facebook and other means as we discussed at the start, you do have a responsibility to make sure you get the facts right; correct?

[6591] **Mr Terry Xu:** Yes, that is correct.

[6592] **Mr Edwin Tong Chun Fai:** In fact, it is an ethical duty that you owe, right?

[6593] **Mr Terry Xu:** Yes, that's correct.

[6594] **Mr Edwin Tong Chun Fai:** It's a journalistic ethical duty to ensure that you check and verify the facts, right?

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[6595] **Mr Terry Xu:** I always tell my friends, I don't call myself a journalist.

[6596] **Mr Edwin Tong Chun Fai:** As a publisher, as a content provider?

[6597] **Mr Terry Xu:** As a publisher, yes, I agree I have to do my due diligence to ensure what I publish is correct as to what I know.

[6598] **Dr Janil Puthucheary:** Could I just diverge a little bit and put it to all three of you that a REACH study suggests that Singaporeans are very concerned about deliberate online falsehoods and want something done, including strengthening our laws. They are very concerned that they come across online news that they think is not fully accurate, 77 per cent came across online news that they thought was not accurate, significant numbers have come across fake news related to Singapore in the one past year. If you are reading the newspapers at the moment, probably you have the same thing. One in two are confident of their ability to discern fake news.

[6599] But they have some concerns about other Singaporeans' ability to discern fake news. Two in three were concerned about the spread of fake online news and the ability of other Singaporeans to discern it. 92 per cent think there should be more effective laws to require those who publish fake news to remove or correct fake news, and 91 per cent think that people who put out fake news deliberately should be prosecuted if their actions have serious consequences.

[6600] I am concerned that the positions that all of you have taken in a way are not reflective of what the vast majority, 91 or 92 per cent of Singaporeans, wants in terms of protection from manipulation, from online fake news, from the uncertainty they face. Are you concerned that your views are so different from the majority of Singaporeans about strengthening our legislative provisions and our regulatory provisions? Are you worried that not doing these things may not serve the needs expressed by these Singaporeans, is that a concern that you have?

[6601] **Ms Kirsten Han:** Going back to the point I made about society not being homogenous, yes, I am making a submission as an individual, I cannot claim to represent the entirety of Singaporean society, but at the same time I also have not seen the full report, I have seen these results but I have not seen the full report or their methodology. I was wondering if the questions were posed to the respondents in the way that they are in in this. For example, let me first clarify this: "Do you think there should be more effective laws to require those who publish fake news to correct or remove the fake news?" I'm not surprised that 92 per cent would say "yes", I can't think of anybody who would object to having more effective laws, but I have a problem with the framing of this question, because I do question then, do the respondents already have a full understanding of what laws we currently have and ---

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[6602] **Dr Janil Puthucheary:** Ms Han, we are not here ---

[6603] **Ms Kirsten Han:** Let me finish. Having more effective laws, it is a very conceptual thing and I don't know how that connects to what we might have.

[6604] **Dr Janil Puthucheary:** I understand but I'm not here to debate whether the person doing the poll did a good job or not so you can either reject it outright or we can accept it and then we can see what your position is on the basis of the facts ---

[6605] **Ms Kirsten Han:** But whether they did a good job or not has a direct effect on the results they have.

[6606] **Dr Janil Puthucheary:** I'm going to take it at face value. Are you going to take it at face value?

[6607] **Ms Kirsten Han:** No.

[6608] **Dr Janil Puthucheary:** Would do you agree with the proposition?

[6609] **Ms Kirsten Han:** The proposition being?

[6610] **Dr Janil Puthucheary:** Do you think there should be more effective laws to require those who publish fake news to remove or correct the fake news?

[6611] **Ms Kirsten Han:** Knowing what I do, I would say no, but I'm questioning the framing of the question.

[6612] **Dr Janil Puthucheary:** Mr Xu, are you concerned that the majority of Singaporeans want something done about this but you disagree?

[6613] **Mr Terry Xu:** Continue with what Ms Han said. Let's say if the question posed to me saying if a foreign entity starts a fake Facebook page ---

[6614] **Dr Janil Puthucheary:** Mr Xu, I'm going to interrupt you because I would like to deal with this study.

[6615] **Mr Terry Xu:** Yes, I'm dealing with this study. The thing is if the question were put to me as a fake Facebook page set up by foreign entities ---

[6616] **Dr Janil Puthucheary:** This question.

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[6617] **Mr Terry Xu:** Yes, what I'm saying is exactly to this question. If this example was being used to say, this is the example, that foreign forces are interfering with Singapore, with fake news, I would agree with the 92 per cent. But then ---

[6618] **Dr Janil Puthucheary:** Thank you very much. You would agree with the 92 per cent, Ms Han would not.

[6619] **Mr Terry Xu:** Based on the circumstances, yes.

[6620] **Dr Janil Puthucheary:** Mr Ngiam, would you agree with this concern of Singaporeans?

[6621] **Mr Ngiam Shih Tung:** I would answer "no" simply because there is no definition of fake news. This Committee has never defined DOF, so if the typical surveyor comes to me I would say, "What is fake news?"

[6622] **Dr Janil Puthucheary:** You would put yourself in the 8 per cent of people who would say no to these questions?

[6623] **Mr Ngiam Shih Tung:** Yes, and also because the question is asking whether we need more effective laws and my position is that we have existing laws.

[6624] **Dr Janil Puthucheary:** Mr Lee, would you agree with Ms Han, Mr Xu or Mr Ngiam? Or do you have a third view?

[6625] **Mr Howard Lee:** Third view, please.

[6626] **Dr Janil Puthucheary:** So, neither yes nor no?

[6627] **Mr Howard Lee:** This survey is highly problematic to the extent that I would have to disagree with ---

[6628] **Dr Janil Puthucheary:** I understand. You are taking Ms Han's view that you should reject the survey altogether?

[6629] **Mr Howard Lee:** Well, yes ---

[6630] **Dr Janil Puthucheary:** Okay, then, I put the question to you: do you think there should be more effective laws to require those who publish fake news to remove or correct the fake news? Are you in the 92 per cent or the 8 per cent?

[6631] **Mr Howard Lee:** I'm in the 8 per cent.

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[6632] **Dr Janil Puthucheary:** Okay, thank you very much.

[6633] **Mr Edwin Tong Chun Fai:** Would you say that if you don't have these laws that require you to take down, you are happy to leave a post that is likely to cause damage, maybe even destruction of property and loss of life, and leave it on because you feel that there should be the ability to respond and debunk it and you are concerned about this blowback effect? I know Mr Xu has answered, what about Mr Lee? I'm not sure I heard from you.

[6634] **Mr Howard Lee:** To leave it as it is? No. But definitely not to attempt to take it down. If you understand what I mean. So, there has to be a response.

[6635] **Mr Edwin Tong Chun Fai:** Yes, I do. But even if you are faced with the consequence that it is going viral and the more people see it, the more people come out and demonstrate, and the more risk there would be to loss of lives, is that your position?

[6636] **Mr Howard Lee:** I think we have to approach it from the perspective of exactly what we are going to do to debunk it.

[6637] **Mr Edwin Tong Chun Fai:** Keep to my parameters. I'm trying to understand your position so that we can move on.

[6638] **Mr Howard Lee:** My answer to that is I think something has to be done, I'm just not certain that it has to be legislation. That would be my definite position.

[6639] **Mr Edwin Tong Chun Fai:** Final answer?

[6640] **Mr Howard Lee:** Yes, of course.

[6641] **Mr Edwin Tong Chun Fai:** Thank you. Mr Xu, we got side-tracked from you. We were talking about the ability to put out information accurately and correctly. I think, if I may say, you and your colleagues here represent a part of the ecosystem that is very important, because we have talked to lawyers, people who study the problem as academics, we have talked about the tech companies, people who provide the platforms, but ultimately you provide the stories and you provide the content, which was why I asked you: is it part of your duty to ensure that whatever you put out there is accurate?

[6642] **Mr Terry Xu:** As accurate as I can. In order to make sure it is a full story, I would definitely get from two or three parties, at least two parties' point of view. But there are times where you can't get a response, despite how long you wait, but then again the stories still have to be pushed through.

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[6643] **Mr Edwin Tong Chun Fai:** An example of where you didn't get a response was the Thaipusam incident, which was cited, and also the Benjamin Lim case.

[6644] **Mr Terry Xu:** In the Thaipusam incident, it is a bit different because we are reporting from the eyewitness point of view. We are not saying this is the case, but this eyewitness is claiming such. Eventually, we followed up with the additional statement that SPF made, so that is pertaining to that story.

[6645] **Mr Edwin Tong Chun Fai:** On the Benjamin Lim case?

[6646] **Mr Terry Xu:** The Benjamin Lim case that was brought up in Parliament on 1 March 2016, I wouldn't say it is a story on ---

[6647] **Mr Edwin Tong Chun Fai:** You did get information from the police statement?

[6648] **Mr Terry Xu:** From where? As in the initial ---

[6649] **Mr Edwin Tong Chun Fai:** I'll show you the sequence and your article. Let's have a look at the police statement of 1 February 2016. This was 1 February, keep an eye on the dates because they are important. This statement briefly in summary says this: "There was a report that was lodged. Based on evidence, police went to conduct enquiries at a school. To keep investigations discreet, the officers went in plainclothes and in unmarked cars." Skipping a few lines down to the next paragraph: "While at Ang Mo Kio division, he was interviewed by one investigation officer at his workstation in an open plan office with other workstations. He was fully cooperative."

[6650] Two paragraphs down: "Police investigations have not been completed. A coroner's inquiry will be held upon the conclusion of investigations, where all the relevant facts will be presented to the state coroner. At the inquiry, the family will also be able to raise all the questions they may have." A few days after this, you published a story online.

[6651] **Mr Terry Xu:** Can I interject? The first story was published on 31 January.

[6652] **Mr Edwin Tong Chun Fai:** Right. But it carried through and the story has the following title, "Students said plainclothes officers at school, wore T-shirts with 'police' at its back", already published, updated on 5 February and finally also updated a month later. Correct?

[6653] **Mr Terry Xu:** Correct.

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[6654] **Mr Edwin Tong Chun Fai:** This story would be at odds with the police statement; right?

[6655] **Mr Terry Xu:** Yes.

[6656] **Mr Edwin Tong Chun Fai:** It is at odds with the police statement because the police statement on 1 February clarified that the officers were in plainclothes and did not have the words "police" at its back; right?

[6657] **Mr Terry Xu:** Correct.

[6658] **Mr Edwin Tong Chun Fai:** Your story was carried through up to 2 March, where it was last edited or updated and it still had the same headline; correct?

[6659] **Mr Terry Xu:** That is correct.

[6660] **Mr Edwin Tong Chun Fai:** That would not be accurate?

[6661] **Mr Terry Xu:** If you refer to the article, the article based on basically a testimony of a mother of a student who was studying at that school, yes ---

[6662] **Mr Edwin Tong Chun Fai:** Who subsequently took down her Facebook posting; correct?

[6663] **Mr Terry Xu:** Yes.

[6664] **Mr Edwin Tong Chun Fai:** And you still carried on with this report?

[6665] **Mr Terry Xu:** Yes. No, the taking down of the Facebook post was I think close to 1 March or something like that.

[6666] **Mr Edwin Tong Chun Fai:** But this article was last updated 2 March and last I checked it is still online as it is.

[6667] **Mr Terry Xu:** Yes, correct.

[6668] **Mr Edwin Tong Chun Fai:** My question is: isn't it ---

[6669] **Mr Terry Xu:** But ---

[6670] **Mr Edwin Tong Chun Fai:** Let me finish. Wouldn't it be the case that by now it's quite clear that the headline would be misleading?

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[6671] **Mr Terry Xu:** But I must clarify. I did not include the conversation that I had with her, because what she said to me in the private message is totally different from what the police said that she had said.

[6672] **Mr Edwin Tong Chun Fai:** Look at this statement issued by the police. You have no reason to disagree with that, right, that they were in plainclothes?

[6673] **Mr Terry Xu:** That is from the police point of view. This is the problem of so-called facts, because I would be 100 per cent convinced if there was a CCTV that showed that the police had no thing, that is from my personal point of view.

[6674] **Mr Edwin Tong Chun Fai:** Are you saying that despite the police statement that has been issued, you disagree with their version of facts?

[6675] **Mr Terry Xu:** No, my stand is I take it -- I agree that SPF has put out that they ---

[6676] **Mr Edwin Tong Chun Fai:** They were in plainclothes.

[6677] **Mr Terry Xu:** They are claiming they were in plainclothes.

[6678] **Mr Edwin Tong Chun Fai:** Yet your headline says “wore T-shirts with ‘police’ at its back”, that is not consistent with the police statement; right?

[6679] **Mr Terry Xu:** It is not consistent, yes.

[6680] **Mr Edwin Tong Chun Fai:** It’s designed to lead one to think this boy was picked up by someone who was identified as police, that is your intention here.

[6681] **Mr Terry Xu:** I don’t think that it’s fair to say that though.

[6682] **Mr Edwin Tong Chun Fai:** How else would we read this? Because you are looking at an article, the headline is clear, “Wore T-shirts with the word ‘police’”, and you put it in quotes, and that is notwithstanding the statement from the police which said they were all in plainclothes.

[6683] **Mr Terry Xu:** The thing is, you say the headline is misleading, saying that the police officers who took Benjamin had “police” written on the back. But, basically, what the headline said is that the police officer who wear the police -- was at the school had “Police” on the back.

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[6684] Mr Edwin Tong Chun Fai: You continue to run this headline, even until today; right?

[6685] Mr Terry Xu: Yes, yes. I believe if the SPF feels there is a need to so-called change the thing, they could write to us and say, "Can you carry a clarification", because ---

[6686] Mr Edwin Tong Chun Fai: Are you saying you won't do it unless you are told to do so, to correct the clarification, despite the fact it has been issued by way of a police statement and also then subsequently debated in Parliament, where these facts were not challenged and not controverted?

[6687] Mr Terry Xu: I think at the point of publication this is what I have. I don't have this practice of going back to change the articles.

[6688] Mr Edwin Tong Chun Fai: Why not? Because you have subsequently updated it three times. You said first it was done in January, then 5 February.

[6689] Mr Terry Xu: I have to check what's the change log. I normally do not have the -- unless the example that we take Dr Ting's case we were told by POH -- as in court ordered, to include advisory.

[6690] Mr Edwin Tong Chun Fai: In other words, you do need a court order or some order before you would correct?

[6691] Mr Terry Xu: I disagree with that statement because the police could communicate with me and say, "Can you put in a clarification." There is no need for a court order for me to do that.

[6692] Mr Edwin Tong Chun Fai: According to you, the difference between Dr Ting's case and this case is that in Dr Ting's case there was a court order to that effect?

[6693] Mr Terry Xu: No, Dr Ting's case was that a court order specified that a certain writing had to be written there. But in the case of the SPF example, if SPF communicates with me, saying, "Can you put in a clarification", I would be glad to put in a clarification and correct the article.

[6694] Mr Edwin Tong Chun Fai: Save for that, you would not do it? Despite this being contrary to the police statement and contrary to the discussion in Parliament, where that discussion in Parliament did not show that the police wore any T-shirts with the "police" word at the back? Is that your position?

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[6695] **Mr Terry Xu:** I would not say that I deliberately left it as such so to mislead. I would just say that once I'm being highlighted, I will change.

[6696] **Mr Edwin Tong Chun Fai:** Now, you must have been aware because you wrote several articles thereafter as well.

[6697] **Mr Terry Xu:** No, sorry, can you ---

[6698] **Mr Edwin Tong Chun Fai:** You were told about the statement on 1 February, there was a parliamentary debate on 1 March, your latest amendment is on 2 March, which is after all of that.

[6699] **Mr Terry Xu:** Can you ---

[6700] **Mr Edwin Tong Chun Fai:** You can look at the article yourself; maybe you can refresh yourself with the dates.

[6701] **Mr Terry Xu:** As in I can recall what I actually changed. Because 1 March is the actual event; right?

[6702] **Mr Edwin Tong Chun Fai:** Just look at the headline.

[6703] **Mr Terry Xu:** You should actually see what I have dated, because the headline is as such.

[6704] **Mr Edwin Tong Chun Fai:** But the headline has not been changed.

[6705] **Mr Terry Xu:** The headline is as such. So, what should I change it to, police said they did not -- that is not the article.

[6706] **Mr Edwin Tong Chun Fai:** No, if you are aware now that it is not true that police wore T-shirts with "police" at its back, it should not feature on your headline, it should not feature anywhere on your article, let alone in the headline, isn't it, Mr Xu?

[6707] **Mr Ngiam Shih Tung:** I'm sorry, Mr Chairman, may I interject for a minute, because it is getting on.

[6708] **Mr Edwin Tong Chun Fai:** Can I finish my discussion with Mr Xu.

[6709] **Mr Ngiam Shih Tung:** Okay.

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[6710] Mr Terry Xu: I know what you are getting at but I don't think publications have this policy, either I take down or I ---

[6711] Mr Edwin Tong Chun Fai: No, you can correct.

[6712] Mr Terry Xu: What would you suggest the headline change to? Because the thing is, to me, as I said, if you want me to provide the evidence that I have on hand, I would jolly well do so. And that is what was said to me, that the students actually said that the plainclothes officer wore a T-shirt. That is actually ---

[6713] Mr Edwin Tong Chun Fai: But that fact has subsequently been clarified by way of the police statement as well as the parliamentary debates.

[6714] Mr Terry Xu: That is based on what the police are saying.

[6715] Mr Edwin Tong Chun Fai: So, according to you, you don't accept that?

[6716] Mr Terry Xu: That is the question of deciding the facts from falsehood. Is that not so?

[6717] Mr Edwin Tong Chun Fai: No, as I said, in this case there must be one set of facts, either they did or did not, and it has been clarified.

[6718] Mr Terry Xu: That's where we come to this thing. If you allow me to so-called divert, right ---

[6719] Mr Edwin Tong Chun Fai: Keep to this, I'm asking you this because, as I said, you are one of the key players in this as the content provider. And I think you agreed that as a content provider, you have a duty to ensure that the facts are checked and accurate.

[6720] Mr Terry Xu: Right.

[6721] Mr Edwin Tong Chun Fai: I'm suggesting to you that given all that you know and all that you knew at the time this article was first written and also subsequently edited, it must have been apparent that the contention that the police wore T-shirts with "police" at its back was unsustainable.

[6722] Mr Terry Xu: May I just raise, I would gladly change the article title if the police allows me to see the CCTV for the school.

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[6723] **Mr Edwin Tong Chun Fai:** Save for that, you would not?

[6724] **Mr Terry Xu:** I would not.

[6725] **Mr Edwin Tong Chun Fai:** You would not. And you are prepared to leave this, despite the fact that it contradicts the statement by the police and statements made in Parliament?

[6726] **Mr Terry Xu:** Yes, because the headline itself basically describes what the mother said.

[6727] **Mr Edwin Tong Chun Fai:** You then look at your next article; can you look at the 5 February article. I want you to look at the first page, three paragraphs from the bottom which carries the SDP statement. This is the same day, 5 February. Three paragraphs from the bottom, where you talk about an interrogation room. Do you see that?

[6728] **Mr Terry Xu:** Yes.

[6729] **Mr Edwin Tong Chun Fai:** Again, you would know from the statement that it was an open plan office.

[6730] **Mr Terry Xu:** Okay.

[6731] **Mr Edwin Tong Chun Fai:** Right. This time round, there is no statement from the mother or anyone else to tell you otherwise; right?

[6732] **Mr Terry Xu:** Correct.

[6733] **Mr Edwin Tong Chun Fai:** Why do you still carry this fact?

[6734] **Mr Terry Xu:** Again, this is published, 2 February. Unless you say I am ---

[6735] **Mr Edwin Tong Chun Fai:** But the statement was 1 February, this is 5 February. So, unlike the earlier one where you told me that it is because of what the mother said to you is reported, here no one is telling you this.

[6736] **Mr Terry Xu:** Mr Tong, if you look at the article, the article states the statement by SDP in full. Unless you tell me SDP retracted that statement, if not, I don't think there is a need for me to retract the thing.

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- [6737] **Mr Edwin Tong Chun Fai:** This is your commentary.
- [6738] **Mr Terry Xu:** No, this is not my commentary.
- [6739] **Mr Edwin Tong Chun Fai:** This is your commentary on the SDP statement.
- [6740] **Mr Terry Xu:** No, this is the statement.
- [6741] **Mr Edwin Tong Chun Fai:** Isn't this article your commentary on the SDP statement?
- [6742] **Mr Terry Xu:** No, no. This is the statement, as in, did I say the interrogation room? This is the brief of the statement in full.
- [6743] **Mr Edwin Tong Chun Fai:** I see. So, you are prepared to carry it despite ---
- [6744] **Mr Terry Xu:** Unless SDP retracts the statement, if not, why should I remove the article?
- [6745] **Mr Edwin Tong Chun Fai:** Despite you knowing otherwise?
- [6746] **Mr Terry Xu:** Unless they retract the statement. This is a report on a political party statement. So, I don't see a reason why a publisher has to be taken accountable for something that others have published.
- [6747] **Mr Edwin Tong Chun Fai:** Let's look at the later one, 27 February. You publish quite a number of them, I just take you through some examples.
- [6748] **Mr Terry Xu:** Sure.
- [6749] **Mr Edwin Tong Chun Fai:** 27 February is titled "Ministers to talk and answer questions". About three or four paragraphs from the bottom, you say: "Over the past month, there have been half-truths said by the school and the police force on many issues". Mr Xu, you know there is a coroner's inquiry that will be held; correct?
- [6750] **Mr Terry Xu:** That is correct.
- [6751] **Mr Edwin Tong Chun Fai:** Until then, I think the police is not in a position to comment openly on the status of the investigation and its findings, nor should people speculate in the press and in the media about what has happened and invite comments and cross-comments; correct?

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[6752] **Mr Terry Xu:** Again, the questions that were filed, about 14 questions, they were filed to the Law Minister and the other respective appointment holders, was on issues that do not concern the case, the details of the case, but more of the procedures of the police. So, I don't understand how that affects the investigation by the police.

[6753] **Mr Edwin Tong Chun Fai:** In fact, you say that police have been silent, but they have issued a statement as well.

[6754] **Mr Terry Xu:** They have been silent to me.

[6755] **Mr Edwin Tong Chun Fai:** They have issued a statement; right?

[6756] **Mr Terry Xu:** They have not replied to my questions.

[6757] **Mr Edwin Tong Chun Fai:** Doesn't the statement deal with the facts?

[6758] **Mr Terry Xu:** No, it doesn't. Those are not the questions I've been asking them.

[6759] **Mr Edwin Tong Chun Fai:** So, your point here, looking at this and the Thaipusam example we talked about earlier, is that every time you ask a question of an ongoing investigation, there is an obligation to respond, otherwise you can publish as you like?

[6760] **Mr Terry Xu:** I disagree on that. You are saying -- some people might say, isn't this like abuse of media queries, you can compel a public body to answer? I believe the questions I asked is relative, reasonable and ---

[6761] **Mr Edwin Tong Chun Fai:** But it is an ongoing investigation.

[6762] **Mr Terry Xu:** As I said, the questions do not pertain to the case, in the case of Benjamin Lim, the questions asked pertain to police procedures.

[6763] **Mr Edwin Tong Chun Fai:** Which is relevant.

[6764] **Mr Terry Xu:** In what sense? Because it is not sensitive. Whether or not Benjamin died, the questions still stand. I do recall a question: does the -- what is that -- it's about the child protection ---

[6765] **Mr Edwin Tong Chun Fai:** If you look down the same paragraph, you repeat the point "police wore T-shirts with 'police'", this is 27 February and this time you don't quote any source, any mother. Right?

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[6766] **Mr Terry Xu:** Uh-hah.

[6767] **Mr Edwin Tong Chun Fai:** You don't think it is inaccurate, given the police statement?

[6768] **Mr Terry Xu:** Again, I don't think people go back and change articles.

[6769] **Mr Edwin Tong Chun Fai:** This is a fresh article, 27 February.

[6770] **Mr Terry Xu:** What was the date again? Yes, 27 February. I think the retraction only came on 1 March if I'm not wrong.

[6771] **Mr Edwin Tong Chun Fai:** The 1 February statement makes it quite clear; right?

[6772] **Mr Terry Xu:** Mr Tong, I don't think you want me to repeat what I said on the taking down of the article, basically it's the same thing. I'm just simply reporting what the mother actually told me.

[6773] **Mr Edwin Tong Chun Fai:** The question behind this inquiry is to look at what needs to be done in the context of looking at the content that is being conveyed.

[6774] **Mr Terry Xu:** Right. I wouldn't ---

[6775] **Mr Edwin Tong Chun Fai:** Let me finish.

[6776] **Mr Terry Xu:** Sorry.

[6777] **Mr Edwin Tong Chun Fai:** You are saying that you will only report if your questions are answered, even in an ongoing investigation, or in the context of the comparison between this case and Dr Ting's case, if the court tells you to make a correction then you will do so. Is that your position?

[6778] **Mr Terry Xu:** No, that's not my position. In fact ---

[6779] **Mr Edwin Tong Chun Fai:** Then, can you explain the difference between the two?

[6780] **Mr Terry Xu:** In fact, I said if the police had written back to me and given some instruction, in fact, other Ministries do that and I complied, especially when there has been good will. The few Ministries that do not communicate with me is simply Ministry of Home Affairs. The other Ministries communicate with me: Ministry of

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Manpower, Ministry of Health, Ministry of Finance. The only Ministry that does not communicate with me is Ministry of Home Affairs.

[6781] Mr Edwin Tong Chun Fai: Ms Han, I have some questions for you.

[6782] Ms Kirsten Han: Yes.

[6783] Mr Edwin Tong Chun Fai: You say in your report, at page 5, with reference to the Human Rights Watch report, you make the point that the report details many ways in which freedom of expression has been restricted in this country.

[6784] Ms Kirsten Han: Yes.

[6785] Mr Edwin Tong Chun Fai: That seems to be a narrative that goes through your report and your submission, in the context of trying to frame an appropriate response to DOFs and trying to decide whether legislation is necessary and trying to decide if one should have the ability to remove content which even 92 per cent of REACH participants say they want legislation to deal with, is that your overarching position?

[6786] Ms Kirsten Han: To put on the record, as I said before, that I do not take the Reach survey at face value. But yes, my position would be that we should not take any measures that might further curb freedom of expression in Singapore.

[6787] Mr Edwin Tong Chun Fai: In the Human Rights Watch report, you were one of the 34, correct, who was interviewed and on whose views the report was prepared?

[6788] Ms Kirsten Han: I do not think it is necessary for me to be answering this question for this Committee.

[6789] Mr Edwin Tong Chun Fai: It is a relevant question because you have raised the report and you have said in your submission to this Select Committee ---

[6790] Ms Kirsten Han: But whether I was one of the 34 or not is irrelevant. Anyone can raise this report.

[6791] Mr Edwin Tong Chun Fai: No, you in fact raised the report and go on to rely on it in a substantive way to say that the report talks about the freedom of expression and you then go on to link it to how in many ways it is restricted. And as I said just now, you then use it as a platform to make the narrative in your submission that all these remedies that we look at has to be looked at in the context of this. So, I'm asking you again, were you one of the 34?

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[6792] **Ms Kirsten Han:** I do not rely on the Human Rights Watch report. For example, I have quoted our Press Freedom Index position, Reporters Without Borders' Press Freedom Index, Freedom House's Freedom on the Net report and also the Human Rights Watch report. So, these are examples that I raise of existing criticism of Singapore ---

[6793] **Mr Edwin Tong Chun Fai:** Let me ask you ---

[6794] **Ms Kirsten Han:** The following issues following that are my own opinion, my own opinion about the laws we already have, the regulations we already have.

[6795] **Mr Edwin Tong Chun Fai:** You raised the report in your submission and I'm simply asking you, were you one of the 34 who was surveyed and interviewed in the preparation of this report?

[6796] **Ms Kirsten Han:** Mr Chair, I do not see how this is relevant.

[6797] **The Chairman:** Ms Han, whether or not it is relevant is for us to determine. I think the question that was asked requires an answer. If you prefer not to answer or you do not know the answer to the question, you can state so.

[6798] **Ms Kirsten Han:** In that case, yes, I was one of the 34.

[6799] **Mr Edwin Tong Chun Fai:** Thank you. Would you agree, looking at the report, because I want to test some propositions with you; would you agree that 34 is a small sample?

[6800] **Ms Kirsten Han:** Yes, but it is 34 people with very particular experience.

[6801] **Mr Edwin Tong Chun Fai:** Depends what you mean by particular experience, isn't it?

[6802] **Ms Kirsten Han:** Within the space of freedom of expression, within the practice in civil society, as a journalist, academics, observers.

[6803] **Mr Edwin Tong Chun Fai:** It would be easy to find 34 people who have a particularly negative or extremist view and use that as a basis for the report, isn't it?

[6804] **Ms Kirsten Han:** I would not say that was what Human Rights Watch was doing.

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[6805] Mr Edwin Tong Chun Fai: Well, that's a matter of opinion, but 34 people out of a country this size would be a very small sample.

[6806] Ms Kirsten Han: Yes, 34 out of 5.5 million, yes, of course that is a small number, that is clear.

[6807] Mr Edwin Tong Chun Fai: There are several aspects of this which I want to see whether you agree or disagree with the views set out by Human Rights Watch. They cite at least three different cases on which they then found their opinion, one of which was the Alan Shadrake case, are you familiar with that?

[6808] Ms Kirsten Han: Yes.

[6809] Mr Edwin Tong Chun Fai: The human rights report, I will see if I can pull it up, the report itself is at page 2, the Human Rights Watch report. In the second paragraph, just under the summary, third line from the top: "Author Alan Shadrake was sentenced to six weeks in prison in 2011 for 'scandalising the judiciary' in his book about the application of the death penalty in Singapore." Would you accept that the characterisation of Alan Shadrake having been sent to prison for writing in his book about the application of the death penalty in Singapore is a mischaracterisation?

[6810] Ms Kirsten Han: I do not think so because in his opinion, in his book, when he wrote about the application of the death penalty in Singapore, it was his opinion that the law was used in a particular way, so it would still fall under the application of the death penalty in Singapore because it was his opinion that he wrote in his book.

[6811] Mr Edwin Tong Chun Fai: The fact that he was sent to prison was for scandalising the judiciary has nothing to do with his views on the death penalty. Would you agree?

[6812] Ms Kirsten Han: But it wasn't about his views on the death penalty, it was talking about the application of the death penalty, so he was claiming that the death penalty had been applied in particular ways.

[6813] Mr Edwin Tong Chun Fai: He can claim and talk about whether it's for or against and that would not be a problem. Right?

[6814] Ms Kirsten Han: Yes, but I don't follow your question.

[6815] Mr Edwin Tong Chun Fai: The point is: would you not agree that Mr Shadrake was not sent to prison because of his views, either for or against the death penalty?

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[6816] **Ms Kirsten Han:** May I see the passage again?

[6817] **Mr Edwin Tong Chun Fai:** Sure. Page 2.

[6818] **Ms Kirsten Han:** It says that he wrote about the application of the death penalty in Singapore. It doesn't say that he was sentenced to six weeks in prison for his views about the application of the death penalty.

[6819] **Mr Edwin Tong Chun Fai:** The point, if you look at the report, which I'm sure you have gone through, is to characterise this case as something or someone who was penalised for espousing his views on the death penalty.

[6820] **Ms Kirsten Han:** That's not what it says.

[6821] **Mr Edwin Tong Chun Fai:** You don't agree?

[6822] **Ms Kirsten Han:** No.

[6823] **Mr Edwin Tong Chun Fai:** How do you read it?

[6824] **Ms Kirsten Han:** That he wrote about how the death penalty was applied in Singapore and that he was sentenced to six weeks in prison in Singapore for scandalising the judiciary.

[6825] **Mr Edwin Tong Chun Fai:** Yes, but you do know there is nothing wrong with writing about whether it's for or against the death penalty at all?

[6826] **Ms Kirsten Han:** Yes, I would hope so.

[6827] **Mr Edwin Tong Chun Fai:** To that extent, wouldn't you agree that the Human Rights Watch report was not accurate?

[6828] **Ms Kirsten Han:** No, I believe it's just a statement and it is their interpretation of the events.

[6829] **Mr Edwin Tong Chun Fai:** In fact, the Court of Appeal, in coming to its conclusion, expressly stated that he is free to write about the death penalty, either for or against, would you accept that?

[6830] **Ms Kirsten Han:** It doesn't say that he was sentenced to prison because he was writing about the death penalty, it says that they charged him with scandalising the judiciary for what he wrote about the application of the death penalty in Singapore,

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which is true, because they were taking issue with the ways that he said the death penalty had been applied, he was saying it had been applied unfairly, he was saying there had been double standards and that to me is fairly reasonable.

[6831] Mr Edwin Tong Chun Fai: The nub of that is not about the death penalty but about scandalising the courts, would you agree?

[6832] Ms Kirsten Han: But they never said it was ---

[6833] Mr Edwin Tong Chun Fai: Would you agree?

[6834] Ms Kirsten Han: Yes, but that's not what Human Rights Watch said. Also I'm not sure why I am suddenly now in this position of defending the Human Rights Watch report for them.

[6835] Mr Edwin Tong Chun Fai: No, I'm not asking you to defend them. Because you have set it out as a basis.

[6836] Ms Kirsten Han: I have set it out as one example.

[6837] Mr Edwin Tong Chun Fai: No doubt, but one important example. Because as I established with you, it is a narrative that goes through your report.

[6838] Ms Kirsten Han: Which in my opinion, not necessarily -- it is just one example. Am I also later to go through the Freedom House report and the Press Freedom Index?

[6839] Mr Edwin Tong Chun Fai: I will go through the freedom of information views with you as well, that is a separate plank on which you make the point. But you do take the narrative that because the report is in many ways the curtailment of the freedom of expression and you marry that up with your views as to why countermeasures such as the removal of online falsehoods, which we have gone through in the past hour or so, should not be undertaken, because it is also a reflection of freedom of expression being curtailed, correct? That's the basis on which I'm taking it.

[6840] Ms Kirsten Han: I have used it to say that our freedom of expression issue in Singapore is already fraught and fairly problematic, of which the Human Rights Watch report is one example of criticism that has been levied, among others. Then, it is also my own opinion that freedom of expression in Singapore is extremely problematic and, on that basis, I would not recommend any further legislation that would worsen that problem.

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[6841] **Mr Edwin Tong Chun Fai:** Yes, I heard that response from you earlier. There is also commentary by Human Rights Watch on the Amos Yee case, are you familiar with that?

[6842] **Ms Kirsten Han:** Yes.

[6843] **Mr Edwin Tong Chun Fai:** Would you accept that the posts that Mr Yee had made in this case were untenable and they were intended to be divisive culturally as well as on religious grounds, would you accept that?

[6844] **Ms Kirsten Han:** I cannot speak for Amos Yee's intent. I would say that they were distasteful and I personally would not have made those comments myself, but I cannot speak to his intent.

[6845] **Mr Edwin Tong Chun Fai:** Do you accept the conclusion reached by Human Rights Watch that it is able to form those views on Singapore and the society in Singapore on the basis of that case? Would you stand by it?

[6846] **Ms Kirsten Han:** Which views, sorry?

[6847] **Mr Edwin Tong Chun Fai:** Would you stand by the views raised in Human Rights Watch about ---

[6848] **Ms Kirsten Han:** Could we look at the wording of it?

[6849] **Mr Edwin Tong Chun Fai:** We can, but I want to get your broad consensus, so we are not at cross-purposes. Would you accept?

[6850] **Ms Kirsten Han:** Accept that Human Rights Watch was pointing ---

[6851] **Mr Edwin Tong Chun Fai:** Human Rights Watch came to certain conclusions about Singapore and you then used that as a basis for saying it was a curtailment of the freedom of expression and you have carried that narrative through the reasons that you have given us as to why countermeasures should not include takedowns.

[6852] **Ms Kirsten Han:** Yes.

[6853] **Mr Edwin Tong Chun Fai:** One of the examples relied on by Human Rights Watch was the Amos Yee case.

[6854] **Ms Kirsten Han:** Yes.

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[6855] Mr Edwin Tong Chun Fai: In the Amos Yee case, there was a certain set of facts, I can take your through it. But I asked you whether you would accept that what he said online was racially, religiously, culturally offensive and divisive, and I think you said words to that effect.

[6856] Ms Kirsten Han: I think they are distasteful but I also see his case as a curtailment of freedom of expression.

[6857] Mr Edwin Tong Chun Fai: You accept the Human Rights Watch view that the prosecution of Amos Yee was an example of curtailment of freedom of expression?

[6858] Ms Kirsten Han: Yes.

[6859] Mr Edwin Tong Chun Fai: Why do you say that?

[6860] Ms Kirsten Han: Because I believe those laws are also fairly broad. I believe, as Dr George said, I would agree with him about repealing insult laws because I see that as a curtailment of the freedom of expression. Even though I do not condone Amos Yee's comments and I find them distasteful myself, I do not think he should have been prosecuted, because I feel that in his case the incitement to harm was not clear enough. I believe, to be in line with international freedom of expression standards, there should be a very clear incitement to harm. That is a clear standard. I do not believe the law that we used to prosecute him with meets that standard.

[6861] Mr Edwin Tong Chun Fai: Let's look at what was said. Take as an example the statement he made on the Prophet Muhammad on Muslims. So, the article is titled, "Amos Yee granted asylum: US' prerogative to take in Yee, says MHA." This article repeats some of the language, so it is a convenient place to find it. On the second page, he talks about Christians, at the top of the page: "Christians... are... power hungry and malicious but deceive others into thinking that they are compassionate and kind. Their impact and legacy will ultimately not last as more and more people find out that they are full of bull... Similar to the Christian knowledge of the Bible, and the work of a multitude of priests." You would accept that people can say this freely about religion?

[6862] Ms Kirsten Han: Yes.

[6863] Mr Edwin Tong Chun Fai: You think so?

[6864] Ms Kirsten Han: Yes.

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[6865] Mr Edwin Tong Chun Fai: And that racial and religious harmony can be preserved if people go around saying this?

[6866] Ms Kirsten Han: I think for a comment like this, it is not clear to me where the incitement to harm is, which is what the international standard would require. I think a comment like this just tells me that Amos Yee is an extremely opinionated young man, but I don't think this comment itself reaches ---

[6867] Mr Edwin Tong Chun Fai: I think that is an understatement.

[6868] Ms Kirsten Han: That would be your opinion then. Of course, many people have many opinions about Amos Yee. But I wouldn't say that this comment, it is clear what the incitement to harm and violence is.

[6869] Mr Edwin Tong Chun Fai: Look at the bottom of the page, this time on Muslims. He said this on Facebook: "the 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. What in the world is a 'moderate Muslim'? A f-[ing] hypocrite that's what! With all due respect, Christians, you can shove that faith up your a[ss]. Faith! Faith! I'd be damned at this retardation of humanity. [F] you, Christian sh[]." "

[6870] Ms Kirsten Han: I think this tells us he is an extremely potty-mouthed young man ---

[6871] Mr Edwin Tong Chun Fai: Leaving that aside.

[6872] Ms Kirsten Han: --- but I do not see where the incitement to harm and violence that would meet the international standards of freedom of expression.

[6873] Mr Edwin Tong Chun Fai: If you are just going to recite that mantra to me, we know where you stand.

[6874] Ms Kirsten Han: Yes.

[6875] Mr Edwin Tong Chun Fai: You take the view that it is okay to espouse these views?

[6876] Ms Kirsten Han: I would leave these comments up. That doesn't mean I think we should do nothing about it, I think there should be a response, but I don't think it requires a legal response, particularly when he was only 16.

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[6877] **Mr Edwin Tong Chun Fai:** If you see these statements online, you do not think they should be taken down?

[6878] **Ms Kirsten Han:** No. I do not think they should be taken down.

[6879] **Mr Edwin Tong Chun Fai:** Would you publish the items online?

[6880] **Ms Kirsten Han:** I would not publish them myself, but it doesn't mean that if it had been published by someone else elsewhere, I think it should be taken down.

[6881] **Mr Edwin Tong Chun Fai:** Yes, but your view is very clear. You should not have laws that will require them taken down nor do you wish to see them taken down?

[6882] **Ms Kirsten Han:** Yes.

[6883] **Mr Edwin Tong Chun Fai:** Can you look at page 3 of the Human Rights Watch report. It's on the screen. The second paragraph from the top: "posted a video online criticising the late Prime Minister Lee Kuan Yew after his death...the authorities turned to a provision of the Penal Code and prosecuted him for 'wounding religious feelings'" Were you aware of what he had said and the cartoon he had posted?

[6884] **Ms Kirsten Han:** Yes.

[6885] **Mr Edwin Tong Chun Fai:** And you accept that that is something that is within the bound of normalcy to be published online?

[6886] **Ms Kirsten Han:** I would not have published them myself but I would not have prosecuted Amos nor taken them down.

[6887] **Mr Edwin Tong Chun Fai:** Nor would you have taken them down?

[6888] **Ms Kirsten Han:** No.

[6889] **Mr Edwin Tong Chun Fai:** If you take this position, then what you are really saying is that practically anything and everything, whether it lends itself to incitement of religious feelings or as we have looked at earlier, where going viral on a particular posting can have effects of harm, destruction of property, loss of lives, despite all that and despite -- I know you have a view on the Reach feedback -- 92 per cent of Singaporeans say that some form of measures should be undertaken, you would stand by your view that nothing needs to be done or should be done?

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[6890] Ms Kirsten Han: I never said nothing should be done. I believe there should be engagement. What I counsel against is further legislation that would police content. I do think that -- I'm not advocating absolute freedom of speech or expression, as I said before, I think it should always be tied to serious harm and incitement of harm and that is usually the international generally held standard on hate speech, that it has to have incitement of violence or some harm, before it meets that. And the wounding of religious feelings is very far below that standard.

[6891] Mr Edwin Tong Chun Fai: Earlier, we looked at the article on Myanmar, while you say it is a different context, but using that as a basis, that has demonstrated harm.

[6892] Ms Kirsten Han: Using that, I did not say that should not be prosecuted. If there was actual incitement of harm, of course there is prosecution, but what I was saying was that there should not be automatic sort of executive takedown action.

[6893] Mr Edwin Tong Chun Fai: It is obviously not automatic. But depending on the circumstances, depending on the nature of the harm, how viral it is, the content, the nature of the posting, even then, taking all that into account you would not suggest there should be a degree, in the range of solutions possible, that one of them be the ability to remove it and take it down?

[6894] Ms Kirsten Han: I would counsel against that solution. I would encourage the Committee to look at a range of other solutions. That is not to say that someone like Wirathu should not be prosecuted for inciting violence against particular communities, but I was speaking specifically for takedown orders and laws that would allow the sort of arbitration of content.

[6895] Mr Edwin Tong Chun Fai: One of the grounds on which you say that is because you believe that the Human Rights Watch report is correct in saying that there is a curtailment of freedom of expression in Singapore.

[6896] Ms Kirsten Han: It is not just the opinion of Human Rights Watch, it is also my opinion that there are freedom of expression issues in Singapore.

[6897] Mr Edwin Tong Chun Fai: Right. Is there any other basis on which you would ground that opinion, meaning the non-takedown?

[6898] Ms Kirsten Han: Yes, so I see that within some of our current laws seem to be very broad, which again feeds into another reason why I feel that we don't need additional legislation, because in many instances, I feel like some of our legislation is already overly sufficient and there is no need for further ones.

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[6899] Mr Edwin Tong Chun Fai: We have heard your ---

[6900] Ms Kirsten Han: Yes, I will not take up time by repeating it. I feel the freedom of expression issues come from the fact that we already have very broad laws.

[6901] Mr Edwin Tong Chun Fai: In subsequent postings, you have taken issue with the fact that this Committee has invited Human Rights Watch here, in part to deal with the report and also to address questions on what the appropriate countermeasures to DOFs should be?

[6902] Ms Kirsten Han: I was slightly concerned and startled by the turn of events because, firstly, if we are to take the Law Minister's characterisation of the falsehoods that the Committee is interested in, which is things that can be clearly proven to be false, like "Jokowi is a Christian", then, the PAP Policy Forum's characterisation of the Human Rights Watch report as a deliberate falsehood seems far from that standard, because they are not saying that any of it was doctored or completely false, they were taking issue with the perspective, the interpretation and the framing. So, I was a bit confused by what exactly is this definition we were talking about and I was confused by the Ministry of Law's statement that came out right after that ---

[6903] Mr Edwin Tong Chun Fai: I'm trying to understand why you say, since you mention the Select Committee, that you take issue with the Select Committee inviting them to come and clarify that they can come and do it under oath? Don't you think ---

[6904] Ms Kirsten Han: My understanding of the Select Committee's terms of reference was that it was looking at deliberate online falsehoods and what measures should be taken and not to arbitrate the truth or falsehood of the Human Rights Watch report, because in that case there are some submissions that said that the Marxist Conspiracy was evidence of the government spreading falsehoods, in which case perhaps the Committee should invite ---

[6905] Mr Edwin Tong Chun Fai: Yes, you've all said that.

[6906] Ms Kirsten Han: --- retired ISD officers to come and talk about and address those allegations that they were spreading deliberate falsehoods.

[6907] Mr Edwin Tong Chun Fai: I think one of you said that as well.

[6908] Ms Kirsten Han: So, perhaps that would have been a problem because then we would end up turning the Select Committee into a universal clearing house of everybody's allegations.

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[6909] Mr Edwin Tong Chun Fai: It is not that. It is just some parties, like you, you have referred to the report, you raised it in your submission, don't forget.

[6910] Ms Kirsten Han: Yes.

[6911] Mr Edwin Tong Chun Fai: As I said, you made that as one of your pillars, your foundation pillars on which you form a view which you are trying to convey to us.

[6912] Ms Kirsten Han: Yes.

[6913] Mr Edwin Tong Chun Fai: That is why we are looking at that report and the foundations of that report, and to that extent, they were invited to come.

[6914] Ms Kirsten Han: I see. I thank the Committee for that clarification, but in that case people have also used Operation Spectrum and Operation Coldstore as the pillars of the foundation of their submissions. That is why I was confused and wondering why Human Rights Watch was invited to the Select Committee to defend its report when it was not clearly within the terms of reference of the Select Committee.

[6915] Mr Edwin Tong Chun Fai: No, it was not about defending its report per se, it was to try to understand the views which you have also espoused and also relied upon. In crafting the appropriate suite of remedies, if we are not to look at the full range of countermeasures, because you say apparently there is some freedom of expression issue, then I think we are entitled to look into it and it is in that context.

[6916] Ms Kirsten Han: The Committee is entitled to solicit Human Rights Watch's opinion and submission. My impression was that, from what was reported in the media, from PAP Policy Forum's submission to the release of the chronology, to the Ministry of Law statement, was that Human Rights Watch had been invited because PAP Policy Forum was accusing them of deliberate falsehoods. If that is not the case and they are invited because I mentioned them, then I thank the Committee for that clarification.

[6917] Mr Edwin Tong Chun Fai: They were invited before the PAP Forum came to give their submission.

[6918] Ms Kirsten Han: Including their written submission?

[6919] Mr Edwin Tong Chun Fai: They were invited before that. Before they came to give their submissions.

[6920] Ms Kirsten Han: But not before the written submissions?

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[6921] **Mr Edwin Tong Chun Fai:** You now know the reasons. The point is when you make a statement and you have a foundation to it, and we believe that foundation is relevant, we are entitled surely to come and look at whether that is correct.

[6922] **Ms Kirsten Han:** Yes, of course.

[6923] **Mr Edwin Tong Chun Fai:** One other case referred to was Roy Ngerng's case. The facts you know, there was an accusation that the Prime Minister was stealing money from the CPF and there was a defamation action.

[6924] **Ms Kirsten Han:** Yes.

[6925] **Mr Edwin Tong Chun Fai:** Would you not accept that that case was resolved according to the laws of the land?

[6926] **Ms Kirsten Han:** Yes, the case was resolved according to the laws of the land but I also felt that there could have been other ways to resolve ---

[6927] **Mr Edwin Tong Chun Fai:** Stopping there, why is that a curtailment of the freedom of expression?

[6928] **Ms Kirsten Han:** Because I feel that public figures should use legislation and legal measures against citizens only as a very last resort and I felt there were many other ways in which the allegations that Roy Ngerng made could have been addressed. I note that our Prime Minister is one of the biggest social media influencers in Singapore, a post on Facebook has a far greater reach than Roy Ngerng's blog post. Actually, ironically, suing Roy made him and his blog and the blog post even more widely known. So, I felt, my personal view was that there were other measures that could have been resorted to before a defamation suit that would keep an ordinary Singapore citizen in debt until 2033.

[6929] **Mr Edwin Tong Chun Fai:** Where then do you draw the line? Because this case was resolved according to the laws of the land, as you say, nothing wrong with that.

[6930] **Ms Kirsten Han:** I believe that for public figures, they should resort to that as a very last resort.

[6931] **Mr Edwin Tong Chun Fai:** It was resolved based on the laws of the land. Unless those are changed, there really isn't any further implication on the ways you can express yourself.

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[6932] Ms Kirsten Han: I also find it problematic that the laws of the land at the moment, based on precedent, say that if it is a public figure being defamed, the damages should be higher than if it was an ordinary citizen. That to me feels ---

[6933] Mr Edwin Tong Chun Fai: That is an aspect of law that I am not here to debate.

[6934] Ms Kirsten Han: Yes, I understand but I raise it because it is one the reasons that I feel like it is a freedom of expression issue.

[6935] Mr Edwin Tong Chun Fai: You also mentioned in some article that you have written, just as with Mr Xu, you are one of the content providers, in this ecosystem, so it is in that context that I'm looking at this. If I can ask you to look at an article you wrote recently, published on 23 March, where in the same vein you say in your article that Singapore plays up terrorism to curb liberties. You will recall that?

[6936] Ms Kirsten Han: Yes.

[6937] Mr Edwin Tong Chun Fai: Somewhere towards the middle section of the article, you talk about the public order and safety powers. In a paragraph that starts with: "Although the government has sought to assure Singaporeans that peaceful protests are not the target of the legislation, civil society groups have pointed out that the actual text of the Bill explicitly includes 'a sit-down demonstration for a cause' as an illustration of a 'serious incident'." You do that to illustrate that there is a low threshold on which that provision can then be ---

[6938] Ms Kirsten Han: I do that to illustrate that there are concerns that the Bill allows for the powers to be used.

[6939] Mr Edwin Tong Chun Fai: Focus on my question. You made that comment in that paragraph in a way to convey your view that there is a low threshold on which the provisions can then be triggered.

[6940] Ms Kirsten Han: Yes, my view is that a sit-down demonstration for a cause, however large, as long as it is still peaceful, is far too low a threshold for this Bill to be triggered.

[6941] Mr Edwin Tong Chun Fai: Would you accept that the provision, in fact, doesn't stop where you have quoted; it goes on to explain what that threshold ---

[6942] Ms Kirsten Han: It goes on to say that it disrupts traffic and businesses, which is very normal for very large-scale protests, such as Occupy Central or even March for Our Lives recently in the US, but that doesn't necessarily mean ---

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[6943] **Mr Edwin Tong Chun Fai:** It is a question of what we want for our civil society. I will put it up in full, where you have sought to quote but only partially that section. "The illustration required a sit-down demonstration for a cause attracts a large group of sympathisers who voluntarily join the sit-in. For over week, the group grows and the demonstrators start to occupy the publicly accessible paths and other open spaces in the central business district. Their presence starts to impede the flow of vehicular and pedestrian traffic and interfere with the normal trade or business activities in the area." That is quite different from just having a sit-down demonstration, correct?

[6944] **Ms Kirsten Han:** I believe that even with this full thing, it is still too low a threshold. And also, I would like to note that shortening it to a sit-down demonstration for a cause was similarly used in the mainstream media, I can't remember if it was Straits Times or Channel NewsAsia but I saw it shortened down that way.

[6945] **Mr Edwin Tong Chun Fai:** Are you seeking justification from mainstream media?

[6946] **Ms Kirsten Han:** No, I'm just noting that it's not just me doing it deliberately.

[6947] **Mr Edwin Tong Chun Fai:** You would accept that the illustration read in full would set a much higher threshold than what you have conveyed?

[6948] **Ms Kirsten Han:** I still think it's far too low.

[6949] **Mr Edwin Tong Chun Fai:** Yes, leaving that aside, it is a much higher threshold than what you have conveyed?

[6950] **Ms Kirsten Han:** No.

[6951] **Mr Edwin Tong Chun Fai:** You stop at saying it is a sit-down demonstration, full stop.

[6952] **Ms Kirsten Han:** But I think, because the Bill also refers to public disorder; I think it is not entirely clear what that means.

[6953] **Mr Edwin Tong Chun Fai:** In the context of an article that seeks to advocate that Singapore plays up terrorism in order to ---

[6954] **Ms Kirsten Han:** I didn't write that headline, by the way, I don't get to choose what my editors put at the top.

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[6955] Mr Edwin Tong Chun Fai: Your byline is there, your name is there. In an article ascribed to you, which says Singapore plays up terrorism to curb liberties, you then cite incompletely a provision, which I'm putting to you if cited completely would render the threshold much higher and therefore would address the rebalance that I think you are trying to convey is heavily slanted in favour of curbing liberties.

[6956] Ms Kirsten Han: I think it is your opinion and I accept that, that is your opinion and we disagree, but I feel that even if it had been quoted in full, I would still stand by my argument that there are concerns that national security has been used to justify things that might curb civil liberties in Singapore.

[6957] Mr Edwin Tong Chun Fai: That is a different point, because you might take that view if it was quoted in full. All I'm putting to you is, there is a difference between what you have quoted and what the full illustration actually entails. Correct?

[6958] Ms Kirsten Han: Sure, but I think there is a difference in opinion.

[6959] Mr Edwin Tong Chun Fai: The full illustration actually sets the bar higher than what you have set out; correct?

[6960] Ms Kirsten Han: I don't think so.

[6961] Mr Edwin Tong Chun Fai: It has to be because it talks about a week, more demonstrators, inaccessibility to public roads.

[6962] Ms Kirsten Han: It is still a sit-down demonstration for a cause.

[6963] Mr Edwin Tong Chun Fai: Yes, which has caused consequences to public activities.

[6964] Ms Kirsten Han: The public consequences are still peaceful. There is no indication in the illustration that it has become violent or disorderly.

[6965] Mr Edwin Tong Chun Fai: But it grows in size, it occupies public access areas, impedes vehicular flow, pedestrians traffic impeded, interferes with normal trade or business in that area.

[6966] Ms Kirsten Han: That happens routinely in large protests across the world with no public disorder, chaos or violence.

[6967] Mr Edwin Tong Chun Fai: When was the last time you saw this happen in Singapore?

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[6968] **Ms Kirsten Han:** That is because we have overly restrictive freedom of assembly laws.

[6969] **Mr Edwin Tong Chun Fai:** I beg to disagree. But the point is if you don't quote it in full, you have a very different sense that has been conveyed, isn't it?

[6970] **Ms Kirsten Han:** I don't think so because it is a sit-down demonstration for a cause, and there are routinely very large sit-down demonstrations for a cause all around the world. The fact that there is not one in Singapore doesn't mean that it doesn't happen.

[6971] **Mr Edwin Tong Chun Fai:** I'm suggesting to you your article conveys a sense of a threshold that is much lower, to try to fit your headline, albeit one that is done by your editor, which I think suffers from it being incomplete, at the very least ---

[6972] **Ms Kirsten Han:** Yes, I take your ---

[6973] **Mr Edwin Tong Chun Fai:** Let me finish. And possibly misleading at the other end of the spectrum.

[6974] **Ms Kirsten Han:** I take your point and accept your opinion. This is the sort of open discussion that I would recommend for discussing issues if we disagree on interpretation, we talk about it openly, nobody gets sued and nobody goes to jail, but we talk about it.

[6975] **Mr Edwin Tong Chun Fai:** Not yet.

[6976] **Ms Kirsten Han:** Not yet, oh, dear.

[6977] **Mr Howard Lee:** Was that a threat?

[6978] **Mr Terry Xu:** I can't help to interject on this point.

[6979] **Mr Edwin Tong Chun Fai:** Why do you want to interject? Can we keep to Ms ---

[6980] **Mr Terry Xu:** On her point. Because according to the Bill, it doesn't have to fit the serious incident that's described. If you look at the wording, it includes "threat of". As a matter of fact, the Minister could simply say that he feels there is a threat of it escalating to the point of heavy casualties, et cetera, even though it is a peaceful demonstration. So, I might check on the view that Ms Han's article makes sense, but it does not state that wording.

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[6981] **Mr Edwin Tong Chun Fai:** I will leave it as your opinion of Ms Han's article. Looking at what you have done in your submissions, Ms Han, you rely on the Human Rights Watch report.

[6982] **Ms Kirsten Han:** Again, I would disagree that I rely on it.

[6983] **Mr Edwin Tong Chun Fai:** You cited it.

[6984] **Ms Kirsten Han:** Yes.

[6985] **Mr Edwin Tong Chun Fai:** So, we don't get into disagreement. Would you accept that the propositions set out in that report, on which then the findings were made, would you accept that, for example, on Mr Shadrake's case, a reasonable person reading the report would come to the conclusion or assume that he was sent to jail because of his views on the death penalty?

[6986] **Ms Kirsten Han:** No.

[6987] **Mr Edwin Tong Chun Fai:** Would you accept that?

[6988] **Ms Kirsten Han:** No, I would accept that he was charged and convicted of scandalising the judiciary for writing about the application of the death penalty, which I believe was the actual wording of what was said.

[6989] **Mr Edwin Tong Chun Fai:** He was charged with scandalising the judiciary and that can be irrespective of his views on the death penalty; correct?

[6990] **Ms Kirsten Han:** Yes. But it doesn't say because of his views on death penalty.

[6991] **Mr Edwin Tong Chun Fai:** It can be irrespective of his views on the death penalty. So, a reasonable person reading it will come to that view.

[6992] **Ms Kirsten Han:** But Human Rights Watch doesn't say that he was prosecuted and convicted for his views, it said that he was prosecuted and convicted for writing about the application of the death penalty. In fact, we can't even tell what his view was. He could have said the application of the death penalty is so wonderful that the court just does whatever all the time and then they said that this is scandalising the judiciary. It doesn't say that he was doing it for his views on the death penalty.

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[6993] **Mr Edwin Tong Chun Fai:** In the context of the way in which the report is framed, the fact that the Court of Appeal said you can talk about the death penalty and still not scandalise the judiciary, yet the Human Rights Watch report links the two. Would you not accept that a reasonable person reading it objectively would come to this view, is there any other view?

[6994] **Ms Kirsten Han:** Because it was about the application of death penalty, not his view of it. Yes, I do have a different view, which brings me back to the point of how difficult it is to arbitrate what is a falsehood and what is inaccurate because people have different views.

[6995] **Mr Edwin Tong Chun Fai:** That is a different point, Ms Han.

[6996] **Ms Kirsten Han:** All right.

[6997] **Mr Edwin Tong Chun Fai:** Before I forget, Mr Xu, since we are at this juncture, earlier you mentioned that you write to other agencies and you get a response but not with MHA. First of all, in this case would you accept that MHA had already made known that a coroner's inquiry was afoot? Would you agree?

[6998] **Mr Terry Xu:** A coroner's inquiry was afoot?

[6999] **Mr Edwin Tong Chun Fai:** Yes.

[7000] **Mr Terry Xu:** A coroner's inquiry, yes, I agree.

[7001] **Mr Edwin Tong Chun Fai:** And that it would take time for this to be completed.

[7002] **Mr Terry Xu:** Yes, I agree.

[7003] **Mr Edwin Tong Chun Fai:** It would take time for the investigations to be completed?

[7004] **Mr Terry Xu:** Yes, I agree.

[7005] **Mr Edwin Tong Chun Fai:** Would you accept that, even in the context of the other agencies and Ministries you write to, they will not respond when they are not ready to respond, correct?

[7006] **Mr Terry Xu:** Like I said, the question that was filed in this particular case to SPF and the Minister ---

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[7007] Mr Edwin Tong Chun Fai: I am pursuing your point about other Ministries.

[7008] Mr Terry Xu: I agree if they are not ready or they do not have the information, they would say they are unable to reply and I'll leave it as it is and say they are unable to reply. The thing is, in this case, the question was specifically on issues that do not pertain to the coroner's inquiry. On police procedures, because it is not about how he died.

[7009] Mr Edwin Tong Chun Fai: It is not about how you segment it, Mr Xu. The point is that if there is an ongoing investigation, there are several aspects of it, one does not know necessarily where that investigation will lead to and thereafter what issues might or might not become relevant. You would appreciate that in such situations, particularly where security questions are at stake, you don't get a reply, doesn't mean that you then go out there and assume there is no reply and you report whatever you like?

[7010] Mr Terry Xu: I feel there is a double standard. When mainstream media asks for a reply from the SPF, they will get a response within the end of the day or a few days ---

[7011] Mr Edwin Tong Chun Fai: I'm not aware of that and I don't think you cited any of that as examples or put any of that in your report or in your article.

[7012] Mr Terry Xu: I take that.

[7013] Mr Edwin Tong Chun Fai: Ms Han, I want to come back to your point about the Freedom of Information Act. You are making the point, and so did Mr Xu and Mr Lee as well, that there should be an exchange of information. What you are really saying by that is the government or the agencies should be required to provide information, so that there is a free exchange of information and sometimes it can be deferred, but you want that so that there can be open and more transparency. That's your case; right?

[7014] Ms Kirsten Han: Yes.

[7015] Mr Edwin Tong Chun Fai: And you think this would help to deal with the questions of online falsehoods?

[7016] Ms Kirsten Han: I think it helps to have fact-checking organisations. If they can have access to the data, it would help NGOs, journalists, citizens, and it also builds public trust in the long run.

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[7017] Mr Edwin Tong Chun Fai: Would you agree that fact checking is not the same as what you contemplate as the Freedom of Information Act?

[7018] Ms Kirsten Han: It is not the same but it is linked and it is important because in Singapore the government agencies are the ones with the most means and the most resources to have this broad-based data, so the fact checking which might need to access the data, that is where the relevance is, because without access to the data, how do fact checkers operate?

[7019] Mr Edwin Tong Chun Fai: Such a provision, such a regime has operated in the US for some time now. Would you say that the level of trust between US nationals and its government has increased over time?

[7020] Ms Kirsten Han: No, it has not increased, but the point is that we can't correlate one thing to another so simply, because there are many factors into public trust.

[7021] Mr Edwin Tong Chun Fai: I accept that. If one was looking at it as a question of looking at how we deal with an increasingly new -- it has not been a long-term problem, it has been a recent phenomenon, relatively speaking, online falsehoods how you deal with it, how you have information fact checking, but the latest result, at least what I showed you earlier, do not indicate there has been a greater degree of trust, despite this openness of information flow. Why do you think that?

[7022] Ms Kirsten Han: I think there are very many factors in the US as to why public trust has decreased. There is very much inequality, racial issues, unaddressed. And there is lack of accountability, for example, so it is not just disinformation campaigns that sow public distrust of the police among African Americans but they also see a lack of accountability of when police officers shoot black people on the streets and they don't get prosecuted for it, that also breeds distrust. You don't need disinformation campaigns to create that distrust, you just need disappointment in the lack of justice and accountability and a sense of impunity among the police.

[7023] Mr Edwin Tong Chun Fai: Have you studied how this freedom of information, open exchange of information has operated in the other jurisdictions such as the UK or Australia?

[7024] Ms Kirsten Han: I have seen the broad principles but I have not studied specific legislation.

[7025] Mr Edwin Tong Chun Fai: I would like to show you a comment by Tony Blair.

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[7026] **The Chairman:** Mr Tong, if I could interject, we have been at it for over five hours, I think some of us may need a bio break. If I may suggest, I am going to adjourn for 10 minutes, and we will resume at 8.12 pm.

(The hearing adjourned for a break.)

[7027] **The Chairman:** Welcome back. I will hand it back to Mr Tong, you were about to ask a question.

[7028] **Mr Edwin Tong Chun Fai:** I wanted you to look at the comments made by Tony Blair who was Prime Minister for the UK at the relevant time, but subsequent to him stepping off he made a comment which I would like you to look at. Again, I will put it up on the screen. This was a publication in 2011. If you look at the second line, "Freedom of Information Act has achieved greater transparency but has hindered progress in our trusting of politicians." Let me look at some passages and ask you some questions: "Freedom of Information Act. Three harmless words. I look at these words as I write them and I feel like shaking my head till it drops off. You idiot, you naive, foolish, irresponsible nincompoop. There is really no description of stupidity, no matter how vivid that is adequate. I quake at the imbecility of it. Thus Tony Blair records in his memoirs what he believes to have been one of his greatest mistakes while in office. Introducing legislation intending to shed light on government in a manner that empowered people. It is a dangerous act, he went on, because governments need to be able to debate and decide issues in confidence." Do you place stock in that, Ms Han?

[7029] **Ms Kirsten Han:** I believe there are scenarios where the governments can justify having confidential information. In fact, in the UK, there is a committee, a D-Notice Committee, although its name might have changed now, that brings government and the media together to discuss which instances information should be made public and reported on, and which instances it should be redacted or kept confidential.

[7030] **Mr Edwin Tong Chun Fai:** But that's precisely the problem that we have to grapple with. The extent to which we are suggesting, or rather you are suggesting that information be made public or at least be exchanged, would impede the way in which governments would work. Would you agree?

[7031] **Ms Kirsten Han:** It doesn't impede the government's ability to keep things confidential for legitimate national security reasons. A Freedom of Information Act does not mean that every single classified top secret document automatically becomes public. So, within the UK, even with Tony Blair's Freedom of Information Act, there continues to be regular engagement and talks between government and the media about what is information that should be reported on and what should be kept confidential.

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In fact, for Tony Blair, what really undermines government trust is complicity in the Iraq War and the allegation that there were weapons of mass destruction. That really kills public trust. I wouldn't say that was the Freedom of Information Act that killed public trust. Dropping bombs on Iraq on the basis of weapons that aren't there, kills public trust.

[7032] Mr Edwin Tong Chun Fai: The exchange of information between government and media in the way you described, regardless of whether the act exists or not, should be there. That's my view, at least. But what you are suggesting goes further. It is sometimes not easy to say what is or is not and what might or might not become matters which could be released as opposed to matters which you know at the time you are discussing will be kept in confidence. Wouldn't you accept that?

[7033] Ms Kirsten Han: Sorry, could you just repeat the question?

[7034] Mr Edwin Tong Chun Fai: The question is sometimes you won't know in advance at the time you are having a discussion or having a paper written up as to whether something is or is not going to be released at that point in time. Would you agree? That I think is the nub of what Tony Blair is saying. That you can't discuss it in confidence. You don't have the confidence to go and do it and in his words "to debate and decide issues".

[7035] Ms Kirsten Han: Correct me if I'm wrong, but my understanding is you are saying that if there was a Freedom of Information Act, public servants and politicians might be concerned about what they are discussing at the time because they are worried that it will become public at a later date?

[7036] Mr Edwin Tong Chun Fai: Matters which affect security and the way in which governments do their work and decide on matters, form their decisions, would become subject to scrutiny and that is not necessarily a good thing, is it?

[7037] Ms Kirsten Han: I would say scrutiny is a lot of the time actually a good thing. They should be subject to scrutiny, they are elected officials. As I have already said, excuse me, let me finish. As I already said, the existence of the Freedom of Information Act does not preclude things being classified and top secret. So, the UK does have a Freedom of Information Act. It does also still have plenty of documents and operations and exercises that are still classified and top secret.

[7038] Mr Edwin Tong Chun Fai: Well, let's look at what was said by Prince Charles, which was then released subsequently. There is an article May 2015 where the title is "Prince Charles criticises the Iraq War Resources in Blair letter". Not sure if you are familiar with this event. But this article relates a story where Prince Charles wrote

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to the Prime Minister at the time to explain that he felt that there was a question of the resources not being optimal. He had questioned whether the equipment, the helicopters and other items that they had were sufficient for its purposes. This information then became released.

[7039] Ms Kirsten Han: Yes.

[7040] Mr Edwin Tong Chun Fai: Do you think that's a good thing?

[7041] Ms Kirsten Han: Yes. People should know if there are concerns that the future monarch might have political leanings, yes, people should know that.

[7042] Mr Edwin Tong Chun Fai: It's not about political leanings, it's about disclosing matters which affect directly the security interest.

[7043] Ms Kirsten Han: They are not saying that they blocked disclosure because of security interests, they blocked the disclosure as Ministers had feared publication could damage the heir to the throne. Why should we be so overly concerned about protecting the heir to the throne?

[7044] Mr Edwin Tong Chun Fai: The consequence of this production, do you think it is in the interests of UK citizens for this to be revealed to the UK's enemies in the Middle East, for instance?

[7045] Ms Kirsten Han: It is not clear that this was classified information because the whole article says that they kept the letter secret in case they cast doubt over the future king's political neutrality. It doesn't say that it was classified information. For all I know, because I'm just looking at one article, for all I know there is some other news report somewhere happily reporting about the Lynx aircraft being used globally.

[7046] Mr Edwin Tong Chun Fai: No, this Lynx aircraft was one of the items used in the conflict. To the extent that you want to keep your private information about your own resources, about the ability of your own resources, about the weaknesses of your own troops, don't you think that is something best kept from public ---

[7047] Ms Kirsten Han: It's not clear this is all classified information. It could actually be public information.

[7048] Mr Edwin Tong Chun Fai: If you have a Freedom of Information Act that is broad, information like this, I'm not saying only this, but like this is would get out there. Do you think it is in the interests of a country for its political opponents, for its counter-parties, in this case a warring party, to be aware of this?

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[7049] **Ms Kirsten Han:** I really don't think you are correct. You are offering a fair example here. Because again it also says that despite The Guardian newspaper requesting access to the letters, the governments were able to block the disclosure through using regular due process. If they do want to block the disclosure, it is still within due process, for example, of the Freedom of Information Act for the government to go to court and argue for why it should not be released. It's possible. Again, like these UK examples, perhaps the Freedom of Information Act in the UK is flawed. I haven't seen the legislation and I'm not a lawyer to make that discussion, but all that tells us is maybe the UK has a crappy Freedom of Information Act. Are we saying that Singapore cannot possibly draft one better if we had one?

[7050] **Mr Edwin Tong Chun Fai:** I'm not sure that is a fair statement for you to make.

[7051] **Ms Kirsten Han:** I said "perhaps".

[7052] **Mr Edwin Tong Chun Fai:** Are you aware that there was a subsequent independent review of the impact of this Act in the UK? It is a Frontier Economics report dated October 2006. It's a fairly long report. I will show you an executive summary portion of it. It says here that in the first paragraph: "Each of the groups surveyed tend to contain a mixture of one-off requesters and serial requesters. So, there are both. Journalists make up a significant portion of the serial requesters", and it sets out some of the details and what they account for.

[7053] **Ms Kirsten Han:** It has disappeared off the screen.

[7054] **Mr Edwin Tong Chun Fai:** Can you please keep it on the screen? Do we have it? Can we get it back on screen? So, we are looking at the upper section, third paragraph: "Journalists are also one of the most significant categories of requestors in ... overall in terms of total, across central government and the wider public sector, journalists account for at least 3.9 million pounds or 16 per cent of the total cost of the FOI delivery."

[7055] And thereafter, there lists a series of requests which are not in the spirit of this Act. For example, if you just look, and this is the UK's review, requests for the total amount spent on Ferrero Rocher chocolates in the UK. A request from a vintage lorry spotter to 387 local authorities for the registration numbers of all vintage lorries in their stock. A request for information on a sweater given to President George Bush by Number 10. And the list goes on. Yes, they are not national security classifications, but do you not regard this as something that one has to think about. The impact it has on government resources?

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[7056] **Ms Kirsten Han:** Do we not value transparency over the fact that some people might ask for the total amount spent on Ferrero Rocher chocolates? Would the principle of transparency and open access to information, public information, be an important principle? Of course, there will always be some joker who wants to know how much was spent on pineapple tarts in the Ministry or how many tissue boxes were bought, but I would say that the principle of transparency and the principle that it would demonstrate the Government standing for accountability of its people, outweighs the fact that some people will ask for very random things.

[7057] **Mr Edwin Tong Chun Fai:** And the way you would contemplate this act working is at some stage, not immediately, but at some stage after a time lapse, information would be disclosed?

[7058] **Ms Kirsten Han:** Yes. I believe that for a particular -- I think there is two parts. One is the freedom of information where people can request for public information and if it is a national security issue, the government can go and contest it, but then separate to that, I also suggested that we have some process of declassifying ---

[7059] **Mr Edwin Tong Chun Fai:** After a lapse of time?

[7060] **Ms Kirsten Han:** --- classified documents after a lapse of time, yes.

[7061] **Mr Edwin Tong Chun Fai:** So, in those situations, issues of national security or otherwise, they continue to be disclosed?

[7062] **Ms Kirsten Han:** Yes, after a lapse of time, if it is considered that after this lapse of time, it is no longer a security issue, then, yes, it should be declassified. If it is still considered to be a security issue, then the government of course should have the avenue to argue their case and to argue for it to be continued to be classified. For example, just now in the Prince Charles case, I note that The Guardian requested the information in 2005 but the article was only in 2015, which after 10 years, we've moved on from the Iraq War. So, I think that is also perhaps one of the reasons why it was eventually disclosed.

[7063] **Mr Edwin Tong Chun Fai:** In neither of these cases, in the scenarios you outlined, would it be an effective countermeasure to a viral online post that is false? Would you agree?

[7064] **Ms Kirsten Han:** Yes, so this is more of a holistic long-term non-legal measure of addressing the issue.

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[7065] **Mr Edwin Tong Chun Fai:** Well, it is legal because you are proposing new legislation.

[7066] **Ms Kirsten Han:** Right.

[7067] **Mr Edwin Tong Chun Fai:** For once.

[7068] **Ms Kirsten Han:** Yes, for transparency, of course. Not all legislation is bad. But for transparency as you know legislation can be ---

[7069] **Mr Edwin Tong Chun Fai:** I thought you might say that. The point is, it is ineffective to deal with the kind of problems we have just seen, where there is an online viral post, that is going viral quickly, causing incitement and potentially property harm, destruction and also loss of life.

[7070] **Ms Kirsten Han:** It is ineffective for tackling that one specific post, but I think ---

[7071] **Mr Edwin Tong Chun Fai:** But that's a very important post.

[7072] **Ms Kirsten Han:** --- but it does have an impact on long-term holistic public trust and social cohesion that we cannot underestimate. For example, if we further built public trust and exchange, social cohesion, when there are future posts like this, people would be more literate, people would be more educated, people would also have more trust in each other and in the public institutions, and that actually also erodes the impact that falsehoods could have.

[7073] **Mr Edwin Tong Chun Fai:** Let's look at a further study on this. This one a bit more recent. An article titled, "Who uses FOIA" and an analysis of 229,000 requests to 85 government agencies. The first couple of paragraphs just sets out the way it was done. Look at the second page. The breakdown is who makes FOIA requests by category of persons. You will see a disproportionately large number are commercial entities: Businesses take up almost 40 per cent, law firms 16.7 per cent, news media 7.6 per cent, non-profits 7.5 per cent. Would you regard this as an effective use of the Freedom of Information Act to deal with online falsehoods overall, or could this be used as corporate mechanisms to find out information and to seek commercial advantages?

[7074] **Ms Kirsten Han:** I don't see it as a problem if it's public information that's not deemed to be dangerous and a necessity to be classified. The whole point of it being freedom of information and being public information is that it doesn't matter who asks for it. If it is, of course, a security issue that needs to be classified, then,

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yes, that would be classified. Otherwise, I don't have a problem with who is asking for the information.

[7075] Mr Edwin Tong Chun Fai: Irrespective of the fact that based on this poll, the most frequent users of this, the top 10 most frequent requesters are all commercial businesses makes no difference to your analysis?

[7076] Ms Kirsten Han: I wouldn't automatically assume that just because it's mostly commercial businesses that it's not effective. I mean businesses also engage in fact-checking and debunking because it affects their bottom line.

[7077] Mr Edwin Tong Chun Fai: Look at the table below this. The top 10 users are International Business Research and by name it tells you what they do by name. Disclosure Insight, Check Fund Manager, FOI Services Inc, EACM Advisors, Bioscience Advisers, Reuters, FOIA group, Merck and EMSI. By definition, the first two tell you what business they are engaged in.

[7078] Ms Kirsten Han: Is it a bad thing they have data?

[7079] Mr Edwin Tong Chun Fai: It's not a bad thing, it's just that the use of the Act that you are proposing with its attendant consequences on national security, with its attendant consequences on deployment of resources that we looked at, one has to look at what is the countervailing upside. The upside is largely used by persons with a business interest in the information, as opposed to what you are suggesting.

[7080] Ms Kirsten Han: But if there is an upside for individuals, journalists, NGOs and universities to use it, I don't begrudge the businesses the upside they get as well.

[7081] Mr Edwin Tong Chun Fai: Let's look at Australia then. Let me find the reference. Give me a second. Can you look at what John Fraser said in an article entitled "Australia's top public servants call for FOI reform", "Australia's most senior public servants have called for freedom of information laws to be amended to conceal sensitive advice to ministers from public security. The Department of Prime Minister and Cabinet Secretary and so on outlined their vision at an industry event claiming it would strengthen government policy. The FOI Act does not afford sufficient protection to public servants. As leaders, we need to use exemptions appropriately but I would suggest going further. This is not to reduce accountability, not to protect us from stuff-ups we may have made but to enhance capacity to give true, frank and fearless advice that good policy design needs." A view that echoes what we saw earlier from the UK. Would you agree with this?

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[7082] **Ms Kirsten Han:** I don't find it surprising that public servants feel like there should be more protection for public servants, no. I am not necessarily that sympathetic to it. I feel that they should be accountable. And I appreciate frank and fearless advice, but if they really have a commitment to good policy, then they should be ready to give that advice and stand by it publicly, even if it is made public.

[7083] **Mr Edwin Tong Chun Fai:** I think what you are articulating is I think an aspiration, an objective that you wish to achieve. But what we are seeing is that in practice, on the ground, this is what the Act has, in practice, affected the work of public servants, civil servants and we've seen that across UK, I've shown you some examples, Australia as well. So, in exploring your contention, I'm just trying to understand whether you have paid any regard to this, whether you studied this, and given it any heed?

[7084] **Ms Kirsten Han:** I admit to not having a comprehensive study of Freedom of Information Act but I also do feel like these are competing views, so public servants might feel that there should be more protection, they might find Freedom of Information Act very troublesome, costly, time consuming because they have to respond to all these requests. But then, on the other side, as a citizen who wants accountability, I feel like this Freedom of Information Act is important because then it allows me access to that information and it helps me build trust in institutions. So, I think there will always be tension between where the boundaries are and that's why, you know, if we do have a Freedom of Information Act, then I would revert to what I keep saying about engagement and perhaps we should have a Select Committee on how to do a Freedom of Information Act that would meet Singapore's needs.

[7085] **Mr Edwin Tong Chun Fai:** I'm sure that will be considered.

[7086] **Mr Howard Lee:** Can I interject at this point in time. Because Mr Tong is talking about how this is like in practice. I think I will be in the best position to answer that because I have worked for the British government in Singapore in the communications portfolio. It is not as onerous as we would like to think. I would just leave it that a lot of it has got to do with tying down processes. In this sense, I think Singapore has some of these processes in place, but more can be done in order to make FOI a reality. That's what I'm saying.

[7087] **Mr Edwin Tong Chun Fai:** I will come back to you. Ms Han, to summarise your overall views to make sure I understand it correctly. You are largely saying that you don't regard as appropriate a response to any online posting, false or otherwise, and regardless of the extent of damage to property, or to injury to persons it may cause if it goes viral, that an appropriate remedy should be legislative, and/or one which requires a takedown?

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[7088] **Ms Kirsten Han:** No, that's not true. I'm saying that what we don't need is further legislation that polices and regulates content. I'm not saying that there shouldn't be any response. What I'm saying is that we already have a lot of legislation with which we can respond.

[7089] **Mr Edwin Tong Chun Fai:** Right. So, your view that the existing legislation is sufficient is the sole basis on which you say that we don't need any more new ones?

[7090] **Ms Kirsten Han:** It is the main basis that we don't need any new ones. Again, sorry for taking up your time repeating myself, but I'm saying that new ones might also create unintended consequences that actually undermine trust and end up being counterproductive.

[7091] **Mr Edwin Tong Chun Fai:** This is despite the fact, as you have seen, that there are polls which indicate that Singaporeans wish to have that legislation and wish to be protected from online falsehoods?

[7092] **Ms Kirsten Han:** I question that survey because I feel like the questions are very leading and it is badly phrased.

[7093] **Mr Edwin Tong Chun Fai:** Leaving that aside, I mean I will ask you to frame your answer on the face value of that survey. Even with that, you will stand by your views?

[7094] **Ms Kirsten Han:** Yes, it is my individual view and I stand by what I believe.

[7095] **Mr Edwin Tong Chun Fai:** And this is despite the fact that as I have tried to show you at the start of these proceedings, that evidence has been led including from the law professor that there are gaps in the legislation.

[7096] **Ms Kirsten Han:** I disagree. I'm sure the law professor had his view, but I have a different view.

[7097] **Mr Edwin Tong Chun Fai:** Right. And would you accept that your view, based on this research, would be dissonant with the majority of Singaporeans on this question?

[7098] **Ms Kirsten Han:** I don't know. I haven't polled all the Singaporeans.

[7099] **Mr Edwin Tong Chun Fai:** No, based on the research publication that I've showed you, 92 per cent.

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[7100] **Ms Kirsten Han:** I highly question the survey, but even if we take it at face value, perhaps I am out of step with 92 per cent of Singaporeans, but that's okay with me. I don't feel the need to change just because the majority feels one way.

[7101] **Mr Edwin Tong Chun Fai:** As a content provider, as a writer, would you agree that one has to provide full information and verify the sources, and check the facts as accurately as possible.

[7102] **Ms Kirsten Han:** As much as we can. In fact, as a journalist I find a lot of times my attempts to provide full information is impeded by the lack of a Freedom of Information Act.

[7103] **Mr Edwin Tong Chun Fai:** Again, I thought you would say that, but it doesn't stop one from checking the facts, cross-checking it and verifying it from third-party sources as well?

[7104] **Ms Kirsten Han:** Yes.

[7105] **Mr Edwin Tong Chun Fai:** There is no lack of means available?

[7106] **Ms Kirsten Han:** There is a lack of means when I call the police for a comment to confirm that someone has been arrested and he says, "I only speak to MCI accredited journalists. You might not be a real journalist. I cannot tell you where Seelan Palay is." Even though I've seen a video of him being arrested. And I tried to call the police to verify and they said, "I cannot talk to you because you don't have a MCI card."

[7107] **Mr Edwin Tong Chun Fai:** There must be a reason for the accreditation?

[7108] **Ms Kirsten Han:** Perhaps, I'm just trying to make the point that the full range of measures I would like to access, I cannot access. It's not that I have never tried to apply for an MCI card, I was told I cannot have one.

[7109] **Mr Edwin Tong Chun Fai:** Within what you regard as constraints, you would do what you can to make sure the facts you put up are accurate.

[7110] **Ms Kirsten Han:** Yes.

[7111] **Mr Edwin Tong Chun Fai:** You would regard that as a duty you have.

[7112] **Ms Kirsten Han:** Yes.

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[7113] **Mr Edwin Tong Chun Fai:** Because you are content providers, that duty is one that you take very seriously.

[7114] **Ms Kirsten Han:** Yes.

[7115] **Mr Edwin Tong Chun Fai:** And if you were to issue a story or article that is half true and half false, that would effectively be false. Correct?

[7116] **Ms Kirsten Han:** I think again if -- are you talking about the Asia Times article because I think ---

[7117] **Mr Edwin Tong Chun Fai:** I'm asking in general terms. If you put up something which is made up of untruths along mixed up with truths, that would also lend itself to a story that is ultimately false? Or a position you will be taking is ultimately false?

[7118] **Ms Kirsten Han:** I would not then characterise that as false in this context, when we are talking about what is fake and what potentially might come under legislation. I think there are inaccurate stories. There is skewed reporting. There is just downright bad journalism. There is a whole range of stories that are problematic across a whole range of publications and journalists ourselves constantly argue and debate whether this story was written well, whether the story was written another way, who wrote what, how, constantly reading your own story and then reading a competitor's byline and comparing it going, why didn't they write this, why didn't they do it this way. This is constant among journalists that I know. But I would shy away from saying just because some things might be inaccurate, and some things we might feel is untrue, then it becomes a false story.

[7119] **Mr Edwin Tong Chun Fai:** Ms Han, I think you know that there is a difference between what one might write artistically or journalistically and you might form a different way on your style of writing and presentation, but that is quite different to making up a story that is made up of truths and untruths and passing it off as a story.

[7120] **Ms Kirsten Han:** Do you mean when you say untruths, you mean outright fabricating quotes?

[7121] **Mr Edwin Tong Chun Fai:** Either that or statements which are reckless with no regard for the truth, not checked.

[7122] **Ms Kirsten Han:** Again "reckless" and "no regard for the truth" could again be a matter of interpretation. If you are talking in a scenario where say a journalist claimed to go to an event that they actually did not attend and made up quotes ---

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[7123] **Mr Edwin Tong Chun Fai:** Or a quote from someone who is a phantom?

[7124] **Ms Kirsten Han:** Yes, or flat out made up a quote, then, yes, that journalist's credibility should be in the dirt and I don't feel sorry for a journalist like that. If it was a matter of why didn't you include this report or that report, why didn't you quote this in full, why did it get truncated, then I think that is very different from saying that someone has fabricated something.

[7125] **Mr Edwin Tong Chun Fai:** I understand. You would also accept that it is important as a content provider to set out the facts and the basis on which you are setting out an opinion as far as possible. Would you agree?

[7126] **Ms Kirsten Han:** Yes, to try provide -- yes.

[7127] **Mr Edwin Tong Chun Fai:** And applying that to the Human Rights Watch report, that would also apply. If you want to take a view or advocate a certain position, then as far as possible the facts on which you formed that view should be set out fully. Would you agree?

[7128] **Ms Kirsten Han:** I believe they set out the facts.

[7129] **Mr Edwin Tong Chun Fai:** I mean would you agree. Whether they did or did not is a matter of view, but would you agree that that should be done?

[7130] **Ms Kirsten Han:** Yes, they should set out facts and substantiate their claims.

[7131] **Mr Edwin Tong Chun Fai:** So, in the context, for example, of the Alan Shadrake case, one should set out fully the facts on which the alleged scandalising of the judiciary was done. Would you agree?

[7132] **Ms Kirsten Han:** I think the way that journalism works you would never fly with saying I have to list out all the allegations and all the charges because then your editor would just cut all that out because they say you are taking too much time.

[7133] **Mr Edwin Tong Chun Fai:** You would need to set out -- obviously you got to determine what you can do, but you got to set out within reasonable boundaries facts which would not lend your story to an unreasonable conclusion formed because of a lack of appreciation of the underlying facts.

[7134] **Ms Kirsten Han:** You see, this here we are talking not about fabrication, but about editorial choice. I'm sure we can hugely disagree over one's editorial choice of what to leave in or what to report or what not to say, but again I would really shy away

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from calling that a false story. For example, during the run-up to the Administration of Justice (Protection) Bill, I was part of a campaign to highlight the problems of the Bill and I made a number of public statements about the Bill, and there was a Straits Times story that talked about the Bill and its passage, and online there was some unhappiness. It simply referred to me as “Facebook user Kirsten Han”, rather than setting out the context that I was a very active member of a campaign that criticised the Bill.

[7135] So, should we say that was a falsehood? I was unhappy with that characterisation of certainly going from being an active member of the campaign and therefore a stakeholder that could be quoted, to becoming just a Facebook user. But I would not at all call that Straits Times story a falsehood. I would dispute that journalist’s editorial choice. I believe that the journalist’s reason for it was there wasn’t enough space. I disagree with that choice, but I wouldn’t say it was false.

[7136] **Mr Edwin Tong Chun Fai:** That is a question of description. What I’m saying to you is that if you are trying to advocate the view, then I think the complete facts which support or detract from that view ought to be set out so that readers can judge?

[7137] **Ms Kirsten Han:** Again, that is a matter of editorial choice because as journalists we cannot list every single fact that’s related to the issue.

[7138] **Mr Edwin Tong Chun Fai:** Don’t repeat that. I know. But the point is within that context, you must also know that what facts you should set out which would lend your story or your conclusion to a credible landing and also provide the basis for people to form a view?

[7139] **Ms Kirsten Han:** I’m sorry, but, you know, it’s not that I’m deliberately trying to be difficult, but I have to repeat again that it is a matter of editorial choice and that is the answer that ---

[7140] **Mr Edwin Tong Chun Fai:** So, it’s outside of your control?

[7141] **Ms Kirsten Han:** My answer will not change.

[7142] **Mr Edwin Tong Chun Fai:** Are you saying it’s outside of your control?

[7143] **Ms Kirsten Han:** No, I’m saying it is a choice every journalist and editor makes in the creation of a story. It can be disputed and it can be criticised, but I would really be very cautious of them saying this is false or fake news.

[7144] **Mr Edwin Tong Chun Fai:** But that choice must be driven by trying to set out as full as possible an objective or fair basis on which the conclusion of the article of the story is based?

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[7145] **Ms Kirsten Han:** That's a question of intent, in which ---

[7146] **Mr Edwin Tong Chun Fai:** That's what journalists have to do.

[7147] **Ms Kirsten Han:** Each journalist has to speak for himself or herself ---

[7148] **Mr Edwin Tong Chun Fai:** For yourself?

[7149] **Ms Kirsten Han:** But again -- for myself, I try as much as I can, but I make editorial choices as well. That's an issue between me and my editor when the story gets worked on. Of course, I've seen many people who disagree with my editorial choices and they should be free to hold that view.

[7150] **Mr Edwin Tong Chun Fai:** Mr Lee, I am going to ask you some questions on your report. Can you look at what you say about the Michigan State University publication?

[7151] **Mr Howard Lee:** Yes.

[7152] **Mr Edwin Tong Chun Fai:** You have it. Paragraph 12. Were you aware that this study was commissioned by Google?

[7153] **Mr Howard Lee:** No, I wasn't aware of that.

[7154] **Mr Edwin Tong Chun Fai:** And that it was also funded by Google?

[7155] **Mr Howard Lee:** No, I wasn't aware of that.

[7156] **Mr Edwin Tong Chun Fai:** You are also aware that this study was focused not so much on online falsehoods, but focused on the behavioural patterns and the algorithms created by search functions on Google?

[7157] **Mr Howard Lee:** I believe it is responding to how online users use online resources ---

[7158] **Mr Edwin Tong Chun Fai:** For search, right?

[7159] **Mr Howard Lee:** --- as a means of finding information. Yes, search.

[7160] **Mr Edwin Tong Chun Fai:** In the search engines, right?

[7161] **Mr Howard Lee:** Yes, that's right.

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[7162] **Mr Edwin Tong Chun Fai:** You've also talked about election advertising in your report. Do you recall that?

[7163] **Mr Howard Lee:** Election advertising in my, I'm sorry, would you be able to ---

[7164] **Mr Edwin Tong Chun Fai:** Look at paragraph 9.

[7165] **Mr Howard Lee:** Yes.

[7166] **Mr Edwin Tong Chun Fai:** You make the point that we don't have to be worried because we have strict rules on election advertising, and this concerns the question of foreign intervention.

[7167] **Mr Howard Lee:** Yes.

[7168] **Mr Edwin Tong Chun Fai:** Now, I just want to show you the cascade effect that we've seen before. Can I put it up there? I think you can see it on your side, Mr Lee. Have you seen this before? This diagram essentially talks about how from one Twitter account with some followers where there are then quotes by various media outlets and how that cascades into different platforms and the point from this really is that those platforms transcend geographical or legal jurisdictions.

[7169] **Mr Howard Lee:** I might have seen something like that. Probably not this exact one, but the concept is not unfamiliar to me, yes.

[7170] **Mr Edwin Tong Chun Fai:** There is a similar one I can show you two pages down from this. This was cited provided by Ben Nimmo, one of our representors.

[7171] **Mr Howard Lee:** Right.

[7172] **Mr Edwin Tong Chun Fai:** The point here is the moment you put something out, it is carried and transcends geographical boundaries and so the extent to which one can in your case use the election advertising rules as a bar to the presence of foreign intervention would be limited. Would you agree?

[7173] **Mr Howard Lee:** I believe these two diagrams you show me refer to the spread of information, or are they related to the spread of funds?

[7174] **Mr Edwin Tong Chun Fai:** No, they relate to the spread of information, but the interference can be from a completely different originating source. It doesn't have to be in Singapore, for instance, but yet can affect the proliferation of information. Would you agree?

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[7175] **Mr Howard Lee:** I don't see how that is possible because all media outlets in Singapore are required to declare their advertising sources, especially foreign sources to IMDA.

[7176] **Mr Edwin Tong Chun Fai:** You look at the spread in this way, it can be online, it can be mainstream, it can be hard copy, it can be soft copy.

[7177] **Mr Howard Lee:** Sure.

[7178] **Mr Edwin Tong Chun Fai:** So, do you agree? You don't?

[7179] **Mr Howard Lee:** Again, what are you asking me to agree on? Whether this system bypasses our election advertising laws; is that what you are asking?

[7180] **Mr Edwin Tong Chun Fai:** What I'm asking you to consider is whether you have thought about this point when you made your comment that the election advertising provisions would be sufficient to curtail the foreign funding and foreign intervention in the spread of information online?

[7181] **Mr Howard Lee:** Insofar as it is coming into Singapore, yes. The spread of information, no, of course not, because we can only police what is happening within our boundaries. But I'm sure we are talking about Singapore here, yes?

[7182] **Mr Edwin Tong Chun Fai:** Can I show you the testimony of Colin Stretch, the general counsel of Facebook, when he was asked this question and see if you agree. I will again put it up on the screen. So, this was Colin Stretch giving testimony in October to the US Senate Committee. I will show you some paragraphs on it, three paragraphs at the bottom: "When it comes to the election, I want to be clear: the foreign interference we saw is reprehensible and outrageous and opened a new battleground for our company, our industry, and our society. That foreign actors, hiding behind fake accounts, abused our platform and other Internet services to try to sow division and discord and to try to undermine our election process is an assault on democracy and it violates all of our values."

[7183] Over the page where he specifically addresses investigating the role of ads and foreign interference, he says: "We learned from press accounts and so on that Russian actors might have tried to interfere. This is not something we have seen before. We found that fake accounts associated with the IRA spend approximately 100,000 on more than 3,000 Facebook and Instagram ads between June 2015 and August 2017.

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[7184] Our analysis showed that the accounts used these ads to promote roughly 120 Facebook pages they had set up, which in turn posted more than 80,000 pieces of content between January 2015 and August 2017: (a) advertising by accounts associated with the IRA”, and below is an overview of all of this. If you look at the advertising by accounts associated with the IRA, you will see that the amounts spent are set out there.

[7185] Right at the bottom, the contents of the ads: “Most of them appear to focus on divisive social and political messages across the ideological spectrum touching on topics from LGBT matters to raise issues to immigration to gun rights. A number of the ads encouraged people to follow pages on these issues which in turn produced posts on similarly charged subjects.”

[7186] And over the page at “b) the content posted by pages associated with the IRA estimated at roughly 29 million people who were served content in their news feed directly from IRA’s 80,000 posts over the two years.” If you go further down: “The best estimate is approximately 126 million people may have been served content from a page associated with IRA at some point during the same 2-year period.” Would you say that this shows that there is a high degree of likelihood or probability that a foreign actor can set up these accounts, fund it, and yet have the information proliferate and affect lots of people within your geographical domain?

[7187] Mr Howard Lee: I agree that they are able to set up these accounts and allow it to proliferate across geographical boundaries. Whether it has an effect on the recipients of the messages, I am not too sure about that. I haven’t read anything that confirms that, which is also one of the points that I raised at the start.

[7188] Mr Edwin Tong Chun Fai: Yes, because you said you are not familiar with matters of how these online falsehoods affect national security.

[7189] Mr Howard Lee: No. I was referring to how they affect the users who actually receive such information.

[7190] Mr Edwin Tong Chun Fai: Yes. This example shows how in Facebook’s case, as this example shows, the use of these accounts by IRA has proliferated socially divisive messages in this case. All I’m saying to you is that it is capable of being done. Would you agree?

[7191] Mr Howard Lee: It is capable of spreading these messages, yes.

[7192] Mr Edwin Tong Chun Fai: And the Election Advertising Act that you refer to would not stop this. Would you agree?

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[7193] **Mr Howard Lee:** It would not stop people from receiving such information if they are of that particular inclination based on their profile on social media, no. They would be able to receive such posts in that sense if their profile aligns with those.

[7194] **Mr Edwin Tong Chun Fai:** They would be able to; right?

[7195] **Mr Howard Lee:** Technically speaking, they would be able to, yes.

[7196] **Mr Edwin Tong Chun Fai:** Thank you. Thank you, Mr Lee. Mr Chairman, I have no further questions.

[7197] **The Chairman:** Mr Singh, I believe you have some questions.

[7198] **Mr Pritam Singh:** I just have one question, Chairman. Firstly, before I pose my question, thank you so much for sitting through quite a few hours of testimony. My question is specific to Ms Han, and you spoke earlier about freedom of expression and how in a case of incitement and I believe it was a situation of, it is a very clear hate message which has a potential to incitement to violence, I believe that was the statement.

[7199] **Ms Kirsten Han:** Yes.

[7200] **Mr Pritam Singh:** In that sort of context, would you countenance let's say a takedown mechanism, a power that a government, an elected government can have? It doesn't mean that because it has that power, it will exercise that power, because each situation is different. You have to consider the Streisand effect and so forth, backfire ---

[7201] **Ms Kirsten Han:** Yes.

[7202] **Mr Pritam Singh:** --- and it does not mean that if you have those powers, you will compel a tech company to take down content at every occasion.

[7203] **Ms Kirsten Han:** Yes.

[7204] **Mr Pritam Singh:** Because every situation is different.

[7205] **Ms Kirsten Han:** Yes.

[7206] **Mr Pritam Singh:** If that was the contours of potential -- well, it is the bad word for you -- legislation, would that be something that could be considered and would be realistic, particularly since we would agree that in view of the international definition of, or the boundaries surrounding freedom of expression, incitement to

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violence is a red line and if that red line is crossed, do you think that there is actually some scope to consider in specific instances, not as a broad sweeping power to be activated all the time, for government to actually compel content, a site which hosts content, like Facebook, to take down a particular post very quickly?

[7207] **Ms Kirsten Han:** I believe that we already have laws that could compel this sort of takedown of content. Whether it's the IMDA regulations, the Broadcasting Act. If it is a falsehood, the Telecommunications Act. If not, we have the Penal Code, the Sedition Act, the maintenance of religious harmony laws; if we are worried about undue influence of elections, we have legislation related to undue influence of elections as well. We have a lot of laws that even if they are not specifically about targeting falsehoods can actually be used in the instances of the harms that we think will be triggered by these falsehoods. So, my position would be that even if we say there should be takedown, we already have laws that allow that.

[7208] **Mr Pritam Singh:** So, conceptually it is not "*haram*" to have a policy where you have to take down something since you already have those powers ---

[7209] **Ms Kirsten Han:** Yes, I would urge that to be the very last resort, but if we already have those powers, then I'm saying we don't need more, or we don't need to double up or overlap legislation.

[7210] **Mr Pritam Singh:** I understand. Thank you so much.

[7211] **The Chairman:** Ms Han, if it is clear that there are gaps, because your assumption is that the laws are there, they are sufficient, but if it is conclusive that the existing legislation, or the different acts, are incomplete and unable to address what you just mentioned, would your view change?

[7212] **Ms Kirsten Han:** I would have to actually see that first.

[7213] **The Chairman:** I understand that. We had the benefit of hearing not just one professor, but a few professors who affirm those findings, but it is fair if you've not seen it, it would be good for you to review what they presented to us.

[7214] **Ms Kirsten Han:** Okay. Thank you.

[7215] **The Chairman:** Okay, if there are no further questions, I really want to thank all of you, Ms Han, Mr Xu, Mr Lee and Mr Ngiam for taking the time to participate and to contribute to this Select Committee process. In a few days, I think it will still be a few days, even though it is six hours of testimony, we should be able

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to send you a transcript of today's proceedings. Please do go through it and if you have any minor amendments, make them and send the transcripts back to us. Thank you very much for your time.

(The witnesses withdrew.)

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Paper No. 72 -- Mr Jolovan Wham, representing Community Action Network (CAN), was examined on affirmation.

[7216] **The Chairman:** Mr Wham, thank you for your patience. First, for the record, please state your name and the position that you hold in your organisation.

[7217] **Mr Jolovan Wham:** My name is Jolovan Wham. I'm a social worker with the Community Action Network.

[7218] **The Chairman:** Mr Wham, the evidence you will be giving today before the Select Committee will be taken on affirmation. The Clerk will now administer the affirmation.

(The witness made an affirmation.)

[7219] **The Chairman:** Please be seated. Mr Wham, welcome to the public hearing on the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is for us to pose questions to you. You have taken a solemn obligation to answer our questions truthfully. I will still call on Mr Tong to begin.

[7220] **Mr Edwin Tong Chun Fai:** Good evening, Mr Wham.

[7221] **Mr Jolovan Wham:** Good evening.

[7222] **Mr Edwin Tong Chun Fai:** Thank you very much for being here. I appreciate that you have waited for some time. We are very grateful.

[7223] **Mr Jolovan Wham:** Yes.

[7224] **Mr Edwin Tong Chun Fai:** You sent us a written submission which we have looked at. I just want to ask you a few questions from there. The first is in your overview. You make the point that you believe that this false information online, fake news, is not a major issue in Singapore. Now, we have heard evidence to the contrary from a selection of representors from around the world, representing a cross-section of academics, professors, people who are researchers in this field, people who are from NGOs, as well as from the tech companies who have come and given evidence in the past two weeks.

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[7225] By and large, the acknowledgement is that there is a significant problem. There is an issue of false information travelling faster than truths, there is a tendency heuristically to accept the false information more so than truths and even after that, when true information is published, there is less receptiveness to acknowledging the true information thereafter.

[7226] So, in the context of what we have seen, and the fact that also this platform using the false information, purveying falsehoods, which typically tend to be directed at social fault lines like racial, religious and other social cohesion fault lines, would you like to reconsider your position?

[7227] **Mr Jolovan Wham:** No. Perhaps you could give me examples of how it is a significant problem in Singapore. You mentioned foreign academics, people testifying from abroad and problems from overseas, but so far, we are yet to be convinced in Community Action Network that it is a significant problem in Singapore.

[7228] **Mr Edwin Tong Chun Fai:** The issue of online falsehood is something that travels outside of geographical boundaries. Do you accept?

[7229] **Mr Jolovan Wham:** Yes, but how has it impacted Singapore significantly that it is adverse to our society.

[7230] **Mr Edwin Tong Chun Fai:** Yes, and we are a society that co-exists with diverse racial, cultural and religious backgrounds. Correct?

[7231] **Mr Jolovan Wham:** Yes, that's right.

[7232] **Mr Edwin Tong Chun Fai:** And we do know that the pattern of online falsehoods, one of the objectives is to destabilise national interests or national security.

[7233] **Mr Jolovan Wham:** Has it been destabilised?

[7234] **Mr Edwin Tong Chun Fai:** The question is not so much has it been. I would suggest to you that this Committee is asked to look at the scope of the problem, and also to make recommendations before there is a problem.

[7235] **Mr Jolovan Wham:** But "has it been" is an important question because we need to look at empirical evidence, we need to look at real-life evidence and not speculate and draw conclusions from evidence that is not relevant to us.

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[7236] **Mr Edwin Tong Chun Fai:** Can I take it that your report is premised on the view that because there is no empirical evidence, and because you are not persuaded that it is of any relevance to Singapore, that you therefore think there is no need to deal with this question?

[7237] **Mr Jolovan Wham:** I think of course any kind of speech that could cause harm to society needs to be dealt with and we have existing laws for it already, but we are just not convinced that the issue of online falsehoods is a significant problem in Singapore.

[7238] **Mr Edwin Tong Chun Fai:** All I'm asking you is to confirm for me that that is how we should look at your report and the recommendations that you make in there are premised on this conclusion?

[7239] **Mr Jolovan Wham:** Premised on what conclusion?

[7240] **Mr Edwin Tong Chun Fai:** Your conclusion, I will read back to you what you said, that any kind of harm to society needs to be dealt with. You are not convinced that there is a significant problem of online falsehoods in Singapore, and further on you say that you need to look at the empirical evidence and real-life evidence and not speculate and draw conclusions from evidence that is not relevant to us, suggesting that there is no empirical evidence, and in your view, not relevant to us. Finally, you say that there is no question of evidence of how it has impacted Singapore.

[7241] **Mr Jolovan Wham:** Based on the evidence, right?

[7242] **Mr Edwin Tong Chun Fai:** Based on these parameters, this is how we should look at the conclusions you have advocated in your report. Right?

[7243] **Mr Jolovan Wham:** Based on the evidence that is represented so far, it doesn't seem convincing.

[7244] **Mr Edwin Tong Chun Fai:** That's not my question. I'm simply asking you to confirm how we should look at your report and the views you have formed in the report should be premised on your conclusion, or your view that there is no empirical evidence, that it doesn't apply to Singapore, and that there is no question of you being satisfied there is any evidence of online falsehoods affecting Singapore ---

[7245] **Mr Jolovan Wham:** The empirical evidence ---

[7246] **Mr Edwin Tong Chun Fai:** I think we need to speak one at a time so they can pick the transcript.

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[7247] **Mr Jolovan Wham:** Sure.

[7248] **Mr Edwin Tong Chun Fai:** So, when I have finished, then you speak.

[7249] **Mr Jolovan Wham:** Okay.

[7250] **Mr Edwin Tong Chun Fai:** The report you put forward and the views you have set out in there should be looked at entirely in this context, am I right?

[7251] **Mr Jolovan Wham:** Yes.

[7252] **Mr Edwin Tong Chun Fai:** Yes, thank you. Mr Chairman, I have no further questions.

[7253] **The Chairman:** Mr Wham, I think if there are no further questions, I would like to thank you.

[7254] **Mr Jolovan Wham:** Is that all?

[7255] **The Chairman:** Yes. I guess quite a lot of the grounds were covered in the earlier sessions ---

[7256] **Mr Jolovan Wham:** Okay.

[7257] **The Chairman:** --- in some of it.

[7258] **Mr Jolovan Wham:** But I do have other views I would like to share.

[7259] **The Chairman:** I think whatever is in your report is noted, in your written submissions is noted.

[7260] **Mr Jolovan Wham:** Okay. But I waited since 2 o'clock until now and then I just ---

[7261] **The Chairman:** I appreciate you waiting. Thank you.

[7262] **Mr Jolovan Wham:** --- sit here for a 5-minute response? I don't think that is fair.

[7263] **Mr Edwin Tong Chun Fai:** We have studied your written report very closely.

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[7264] **Mr Jolovan Wham:** I came all dressed for this. It's the first time I have worn a suit in years.

[7265] **The Chairman:** As I mentioned from the onset, it is for any Member here to ask any questions relating to your report. In this case, if there are no questions from other Members, I want to thank you. Indeed, it has been a long wait, but really thank you for taking the time to participate and to contribute to the Select Committee process. Rest assured your report, your submission has been noted and read by the committee.

[7266] In a few days, we will also send you the full transcript of today's proceedings. Do go through it and if you have any amendment, please make the changes and you can send the transcripts back to us.

[7267] **Mr Jolovan Wham:** Can I ask a question which is that when the draft legislation comes out on this issue, will there be similar consultations, will we be called upon to comment? Will there be a similar discussion and debate and will there be time to talk about it in Parliament because I think the last few months, you have rushed so many Bills through.

[7268] **The Chairman:** Mr Wham, this Select Committee is for us to ask you questions, not for ---

[7269] **Mr Jolovan Wham:** I think as a citizen, someone who will be impacted by this ---

[7270] **The Chairman:** We will address all these in due course. So, let's be patient.

[7271] **Mr Jolovan Wham:** Thank you.

[7272] **The Chairman:** I really thank you for the time you have spent. Again, thank you. Could the Staff escort Mr Wham out?

(The witness withdrew.)

[7273] **The Chairman:** So we are finished with the evidence taking for witnesses, those that are scheduled for today. But before we adjourn for the day, I would like to place on the record the fact that this Committee had also unanimously decided to invite Reporters Without Borders, also known as Reporters Sans Frontieres or RSF, to give oral evidence at our public hearings.

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[7274] RSF initially expressed interest in giving oral evidence, and in fact proposed to attend this week's hearings. However, it eventually cited "organisational reasons" and declined to attend. I note that it has subsequently issued a statement doubting the sincerity of our invitation.

[7275] I have asked our Parliament Secretariat to release a chronology of the correspondence with RSF. For the record, our invitation to RSF still stands. Should RSF change its mind and decide to give oral evidence, they are welcome to write to us.

(The hearing adjourned at 9.11 pm until Wednesday, 28 March 2018.)

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WEDNESDAY, 28 MARCH 2018
10.00 am

PRESENT:

Mr Charles Chong, Deputy Speaker (*Chairman*)
Mr Seah Kian Peng (*Chairman from 3.30 pm*)

Ms Chia Yong Yong
Dr Janil Puthucheary
Mr Desmond Lee
Mr Pritam Singh

Ms Rahayu Mahzam
Mr K Shanmugam
Ms Sun Xueling
Mr Edwin Tong Chun Fai

[Mr Deputy Speaker in the Chair]

[7276] **The Chairman:** Good morning. I call the meeting to order. May I invite the first witness to come forward to the witness table?

Paper No. 38 -- Assoc Prof Alton Chua (Associate Professor and Associate Chair (Research) at the Wee Kim Wee School of Communication and Information, Nanyang Technological University),

Paper No. 46 -- Asst Prof Liew Kai Khiun (Assistant Professor at the Wee Kim Wee School of Communication and Information, Nanyang Technological University), were examined under oath or on affirmation.

[7277] **The Chairman:** Good morning. For the record, could you please state your names and the position you occupy in your organisation, starting with Prof Liew?

[7278] **Asst Prof Liew Kai Khiun:** Sir, I'm Dr Liew Kai Khiun with the Nanyang Technological University, with the Wee Kim Wee School of Communication and Information.

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[7279] **Assoc Prof Alton Chua:** My name is Alton Chua. I'm an Associate Chair of Research, Wee Kim Wee School of Communication and Information, NTU.

[7280] **The Chairman:** Thank you. The evidence which you will give today will be under on oath. If you desire, you may also take an affirmation. Clerk, please administer the oath.

(The witnesses took oaths or made affirmations.)

[7281] **The Chairman:** Thank you. Please be seated. Welcome to the public hearing on the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully, and I now call upon Dr Janil to begin.

[7282] **Dr Janil Puthucheary:** Thank you for coming to see us, Prof Liew and Prof Chua, and thank you for your submissions as well. We are fairly -- I don't want to say we are late, but we have progressed quite a lot since the Green Paper was first tabled, and I'm sure you've been following some of the submissions, debates and commentary. So, perhaps, we might start with just your views on what has been presented to us, as a Committee, whether you broadly agree with some of the framings and concerns and then, we can have a little bit of a discussion about what you see as opportunities to do something about this and whether you agree with some of the positions that various other representations have put forth.

[7283] So, if I say that the issue of deliberate online falsehoods is something that is particularly serious for us here in Singapore as a function of the degree of connectivity we have, to the extent in which we rely on information from overseas, and the fault lines, potential or real, that exist in our society, you would largely agree with that, as a reasonable starting point? Yes?

[7284] **Asst Prof Liew Kai Khiun:** Yes. I do agree broadly in principle with the potential severity of the issues, especially for Singapore that is, both historically and in contemporary times, a very well connected society to the outside world.

[7285] **Dr Janil Puthucheary:** And, if we look at some of the potential threats, areas that a variety of submissions from the people who have come before us have identified, you agree that if we don't do something about this, if we leave the opportunity there, our national security, our racial and religious harmony, potentially, our economic stability, maybe even our sovereignty -- if you define sovereignty in terms of cultural sovereignty, our mental sovereignty, as it were -- you would agree, with the people who have come before this Committee to say all of these things are potentially at risk?

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[7286] **Assoc Prof Alton Chua:** I agree with the general consensus that something has to be done. The good thing is that even though these are potential risks, they have not shown themselves to rear their ugly heads at the moment.

[7287] So, I think we are in a good time and situation to pre-emptively make some decision as a country to tackle the falsehood.

[7288] **Dr Janil Puthucheary:** So, when you say it hasn't reared its ugly head, I think we can unpack that a little bit.

[7289] Would both of you agree that around the world today internationally, there are ongoing efforts to manipulate and spread deliberate online falsehoods, that this is an ongoing process that people are creating online falsehoods, spreading online falsehoods and using online falsehoods for other purposes, whether they are economic, political or criminal? Would you agree that it's currently happening out there in the world?

[7290] **Asst Prof Liew Kai Khiun:** Yes. We do agree on that. In academic language, we call it, like, post-truth societies.

[7291] **Dr Janil Puthucheary:** Yes.

[7292] **Asst Prof Liew Kai Khiun:** And that, because of what you call the democratisation of the media, that everyone has the kind of skills to create their own platforms, to manipulate and to doctor information and to put on different perspectives in a rapidly increasingly compressed time. So, from the computers in the past to the mobile phones today, and maybe even artificial intelligence and bots in future.

[7293] **Dr Janil Puthucheary:** So, it's happening out there?

[7294] **Asst Prof Liew Kai Khiun:** It's happening.

[7295] **Dr Janil Puthucheary:** When I say "happening", it's happening online, and we have seen real-world consequences of some of these things happening out there in other jurisdictions. Is that ---

[7296] **Assoc Prof Alton Chua:** That is correct. While the rest of the countries are experiencing the fallout, I think we are fortunate in Singapore that the fallout has so far not been so rampant and is under control, but that doesn't mean we will not succumb to such threats in the future.

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[7297] **Dr Janil Puthucheary:** So, when you say it hasn't reared its ugly head here in Singapore, you are referring to the fact that deliberate online falsehoods that are being spread have not had real-world consequences, or are you saying that there are no deliberate online falsehoods being spread in Singapore?

[7298] **Assoc Prof Alton Chua:** No, there are deliberate online falsehoods, but the consequences so far have been rather muted. For example, I did a research in 2015 about the death hoax of our late Prime Minister Lee Kuan Yew. There was a circulation about his death even though at the time he was alive. It was quickly quashed, less than three or four hours later.

[7299] **Dr Janil Puthucheary:** But the risk is there, and that's why you think we should do something about it?

[7300] **Assoc Prof Alton Chua:** That's right, that's right.

[7301] **Dr Janil Puthucheary:** Some of the information we've had presented to us, it suggests that work in this space, information ops, can be at a low level, a low intensity level, low visibility level, to the point where it is insidious, it is under the radar, potentially even undetected or undetectable. Do you think it's possible that if that may apply to us here in Singapore?

[7302] **Assoc Prof Alton Chua:** My sense is that the combat against deliberate online falsehoods cannot be waged purely on the informational battlefield. It has to be waged outside, in terms of the social compact between people and people, as well as people and Government. So, if we train our focus solely on the online space, then we are missing out on a lot of opportunities outside. Then, we end up being forced in the corner where we have to firefight.

[7303] **Dr Janil Puthucheary:** No, indeed. But Prof Chua, that's not quite what I asked. I agree and largely many people on the Committee as well as people who have come to speak before us talked about a multi-faceted approach. So, while the Terms of Reference of the Committee are to look only at the falsehoods spread online, deliberate online falsehoods, I think there is a growing consensus that the solution, or the intervention or the inoculation or prevention may have to be online and offline. And, we will come to that in a minute.

[7304] **Assoc Prof Alton Chua:** That's right. Okay.

[7305] **Dr Janil Puthucheary:** But my question is really: do you agree with some of the people who presented positions to us, suggesting that if there is information warfare going on, if deliberate online falsehoods are being weaponised or being manipulated for whatever reason -- I'm not talking about the inadvertent errors and so on. But, is it possible that it may be so insidious that we don't even know it?

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[7306] **Assoc Prof Alton Chua:** Possible. This is the unknown, unknown. Right? So, we currently had not detected anything and we think everything is okay.

[7307] **Dr Janil Puthucheary:** So, do you think that is a reasonable concern, given what else is happening in the world that we should, in addressing in our approach towards deliberate online falsehoods, we should specifically be concerned about the possibility of insidious low-level, what some of the representers have talked about, a drip feed type of attack, that this is a reasonable concern?

[7308] **Assoc Prof Alton Chua:** Yup. Definitely.

[7309] **Dr Janil Puthucheary:** Okay. So, in general, both of you would agree that the status quo is unacceptable?

[7310] **Assoc Prof Alton Chua:** No, not acceptable.

[7311] **Asst Prof Liew Kai Khiun:** I do agree that the status quo needs to be adjusted to changing conditions as well.

[7312] **Dr Janil Puthucheary:** Okay. So, it is unacceptable today and a single solution or a single step may not be necessary, it perhaps needs to be an iterative approach over time. You both agree with that?

[7313] **Asst Prof Liew Kai Khiun:** Yes, I do agree.

[7314] **Assoc Prof Alton Chua:** That's right.

[7315] **Dr Janil Puthucheary:** Who needs to play a part in the solution? And we can firstly identify the various players and then, we think about some of the various propositions that have been put to us. Who do you think should have a sense of responsibility, who do you think should take ownership of this problem, who do you think should play a part in what we do in terms of solutions? And we can talk about that in terms of either sense-making, establishing sources and the facts -- sources of truth and the facts, distribution of the truth, and a prevention of distribution of falsehoods, as well as, of course, punitive measures and reparations and so on, so forth. So, there are, sort of, four different types of categories. Who you think are the various players that need to play a role in these areas, the landscape?

[7316] **Assoc Prof Alton Chua:** My sense is that, there should be Government efforts to combat deliberate online falsehoods and likewise, we also want to foster ground-up initiatives. So, I think it's a multi-modal, multi-pronged, multi-agency kind

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of approach to address something that is increasingly complex. And I'm not surprised that, say, five to 10 years later, whatever we have come up with might be inadequate, and again, we have to shift to deal with emerging and new threats.

[7317] **Dr Janil Puthucheary:** So, let's talk specifics. You talk about a ground-up approach. Are you talking about corporate entities or civil society entities?

[7318] **Assoc Prof Alton Chua:** I think, for me, in my submission, I talk about the fact-checking community that's already existing in social networks today. So, these are by individuals who care about the country, who care about the spreading of truth rather than falsehood and there is a natural affinity among members. And then, they help to spread what is true.

[7319] **Dr Janil Puthucheary:** So, that is one part of the equation?

[7320] **Assoc Prof Alton Chua:** That's one part of the equation. That's right.

[7321] **Dr Janil Puthucheary:** Okay. What do you think should be their relationship towards potential sources of truth or untruth? How do they empower themselves to be an arbiter of truth?

[7322] **Assoc Prof Alton Chua:** I think in the research on online space, we find that the community has some ability to self-correct. So, if some messages are floating around, people will question and then, there's this sense-making going on. And, after a while, more and more people will jump in to question the validity of such claims and soon, there is enough traction and then, the rumour, in particular, gets quashed.

[7323] **Dr Janil Puthucheary:** So, that's happening today. And why do you say the status quo is unacceptable?

[7324] **Assoc Prof Alton Chua:** For example, if it's a rumour and after a while, it may be verifiable. But some of the claims may not be immediately verifiable due to access to information. So, that becomes more complex.

[7325] **Dr Janil Puthucheary:** So, then, does the state institutions then have a role to play in terms of establishing truth in a very rapid manner?

[7326] **Assoc Prof Alton Chua:** Yes. I believe so. I think Government-led initiative will establish what exactly truth is.

[7327] **Dr Janil Puthucheary:** And so, specific to the issue in front of us, which is the significant deliberate online falsehoods addressed at significant issues that can

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destabilise a society, national security, sovereignty, political outcomes, economic outcomes, so what do you think should be the balance between civil society and state responsibility for establishing the truth in these matters?

[7328] Asst Prof Liew Kai Khiun: I think, as I've placed in my submission, I do have a substantial -- a lot of faith in our local Singaporean online citizenry.

[7329] By and large, they are very much sophisticated. They are able to point out falsehoods. They are able to call out on issues, sometimes, a little grumpy, especially in train breakdowns, but, by in large, I think they are an educated and knowledgeable lot.

[7330] But having said that, we are living in different times. We have seen in the American elections, in Britain and after Cambridge Analytica exposé, that there are forces outside that do not respect the marketplace of ideas. There are forces outside that do have a more organised and concerted form of what I've placed in my submission of what they call online trolling offensive. They come in huge groups. They dominate the space, what they call information domination.

[7331] Dr Janil Puthuchear: Sorry to interrupt you, Professor. We accept all this. I mean, we've spent some time going through your submission. We accept that this is the scale of the problem. So, my question then to you is: you suggested that the online citizenry have a significant role to play?

[7332] Asst Prof Liew Kai Khiun: Yes.

[7333] Dr Janil Puthuchear: Why do you think that is sufficient, or do you not think it is sufficient and what can we do to bolster it if you don't think it's sufficient today?

[7334] Asst Prof Liew Kai Khiun: Such, I think, on a normal day, as I've placed in my submission, there is low-level intensity of troll offensive by other countries believing that, like our news networks are spreading fake news in their country. They dominate this space. So, on a normal day, that is fine. But I think when it comes to emergencies, when it comes to events, elections, epidemic outbreaks, that I think the Government should be acting like a lifeguard to raise the stakes, to get the networks maybe even to delete the post, to place people under scrutiny, to have more effective monitoring of the interaction process.

[7335] Dr Janil Puthuchear: So, you are saying that there are times when the process goes wrong, or the process can be manipulated to adverse outcomes, at which point the Government or the state needs to step in to break that process or to recalibrate, if I could summarise your position?

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[7336] **Asst Prof Liew Kai Khiun:** Yes. I would like to give a scenario. If, for example, we place ourselves in a situation of Little India riots breaking out in 2020 instead of 2013. Someone can raise the stakes by spreading the rumours that they are not just rioting, but they are sexually assaulting local women and sentiments get heightened. We see that in Sri Lanka currently as we are speaking. So, I think it's time maybe, you know, the Government should be acting like -- I give an analogy of, like a lifeguard.

[7337] **Dr Janil Puthucheary:** I understand. But one of the criticisms of that point of view is the interaction between the ongoing disinformation and what happens in a crisis.

[7338] And one of the positions that have been put forward to the Committee is that if you don't have a handle of ongoing disinformation campaigns, and trust is eroded in the ability for people to process information, and trust is eroded in the functioning of institutions to provide a source of truth, then, when a crisis happens, you are unable to play the role that you have just explained. There's a position there. So, slightly different from yours, where you are saying that you let things be, citizenry will play the role that they have, and, therefore, somehow that will moderate. When something goes wrong, you step in. This position suggests that you need to have a hand in the matter all the time, but what you do with the sense-making and what you do with the intervention perhaps needs to be calibrated depending on the impact.

[7339] **Asst Prof Liew Kai Khiun:** Yes.

[7340] **Dr Janil Puthucheary:** So, there is some commonality, but that's a slightly different view on that. What do you say to that?

[7341] **Asst Prof Liew Kai Khiun:** Maybe, I should slightly qualify myself. I believe in the citizenry online to put the kind of equilibrium. But having said that, I do think that current times, I mean, on a normal day like this, the current structures have been quite sufficient in dealing with online falsehoods, very nuanced. In fact, I think Singapore takes a much more interventionist role. Right from the start, for example, even before the fiasco from Facebook and Cambridge Analytica, there has been very clear, I think since the 1960s ---

[7342] **Dr Janil Puthucheary:** Professor, I'm trying to keep us to the ---

[7343] **Asst Prof Liew Kai Khiun:** Yeah. Sure. What I'm implying is that the current culture, the legal framework can be quite sufficient.

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[7344] **Dr Janil Puthucheary:** I understand, I understand. But that's not the question I'm asking you. I think we get back to the issue where we got a lot of views already. We understand the background, and there is quite a lot of differences of views on what that background means and where we should go. So, we don't need to necessarily revise the background.

[7345] **Asst Prof Liew Kai Khiun:** Okay, sure.

[7346] **Dr Janil Puthucheary:** But what is your view on this particular issue of, you need ongoing efforts to build trust, so that when a crisis happens, you can intervene versus, well, you just step back and just wait until the crisis happens and then you intervene? I'm trying to get your sense of that.

[7347] **Asst Prof Liew Kai Khiun:** I do agree with the former.

[7348] **Dr Janil Puthucheary:** The former?

[7349] **Asst Prof Liew Kai Khiun:** Which means there needs to be an ongoing effort to build trust. I'm not saying that we should just sit back and let things stand per se.

[7350] **Dr Janil Puthucheary:** I understand. So, now, we're coming back to who should play a part in this ecosystem. We've heard from both of you that the citizenry need to play a part.

[7351] **Asst Prof Liew Kai Khiun:** Yes.

[7352] **Dr Janil Puthucheary:** You imagine that the media companies need to play a part?

[7353] **Asst Prof Liew Kai Khiun:** Yes. I do think that the media company needs to play a part.

[7354] **Dr Janil Puthucheary:** What kind of role do the media companies need to play in this?

[7355] **Asst Prof Liew Kai Khiun:** The curatorial aspects of the news, that they have to be very careful not to give the opportunities for other players to escalate the situation because disinformation doesn't come from information. It comes from anxieties; it comes from negative sentiments.

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[7356] **Dr Janil Puthucheary:** So, from where we are today, if today, the status quo is unacceptable, what change do you imagine needs to happen with respect to media companies that would help us address this problem that you both are so concerned about?

[7357] **Asst Prof Liew Kai Khiun:** I would say that media companies probably would have to be really upfront about the kind of funding, sources and the curatorial aspects of the news.

[7358] **Dr Janil Puthucheary:** So, you are worried that some of their financial structures will alter their editorial and curatorial decisions around deliberate online falsehoods?

[7359] **Asst Prof Liew Kai Khiun:** Yes. That's true. And I do feel that there is a lot of pressure, especially in the mainstream media. You are competing with different groups.

[7360] **Dr Janil Puthucheary:** That's right. You are worried about the mainstream media as a source of truth or as a source of deliberate online falsehoods?

[7361] **Asst Prof Liew Kai Khiun:** No. I'm just saying that as an example, that there's huge, intense competition for eyeballs.

[7362] **Dr Janil Puthucheary:** We've had some significant discussion about that.

[7363] **Asst Prof Liew Kai Khiun:** And therefore, there's pressure to release news and information quickly.

[7364] **Dr Janil Puthucheary:** Okay.

[7365] **Asst Prof Liew Kai Khiun:** They are under significant -- everyone is under significant pressure.

[7366] **Dr Janil Puthucheary:** So, your feeling is the media companies need to ensure that they adhere to a standard of professionalism and integrity?

[7367] **Asst Prof Liew Kai Khiun:** That's right.

[7368] **Dr Janil Puthucheary:** But, today, you would argue that the mainstream media does that already?

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[7369] **Asst Prof Liew Kai Khiun:** Because of the scale of the operation, they are required to adhere to the standards.

[7370] **Dr Janil Puthucheary:** So, the gap is then, perhaps, are you saying the gap is in the mainstream media or in the sort of, the smaller players or newer players, or what we call the alternative media or even don't want to be called as media?

[7371] **Asst Prof Liew Kai Khiun:** Individuals even. I mean, anyone can be his own media platform. So, sometimes, the alternative, or even the mainstream media picks up this news from people or sentiments from the ground.

[7372] **Dr Janil Puthucheary:** I see. Prof Chua, you have a view on this?

[7373] **Assoc Prof Alton Chua:** I find that there should be a dialogue, because all of these players are part of the ecosystem and then the relationship among all these players shouldn't be adversarial. So, it should be a constant dialogue. So, maybe, once a quarter, once half a year or so on, the Government agencies and all these players can come together for some kind of dialogue to understand each other. And that's how trust is built over a long period of time.

[7374] **Dr Janil Puthucheary:** But they are competitors for eyeballs and advertising revenue. Are they not?

[7375] **Assoc Prof Alton Chua:** Yeah. So, on the one hand, they compete on financial grounds, but on the other hand, they are all guardians of truth and we all have a stake in the well-being of Singapore.

[7376] **Dr Janil Puthucheary:** But if all of them don't necessarily have the same degree of financial transparency over their incentives and ---

[7377] **Assoc Prof Alton Chua:** Yes. That's right. But, at least, the level of trust and their role to play to uphold truth, for example, in the country should be somehow normalised among all these players.

[7378] **Dr Janil Puthucheary:** I'm trying to understand. So, you have a variety of players, some large, some small. You are suggesting that we should perhaps treat them equally?

[7379] **Assoc Prof Alton Chua:** No, not treat them equally, but rather bring them together on board so that everybody is on the same page with regard to ---

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[7380] **Dr Janil Puthucheary:** But when it comes to the issue, then who is a source of truth? Aren't you then saying that they are all equally sources of truth?

[7381] **Assoc Prof Alton Chua:** No ---

[7382] **Dr Janil Puthucheary:** But, on the one hand, you have some companies regulated as media companies and some governance and reporting issues with respect to their finances and smaller players who are not so tightly controlled. And, are you suggesting that they should be all equally treated as sources of truth when they perhaps have different standards?

[7383] **Assoc Prof Alton Chua:** It depends on what is the issue at hand. If there is hard evidence, then, of course, truth and falsehood can be easily determined. But if there is no hard evidence, then I guess, in a normal academic environment, based on research, truth is socially constructed.

[7384] **Dr Janil Puthucheary:** I understand.

[7385] **Assoc Prof Alton Chua:** So, if more people think this to be the position, then I guess that should be the position taken.

[7386] **Dr Janil Puthucheary:** I'm sorry. You are saying the truth should be dependent on how many people support the idea?

[7387] **Assoc Prof Alton Chua:** It is socially constructed. Not how many people, but it's socially constructed.

[7388] **Dr Janil Puthucheary:** Okay.

[7389] **Assoc Prof Alton Chua:** So, that's the thinking in academia, truth is always a social construction, the meaning and so on, it comes about as a result of the interpretation within the community.

[7390] **Dr Janil Puthucheary:** I understand. But for the types of issues that we're talking about here -- national security, race and religion, economic outcome, sovereignty, political outcomes -- you are saying the truth is fluid?

[7391] **Assoc Prof Alton Chua:** No, not fluid but socially constructed. So, for example, if somebody makes some accusation and there is only one person making the accusation ---

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[7392] **Dr Janil Puthucheary:** But that's not the type of deliberate online falsehoods that we are worried about here. We are talking about inflammatory, race, religion, politics, sovereignty.

[7393] **Assoc Prof Alton Chua:** That's right. So, if all these players reckon that this is inflammatory and inappropriate, then that will be regarded as a falsehood. That should be taken down.

[7394] **Dr Janil Puthucheary:** So, you are suggesting that if the media companies get together and amongst the media companies, they decide that something should be taken down, then they should have the power to do that to the smaller media companies?

[7395] **Assoc Prof Alton Chua:** Not just with the media companies, but also different stakeholders.

[7396] **Dr Janil Puthucheary:** I'm talking about the media companies. What is the role that the media companies need to play in improving the situation that the status quo is unacceptable?

[7397] **Assoc Prof Alton Chua:** My own thinking is that we cannot use the size of the company to determine the truth, otherwise the smaller players will always be at the mercy of the bigger companies.

[7398] **Dr Janil Puthucheary:** Okay.

[7399] **Assoc Prof Alton Chua:** So, in this case, if the arbitration cannot come to a resolution, then maybe an external party, say, the online citizenry or Government-led initiative should come together and then ---

[7400] **Dr Janil Puthucheary:** Well, it's a very distinct difference between a role a loose group of citizens can play versus the Government. I mean, you can't say that we have the same opportunity, responsibility and ---

[7401] **Assoc Prof Alton Chua:** Yeah, that's right. But then, I think it is a consensus decision making.

[7402] **Dr Janil Puthucheary:** And if there's no consensus, who should step in then? Nothing ---

[7403] **Assoc Prof Alton Chua:** I guess in the end, the responsibility will still fall back on the Government. That's my sense, if they so consent.

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[7404] **Dr Janil Puthucheary:** What about the tech companies? Should the tech companies play a role in this?

[7405] **Assoc Prof Alton Chua:** Yes, I think so, because they are not purely platforms and conduits of information, but they are also pushing out information on regular basis. So, when called upon, I think they should retract.

[7406] **Dr Janil Puthucheary:** So, they should be required to retract?

[7407] **Assoc Prof Alton Chua:** Yes, I think so, if it is shown to be false.

[7408] **Dr Janil Puthucheary:** I see. So, once it is declared as false or illegal, your view is that they should be asked to retract?

[7409] **Assoc Prof Alton Chua:** They should be asked to retract.

[7410] **Dr Janil Puthucheary:** And, should the size of the platform matter? So, for example, a small website that gets 100 hits a day versus a Facebook page that has a million followers. Should we treat them the same or treat them differently?

[7411] **Assoc Prof Alton Chua:** In my view, I think we should treat them equally, because the small players will one day become big and then things will linger around.

[7412] **Dr Janil Puthucheary:** And there's a possibility, of course, that you have cross-platform sharing as well?

[7413] **Assoc Prof Alton Chua:** Yes.

[7414] **Dr Janil Puthucheary:** Okay. Does education have a role to play in the outcome on this?

[7415] **Assoc Prof Alton Chua:** Definitely. We find that the educational initiative at the moment has not been too prevalent. And I think we can step out more efforts in this area.

[7416] **Asst Prof Liew Kai Khiun:** Maybe, I can add that there is a lot of talk about education, but I do not think that is a panacea.

[7417] It is easy to say that we should have more public vision -- media literacy. You know, that's an ideal. That's great to have. Some of them have suggested having the schools, you know, educational institutions. But I just feel that for emergency

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situations and we have to properly inculcate this habit or sense in people about sharing online falsehoods and fake news, that the fear of the legal consequences should exceed the excitement in sharing this news, because these falsehoods grow because people share it. I mean, they are powerless in a vacuum itself.

[7418] So, we need to inculcate in the citizenry that, you know, such are anti-social habits; such are also detrimental to the larger social good. Because it is so easy to share this content in especially situations of crisis. Increasingly easy. And we are not sure like where this material, sometimes content, do come from. So, this is my actually concern here, that we need more measures aside from just media literacy. Ideally, we should be reading different media content, we should compare different sources, but I think, for most people, that isn't the case.

[7419] I think some research has proven that many people live in the media bubbles. They read what they want to read and they believe what they would like to believe. So, I think that there should be more when it comes to especially emergency situations that it's not acceptable.

[7420] **Dr Janil Puthucheary:** I understand. So, how I characterise both of your point of views is that a deliberate online falsehood that affects the issues that we've talk about, play no part in useful public discourse, should not be protected and erodes trust in our democracy and institutions?

[7421] **Assoc Prof Alton Chua:** That's right. They shouldn't be protected in the name of freedom of speech. They shouldn't.

[7422] **Dr Janil Puthucheary:** So, from your submissions and comments, you also would support some legislative approach to this?

[7423] **Assoc Prof Alton Chua:** Yes, certainly.

[7424] **Asst Prof Liew Kai Khiun:** Yes.

[7425] **Dr Janil Puthucheary:** There are a lot of expressed concerns that legislation will be inappropriate, or that we have already got all the legislative tools in order to deal with this. So, perhaps, I could ask you those two questions.

[7426] We have a divergence of views on whether our current legislative tools are adequate. We had a number of law professors come and say that there are gaps in the law. We have people who are, sort of the practitioners in this space, whether they are the media companies, the people working with the technology, people who are

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working with content, who have come to say that, even if you have the laws, you can't operationalise them at the moment in the way it needs to be done in order to deal with the virality and the spread, or the speed and the access. There are people who have come along and said, "Yes, we need laws, but the laws need to deal with my competitor and not my industry."

[7427] So, we have a range of views to say that we need new laws or we need a legislative change. We also had a range of views saying that our laws are adequate and with examples of how the existing laws have been operationalised to deal with some online falsehoods. And we have a range of views saying that, even if our laws are inadequate, that we should have no new laws because of the potential for abuse of those laws or how having new laws would then reduce the opportunity for discourse and for dealing with these problems in some other way, including having greater civic participation.

[7428] So, if I read your submissions correctly and what you have said, both of you would look at legislative means as one of the many tools?

[7429] **Assoc Prof Alton Chua:** That's right.

[7430] **Dr Janil Puthucheary:** But what would you say to the people who are -- who have views different from yours, as it were? We have to look at the spectrum of views. So, the people who perhaps say that we don't need new laws or that our new laws are insufficient, are going to have a negative effect. What would your view be to their representations?

[7431] **Assoc Prof Alton Chua:** My sense is that, since the founding of Singapore until today, we are a relatively well-run country primarily because of the weight of the law. So, for example, when we say no chewing gum, it's against the law, people don't do chewing gum. So, when we say no to falsehoods because this is against the law and these are the parameters, then people will stand up and say this is what we mean by being illegal and, therefore, that will help curb some kind of deliberate online falsehoods.

[7432] So, I think the law needs to be somehow tweaked to reflect the current reality. So, for example, we have the Sedition Act. But the Sedition Act was crafted in the pre-social media era and we may have to update the law to reflect the current reality.

[7433] **Dr Janil Puthucheary:** Dr Liew?

[7434] **Asst Prof Liew Kai Khiun:** I would say that we can talk about this on a daily basis. When there are emergencies, I think the Government would be taking the

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ultimate responsibility of any situation that arises. So, it is, I think that laws may need to be updated. They may not necessarily need to be new. I'm not a legal expert and I can't comment on the letter of the law. But that can be updated to reflect new realities and, I think, more importantly, we need new politics to address such issues as well.

[7435] Dr Janil Puthucheary: New politics?

[7436] Asst Prof Liew Kai Khiun: Yes, which means the Government playing -- I mean, on the part of the state, agencies playing, or even politicians and Members of Parliament, playing more active roles in promoting these issues about falsehoods and fake news.

[7437] Dr Janil Puthucheary: Sorry. Are you referring to electoral, politics or governance?

[7438] Asst Prof Liew Kai Khiun: Both, especially governance.

[7439] Dr Janil Puthucheary: Okay. But they are quite distinct.

[7440] Asst Prof Liew Kai Khiun: Yes.

[7441] Dr Janil Puthucheary: You are suggesting that the Government of the day needs to have a new approach to the governance of this issue is not quite the same as there needs to be a new political process to establish who the government of the day is.

[7442] Asst Prof Liew Kai Khiun: No, no, no.

[7443] Dr Janil Puthucheary: Which is the view that you are taking?

[7444] Asst Prof Liew Kai Khiun: It's probably more of the former.

[7445] Dr Janil Puthucheary: The former -- that our governance around this issue needs to be refreshed?

[7446] Asst Prof Liew Kai Khiun: Yes. That's right.

[7447] Dr Janil Puthucheary: Okay. I mean, I could summarise, you are both agreeing that this is a serious problem, the deliberate online falsehoods should not be protected. We need to do something about it, that we need a multi-faceted approach, all the way from education, participation, and legislation, that this should be iterative over time because the circumstances will change, and that in that space you think -- correct

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me, if I'm mischaracterising you -- you are taking the position that establishing the truth is possible around these issues. There are various processes to establish the truth. And then, dealing with falsehoods would require some degree of intervention and some of that may be voluntary, some of that may be, sort of industry-wide basis. And then, for the extreme cases, especially in times of crisis, it may need to be a Government type of intervention.

[7448] Asst Prof Liew Kai Khiun: I would not be so bold to state establishing the truth. But I would say establishing common sense and facts of the case.

[7449] Dr Janil Puthucheary: Well, establishing the facts, I mean, if you take the fact as a proxy for truth, and we had a representation from Prof Thio Li-ann. I don't know if you are familiar with what she said, but this is something that happens on a daily basis, that this is the basis of how the law works. So, I think, I am prepared to take her word for it and I think it seems a reasonable position that we would not be able to operate our entire legislative framework if the process and the courts were not able to then deal adequately with establishing the facts or the truth. I mean, I think -- it's a reasonable position.

[7450] Asst Prof Liew Kai Khiun: Sir, I accept that.

[7451] Dr Janil Puthucheary: Okay. Alright. Thank you very much, Dr Chua and Dr Liew. Mr Chairman.

[7452] The Chairman: Thank you. Ms Chia Yong Yong.

[7453] Ms Chia Yong Yong: Thank you, Chairman. Thank you, gentlemen. Thank you for being with us. I have a couple of clarifications. I think we go back to Dr Liew's paper on freedom of speech and also subsequently what both of you have shared. I noted your confirmation that deliberate online falsehoods should not be protected in the name of the freedom of speech. Could you elaborate on that? I know the questions sounds like a no-brainer, but we have also had people who have argued, in the name of freedom of speech. So, I would like to hear your views.

[7454] Assoc Prof Alton Chua: I think in the normal functioning of a society, people are entitled the rights to their opinions. However, if their opinions infringe on the well-being of others, then, that will threaten the harmony and the well-being of a society and therefore, that cannot be tolerated. So, while we espouse freedom of speech, it should be qualified that it will not undermine the functioning of society. So, that's why I think deliberate online falsehoods must be curtailed and cannot be used and abused all in the name of the freedom of speech.

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[7455] **Ms Chia Yong Yong:** So, essentially, what we have here is a balancing of the different rights within a bundle that everyone is entitled to freedom of speech, your right to safety, your right to life, peaceful livelihood and so on.

[7456] **Assoc Prof Alton Chua:** That's right. Yes, that's right.

[7457] **Ms Chia Yong Yong:** So, if there is a threat to all those other freedoms, then, there could be some curtailing.

[7458] **Assoc Prof Alton Chua:** That's right.

[7459] **Ms Chia Yong Yong:** Of course, we have to tread carefully because freedom of expression is enshrined in our Constitution. It is a basic human liberty.

[7460] **Assoc Prof Alton Chua:** Yes. That's right.

[7461] **Ms Chia Yong Yong:** I'm interested to find out your view on truth as opposed to fact, because you mentioned that truth is socially constructed. And yesterday also, we heard from our other witnesses their view that truth is a very different matter. So, can you elaborate on that?

[7462] **Assoc Prof Alton Chua:** So, it seems that, for a given matter, if the facts can be laid out unambiguously, then it is no longer a social construction of truth. It will no longer be necessary because that can be established. For example, the molecule of water is H₂O, so that becomes a fact and that is also true, so there is no argument about it.

[7463] But when there are multiple perspectives, multiple layers or meaning, and things are not so clear-cut, and more grey, I think, in the normal functioning society, then truth is socially constructed. For example, filial piety. What does it mean to be filial to one's parents? So, different cultures will express it quite differently. So, within a particular context, it is regarded to be the truth and that's the way things are done.

[7464] **Ms Chia Yong Yong:** So, given that -- but again, I know you said it is not fluid, but I think there is some fluidity in the way you have described it. Given that, how do you then define falsehood? What is your definition of falsehood?

[7465] **Assoc Prof Alton Chua:** In my submission, I define "falsehood" as something that is contrary to fact. If you make a claim and that the claim can be refuted unambiguously, then that can be deemed a falsehood. So, if somebody has not passed away and said that person has passed away, then obviously, it can be verified. And then, that's actually a falsehood.

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[7466] **Ms Chia Yong Yong:** So, your example of filial piety, the filial piety, you say. in certain cultures, a particular statement about filial piety could be the truth. It's actually more like a value rather than truth.

[7467] **Assoc Prof Alton Chua:** Yes, that's right. A large part of it is value. I think it is all enmeshed in a sociological context.

[7468] **Ms Chia Yong Yong:** Rather than truth? Okay. Dr Puthucheary did mention, but in the context of social security, race and religion, then how would you deal with this?

[7469] **Assoc Prof Alton Chua:** That's right. In Singapore, we believe in a multicultural, multi-lingual society, so that becomes our values and, therefore, this is the truth that we want to uphold. So, in other societies, maybe one race is more domineering than the other; one race is more important than the other.

[7470] But in our case here, we value multiculturalism and that becomes our value and that is also our truth. That's how we define ourselves.

[7471] **Ms Chia Yong Yong:** And, therefore, that is something that we need to protect?

[7472] **Assoc Prof Alton Chua:** That's right.

[7473] **Ms Chia Yong Yong:** Not just for social cohesiveness, but also as part of our national security objective?

[7474] **Assoc Prof Alton Chua:** That's right. That's right.

[7475] **Ms Chia Yong Yong:** Yesterday, we also heard a differentiation between a criticism of religion and criticism of practitioners of that religion. A couple of the witnesses before us, from the other social media sites, one or two of them have actually said that they think it is acceptable to criticise religion, but not necessarily the practitioners. Do you see a distinction in that?

[7476] **Assoc Prof Alton Chua:** No. I find that one should not criticise a religion or practitioner. I think this is a no-no, given what we really value and who we are as a country. So, I think criticism against a religion or a practitioner shouldn't be allowed.

[7477] **Ms Chia Yong Yong:** Okay. In any event, therefore, we should guard all this very jealously?

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[7478] **Assoc Prof Alton Chua:** That's right.

[7479] **Ms Chia Yong Yong:** Okay. Then, I come to your point also about Dr Liew's table on the green, amber and red light, and also your grid.

[7480] In general, we agree. I think that we need to look at falsehoods over a spectrum; likewise, also take a calibrated approach. The only question is when one crosses over to the other. And obviously, you know, would you be aware of something that starts as a very, very innocuous statement which could then ultimately become an incitement, or incendiary or inflammatory? Because it could also take a whole -- the conflation of different statements made over a period of time as well.

[7481] And, also with social media, the way it amplifies and spreads, that that period of time could be very, very compressed. So, how do you deal with what appears to be innocuous statements?

[7482] **Asst Prof Liew Kai Khiun:** I think I made one of my case studies in my submission which I should not elaborate or name the country involved, but these are the kind of low-level, undercurrent, daily conversations around. You know, they cannot control within the borders of the national state. You know, it's a transnational conversation, it is inflammatory, people respond to it, it takes on religious significance and, right now, nothing is happening on a normal day.

[7483] But I feel that we need not, just rely on a legal process, and administrative as well as a political mechanism to monitor and flag these issues and, if possible, raise them to the larger public, because sometimes people may not know that they are venturing into dangerous terrain. You know, it's like just a lagoon that you need to flag some of the deep waters. And the kind of implications of their actions, you know, to be sucked into this whole -- what appears to be a debate but turning into a kind of, like a foreign operation, in some ways.

[7484] **Ms Chia Yong Yong:** And so, indeed, indeed, we therefore deal a lot more, I think, into green area although we are ---

[7485] **Asst Prof Liew Kai Khiun:** Yes. We pray that it doesn't go to the other colours.

[7486] **Ms Chia Yong Yong:** Yeah. But I think that tapering point, the difficulty in determining when that tipping point is, and at which point then do you take more drastic action. And, of course, there are suggestions that perhaps, we should intervene and pre-empt. The question, of course, is whether you prefer to hang a murderer or you want to prevent a murder. Right? So, the thing is, you know, at which point do you

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then want to intervene? And, of course, we have also heard evidence to say that, you know, there's this backfire effect, you take it down, then people will say, "Oh! Why did you take it down?", and so on and so forth. And then, it spreads.

[7487] But, on the other hand, we have also heard evidence of Dr Carol Soon on the cognitive impact that falsehoods have, as well as our inclination to believe somehow unsavoury posts than the truth, plus, the fact that, you know, when we try to debunk a falsehood, that falsehood is actually reinforced in our consciousness and sub-consciousness and that makes it even harder to debunk.

[7488] So, I think we are actually dealing with a lot of challenges like this, to come to that, what you might call a happy place, but I doubt very much if we could ever find it. Your views on that?

[7489] Asst Prof Liew Kai Khiun: So, I would say that, there are some countries, like the People's Republic of China, that have taken their own social media, they have blocked Facebook and other western-based social media platform. They have their own Weibo. Conversations and discussions are mainly taken in Chinese, actively monitored. So, it's insulated and inoculated. But that doesn't mean that it doesn't happen.

[7490] So, I think we have to accept the degree, or a certain level of these falsehoods that will continue to persist. And I feel that legislation -- I think, all of you agree here -- will not be the answer as well. You know, you just could not come out with a new law and expect the world to be at ease and harmonious. I think it must be supplemented by very active political and administrative measures.

[7491] Ms Chia Yong Yong: Thank you. I have one final point and that relates to the social media platforms. I noted that you did say that they are putting out content and they should be responsible for that content as well. So, what is your view on their argument that they should be allowed to self-regulate?

[7492] Assoc Prof Alton Chua: I think, in general, they can self-regulate, until such a point where their self-regulation is malfunctioning. So, for example, after self-regulating, we still find falsehoods lingering around, spreading. This may not be a high-impact falsehood, but that seems to persist. And, therefore, I think something has to be done to clamp down such spread.

[7493] So, my opinion is that, for media companies, if they are pure platform providers, it is fine. But they are not pure platform providers. They are actually pushing out information, and that makes them culpable to any spread of falsehood.

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[7494] **Ms Chia Yong Yong:** Indeed. Would you agree that if, therefore, we have evidence that the platform companies, the tech companies, are obviously content providers as well, in that sense, and if we have evidence that they have failed to regulate themselves in enforcing their own policy, or in the way they have interpreted, or applied their own policies, and then there is room for us to argue or to implement some form of regulation on them in relation to content?

[7495] **Assoc Prof Alton Chua:** Yes, certainly. Certainly so.

[7496] **Ms Chia Yong Yong:** Okay. Thank you. No further questions.

[7497] **Mr Desmond Lee:** Professors, thank you for taking the time this morning. Can I just ask some clarification from the both of you, in particular, Prof Liew?

[7498] You spoke earlier about situations where there is crisis in the real world, for example, a pandemic or infectious disease epidemic, a riot, some incident, and then, there are deliberate online falsehoods that seek to exacerbate the situation. And you said specifically that the Government needs to be more of a lifeguard, lean forward, take forward-gear actions to prevent a situation from escalating out of control. I would like to ask you for your views on two specific scenarios.

[7499] The first is that there is no crisis in the real world, it's okay, but some deliberate online falsehood on social media then creates that real-world crisis, for example, by sparking a protest, the riot, a run on the bank. So, it's not a crisis, and then, falsehoods appearing to then fan the flames, but it was sparked off, losing and exploiting, and the social fault lines.

[7500] The second scenario would be more insidious. It is deliberate drip, drip, drip situation where, again, it is deliberate, from various parties, and seeking to stir, to sour. Basically, setting up the firewood, if I may say so, figuratively -- set up the firewood where no firewood existed, with the view that sometime, in the future, you set the fire.

[7501] So, three scenarios. One is a real world crisis and people come in with DOF to fan the flames. You have said that the lifeguard approach, meaning the Government, needs to be more interventionist, it needs to keep control of the online spread of falsehoods.

[7502] I would like your views on the other two scenarios. One would be where a deliberate online falsehood creates an acute situation on the ground in the real world. And the second situation where there is a drip, drip, drip, whether by one party or multiple parties, acting alone, or in concert, to sour the ground, to stir a situation, to deepen social fissures, and this creates conditions in the real world for the situation to be ignited.

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[7503] **Asst Prof Liew Kai Khiun:** So, I think, fortunately, Singapore has not experienced that yet. I would say “yet”. That’s actually, because of the kind of, like, transnational nature and the globalised nature of such connectivities, the situation is more complicated than like 10 years ago or 20 years ago.

[7504] And so, there is some. I mean, I think forces would make use of, first of all, underlying or existing tensions, so no smoke without fire. So, any measures have to be, -- I would say address, not even through the online sphere. You know, the politics have to be done way before because by the time pin, it can be provoked. I think there is already a situation that it may be too late. I think, maybe we are talking about situations that kind of happen all of a sudden, like an epidemic that breaks out. So, that could be different.

[7505] But the underlying, undercurrent tensions, I would say, like Little India riot, for example, it was a sudden outburst. I remember it vividly, seeing the social media feeds, but there were also pre-existing tensions and grievances, congested environments, poor working and living conditions, for example.

[7506] I think these are the issues that, you know, it cannot just be addressed with a sudden surge in policies or laws. It has to be done persistently, patiently and quietly, on a daily basis, to build these bonds together. Also, but not forgetting, that the populace should also be made aware that such forces are there to take advantage, to exploit the situation should something happen. So, it’s something that is based on what we do every day, rather than how we react all of a sudden. But, of course, if things happen and we have to expect that it will happen, because I do sense that sometimes, there’s this idea that we need to isolate or protect ourselves completely; it wouldn’t work. It happens in every society and we have to be prepared to deal with it. Thank you.

[7507] **Assoc Prof Alton Chua:** In my research, I have come across two types of users within the social media environment. One is called the stiflers and the other one is called the spreaders. Stiflers are people who receive messages and they will not spread, the message ends there. Spreaders are those who pass along the message. And then, how do we distinguish between stiflers and spreaders?

[7508] One quite strong predictor of their role is known as the epistemic belief or epistemological sophistication. So, this is basically their perception about the characteristics of knowledge and the process of knowing.

[7509] So, people who view knowledge as a simple kind of thing that can be obtained easily, then they tend to be spreaders because there is no critical thinking. So, this is in addition to the information in media literacy we talk about. So, that’s a psychological disposition. So, I think this is more of a long-term approach.

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[7510] So, in the second scenario that you painted where somebody creates an acute ground situation where nothing exists, and if you have more stiflers than spreaders, then soon, there is no traction to span the thing out and then it just dies by itself. So, like most of the rumours research I have done, they died a natural death after a while. So, the death might come earlier.

[7511] I think what I fear more is the drip-feed kind of syndrome because it's so insidious and nobody knows about it. So, I think this is a lot more complex that we can deal with just by simple legislation or initiative. I think this multi-modal, multi-pronged and maybe, a long-term approach, maybe this is really the holy grail of combating against online falsehoods to guard against a drip-feed. Thank you.

[7512] Mr Desmond Lee: Thank you very much. Can I ask a second question? That is in relation to the impact of social media on the importation of disputes or tensions from abroad into Singapore.

[7513] Singapore is one of the most religious diverse countries and societies in the world. We are multi-racial, and we are also cosmopolitan, meaning people come through, they come into Singapore to live, work and play. We rely on them for some skills, especially in the construction work and all.

[7514] In the distant past, if someone were to try to import some of their foreign conflicts, their domestic conflicts from abroad, into Singapore, for example, they tried to hold a demonstration involving a dispute in another part of the world where they come from, or a foreign preacher, or a religious leader who would want to come and bring his or her firebrand religion into Singapore, with the attending consequences of a particular religious viewpoint and tolerance, or lack thereof, we would have the regulatory tools to prevent that. Either, "You can't come in", or "You can't use the space". You can't then have a box to stand on and a megaphone to amplify and spread these views and bring a foreign problem into Singapore and make it domestic.

[7515] Would you say that the social media has made that much more porous and much more difficult to police and, therefore, different strategies need to be taken to prevent some of the import of foreign disputes?

[7516] Assoc Prof Alton Chua: Yes, I agree, because in the past, messages get transmitted face-to-face, so we can stop the person coming through the country, so the border is watertight. But in the social media era, somebody can post a YouTube video and then anybody in Singapore can access that video. So, I think the landscape has changed and the boundary is definitely more porous. So, I think to combat this, again, there should be education within the population. And if the person belongs to a particular religion, then I think the onus is on that religion representation in Singapore to call this out as a falsehood.

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[7517] **Asst Prof Liew Kai Khiun:** Thank you, Minister, for the question. I would say that, yes, the social media has made it a lot more porous. You cannot just have a quiet word with a religious leader or representative as in the past. You are not sure who is watching what, but what I can say, that the plus point is that everybody is actually monitoring each other.

[7518] So, the Government has also come up with, for example, dealing with ISIS. If you suspect any of your friends online are watching radical materials, you should actually report them in. This has happened. One of the ISA detainees, Zulfikar, he was posting pro-ISIS materials online, on his Facebook post, so people responded; they reported.

[7519] The citizenry has to play a role in that, in calling out each other, in monitoring the situation. The state apparatus cannot do it alone. So, you need this broader consensus. You need a kind of awareness of people for how to conduct yourselves in the online space, what to look out, I mean, part of the media literacy.

[7520] But, as I mentioned, media literacy, perhaps, is only just one aspect. Legalities are also one aspect, so they have to be put together. And, at the end of the day, when complaints are made, the Government must be seen to be taking action. I think that is the most critical element here and not just ignoring any of the grievances that have been aired in public. Thank you.

[7521] **Mr Desmond Lee:** Thank you. Just my final question. The traffic light proposal is a very attractive one. It suggests that a lot of work has to be done on an everyday basis to monitor, to recognise and to call out the drip effect, the corrosive effect, the subtle surreptitious contamination of people's emotions and mindsets through deliberate online falsehoods, because when it comes to a crisis situation, you must at least have done your homework in the weeks, months and years before, to try to avoid that situation. But I am now focused on your red situation. Is it red colour?

[7522] **Asst Prof Liew Kai Khiun:** Yes. Red.

[7523] **Mr Desmond Lee:** Traffic light red, whether it is a riot, whether it is a pandemic, where it is red-hot, literally, you chose the colour for a reason.

[7524] And yesterday, we heard two contrasting views about the kinds of legislative or legal levers that governments ought or ought not to have and ought or ought not to use in a red situation. And that's very fundamental. The responses and the approach that we take in such a situation will kind of inform the entire approach that you take to deliberate online falsehoods because of the cascading effect.

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[7525] I will give you an example. Two different views, one by Ms Kirsten Han and one by Prof Cherian George. The example wasn't posed to Prof George, but he, in fact, articulated something quite similar. And so, I give you an example.

[7526] This is a 2014 fake video that was carried by a local news network in Myanmar about a Buddhist girl who was raped by Muslim men, two Muslim men. According to news reports, allegedly, it was later proven to be false. The girl had been paid to make those false claims. Those false claims were carried on the local news media and, of course, had many eyeballs and a Buddhist monk with strong views about religious tolerance in his country decided to carry that on his post and that added to the virality of it.

[7527] The second situation we talked about earlier, it sparked a real-life situation where none existed. It was fake and it sparked a real life crisis. It resulted in injury and death and destruction of homes and property. People were killed, and all because of a fake video.

[7528] So, this example, to be fair, Prof Cherian George, it was not presented to him, but his point was that when there is such a crisis, where people have used hate propaganda, hate news, and it is false, you don't spend time responding by distributing fliers about media literacy at the time. You must throw the book, you must act, you must nip the problem in the bud and he mentioned take down, stop, stem.

[7529] On the other hand, Ms Kirsten Han's philosophy, that translated into her position, is that the video should not be taken down because her concern is the impact on freedom of expression, but specifically the concern that if we take down, it will create a bigger problem in that you will have that backfire situation. A backfire situation will occur. You will exacerbate the problem and, therefore, don't take down the post, because you are concerned about backfire. And the second point was that if there are already these social tensions, then having it, not having it, taking it down, not taking it down, will not help the situation.

[7530] In this kind of crisis situation, I would just like to just hear your application of the traffic light approach and, fundamentally, what philosophies will drive you in that kind of crisis situation.

[7531] **Asst Prof Liew Kai Khiun:** Maybe, from the way I predict technology innovations that in future, or even when I'm speaking now, something that has been posted will never be taken down. It will exist in other platforms. It will turn up somewhere else in other countries. Some people can do a VPN and then access in other places. But, the "take down" principle is important for expressing a strong message.

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So, it's not so much of the actual operational effect, but more of the symbolic, political message that will be sent forward, that Government is serious about this; the authorities are acting on it, and an unjust video or a deliberately manipulative video, or literature has been posted, and it should be called out by that.

[7532] So, I think that's my principle when we come to the red light. I hope that doesn't happen to Singapore, that when you have a red light situation, lives are involved. And I would not suggest that we turn off the switch completely, like Sri Lanka and Egypt in 2011, because when you turn off the switch, you do also affect information flows that are more positive and constructive as well.

[7533] **Mr Desmond Lee:** Professor, when you say "symbolic", we have to call it out, are you saying that, just taking down is not alone, you must call it out, you must explain why you are taking it down and why you are putting it out?

[7534] **Asst Prof Liew Kai Khiun:** I think the Government has been doing it now, right, for many of the instances. So, it's not just taking down, but also explaining at the same time. All this has to be done concurrently, not quietly, because if you do it quietly, it creates more conspiracy theories and more suspicion.

[7535] **Mr Desmond Lee:** Even if, as you say, it will still linger somewhere.

[7536] **Asst Prof Liew Kai Khiun:** Yes, it will linger somewhere.

[7537] **Mr Desmond Lee:** The important symbolism of saying this involves lives, it is false, it is deliberate, we will take that step but we will explain and call it out.

[7538] **Asst Prof Liew Kai Khiun:** Yes. That's right.

[7539] **Mr Desmond Lee:** Professor?

[7540] **Assoc Prof Alton Chua:** This is exactly what I feel. So, the taking down itself cannot be done in isolation of other measures. So, it has to be published in mainstream media and then get people to spread what is wrong. So, the taking down itself is therefore interpreted in a larger context of protecting what we really value as a society.

[7541] **Mr Desmond Lee:** Thank you, Professors, for your responses.

[7542] **Asst Prof Liew Kai Khiun:** Thank you, Chairman.

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[7543] **Assoc Prof Alton Chua:** Thank you.

[7544] **The Chairman:** Mr Pritam Singh.

[7545] **Mr Pritam Singh:** Thank you, Chairman, and thank you, Prof Chua and Prof Liew for your submission and your evidence to the Committee today.

[7546] I just have one question and that is building on what Prof Liew said earlier about non-legislative measures and, within that rubric, you need political and administrative measures. And we did get a flavour of what you were referring to when you answered Minister Lee's three additional questions.

[7547] But, just to get a better sense, could you expand on what other measures you had in mind when you were considering the Green Paper and the Terms of Reference of this Committee; whether there were any other options?

[7548] We all speak of media literacy, like you press the button and suddenly, we are all media literate. But it doesn't happen that way and it has a long gestation period. Are there any other inputs, other things that the state can consider, or the Ministry can consider when it drafts legislation, at least, legislators can debate that point further?

[7549] **Asst Prof Liew Kai Khiun:** Maybe, some other measures that I can think of, which applies more towards probably a yellow or even a red situation, would be to have penalties against those who not just create online falsehoods, but those who spread it actively, because it cannot be done at leisure. It cannot be something that is taken lightly.

[7550] The populace must be informed of this, especially in an emergency situation. It is not a case that you should be allowed to be taking leaflets of an enemy propaganda dropped from planes, 70 years ago. I think the same logic should apply.

[7551] And then, maybe administratively, and politically, there needs to be a lot more public dialogue and even education with community sectors and the grassroots. I think one of my concerns is not with those who are online, but those who are not. Those who share from, like WhatsApp, they may be perpetuating some of the myths and falsehoods unwittingly in their daily interactions. And I think it is very important for our leaders, not just academics, but the society as a whole, to make sure that they know such practices, such a culture, is being reduced or being managed and controlled.

[7552] So, this is some of my suggestions that I hope that we can actually do it more actively, and more so especially, what I mentioned during times of, maybe

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general elections, when sentiments are higher and online falsehoods should be policed more actively.

[7553] I dug into a case, which I actually feel personally, if I may be allowed to elaborate. These are not with ordinary people. The mainstream media on the casual accusation of one of the Worker's Party candidate for a sexual affair with a former student, casually published, which I think, in future, we should call out all this casual reporting of falsehoods directly, against any member of any political party. So, I did have a part of my submission about the electioneering process too. And I hope that we do have a more holistic way of managing this, and not just in situations of just emergencies or a code red situation. Thank you.

[7554] **Mr Pritam Singh:** Thank you. Prof Chua, only if you have something additional to add, but if not, thank you. Thank you so much.

[7555] **The Chairman:** As there are no further questions, Prof Chua, Prof Liew, thank you very much for taking time to come to the Select Committee and for your contributions to the process. We will be sending you a transcript of today's events. If there are any errors, please correct them and send them back to us. Thank you.

[7556] **Assoc Prof Alton Chua:** Thank you very much.

[7557] **Asst Prof Liew Kai Khiun:** I would like to give a word of thanks to the Chairman and the members of this panel for taking this time to deliberate on the issue. Thank you.

(The witnesses withdrew.)

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Paper No. 18 -- Mr Prakash Kumar Hetamsaria (CFO),

Paper No. 98 -- Mr Raja Mohan M K (Chief Programme Officer), were examined on affirmation.

[7558] The Chairman: Good morning. For the record, could you please state your names and also the positions that you represent in your organisation, starting with Mr Mohan, please?

[7559] Mr Raja Mohan M K: Good morning, everyone. Chairman, my name is Raja Mohan. You can call me Mohan. I am coming as an individual, but I work for a VWO, and I'm looking at the elderly perspective on falsehoods. Thank you.

[7560] Mr Prakash Kumar Hetamsaria: Good morning. My name is Prakash Kumar Hetamsaria, I am here representing myself as an individual, though I'm working with an MNC company as the CFO. I'm also a community leader. Thank you.

[7561] The Chairman: Thank you. The evidence which you will be giving today before the Committee will be taken on oath. If you so desire, you can take an affirmation. The Clerk will now administer the oath.

(The witnesses made affirmations.)

[7562] The Chairman: Welcome to the Public Hearing on the Select Committee on Deliberate Online Falsehoods. The focus for today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully and I will now call upon Ms Sun to ask questions, please.

[7563] Ms Sun Xueling: Thank you, Mr Prakash and Mr Mohan, for joining us today. If you don't mind, I'll address you both.

[7564] Mr Raja Mohan M K: Yes. Sure.

[7565] Ms Sun Xueling: That's fine. Perhaps, I'll start off with Mr Prakash first.

[7566] I understand, Mr Prakash, that most unfortunately, you were a victim of a deliberate online falsehood?

[7567] Mr Prakash Kumar Hetamsaria: Yes.

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[7568] **Ms Sun Xueling:** In fact, I think, on page 1, you shared about your experience as a victim of fake news on the All Singapore Stuff website, where your photo was used to suggest that you were a new citizen, disappointed with Singapore and thinking of giving up your citizenship. You then took to social media to clarify that the photograph of you and the article were unrelated, but the harm had already been done to both yourself and your family. In fact, the fake news resulted in you and your family having to face xenophobic comments from others, which impacted your wife and your young daughter.

[7569] So, in your submission, on page 1, you shared that the law needs to be updated to bring better redress to victims like yourself. I will stop here, to make sure that I have understood your submission so far correctly.

[7570] **Mr Prakash Kumar Hetamsaria:** Yes. That's correct.

[7571] **Ms Sun Xueling:** Okay. Thank you, Mr Prakash. Do you feel that you were targeted because, in fact, we could possibly look at you as a double minority, in the sense, first, as a citizen of a minority race and, second, as a new citizen? So, do you feel that you were potentially targeted because you are a double minority in this case?

[7572] **Mr Prakash Kumar Hetamsaria:** No. Personally, I don't feel whether I have been targeted. For me, it looks like they have used the wrong photo in the first place. Why I'm saying this is because subsequently, they have changed the photo to another new citizen. So, there is a possibility they might have used my photo by mistake. That's my perception.

[7573] **Ms Sun Xueling:** Perhaps, I'll phrase the question somewhat differently. There were obviously a lot of comments arising from the post, comments that were potentially hurtful. I will not repeat them here, but those comments, while you may not have read all, I believe you would have read some.

[7574] **Mr Prakash Kumar Hetamsaria:** Yes.

[7575] **Ms Sun Xueling:** And I think some of those comments were quite extreme and they were targeted at you in the two characteristics I mentioned earlier, first, that you are a minority and, second, as a new citizen. Would you agree with that?

[7576] **Mr Prakash Kumar Hetamsaria:** Yes. I totally agree with that.

[7577] **Ms Sun Xueling:** And would you agree that in the past, perhaps without the massive outreach of the social media platforms, that there could have been such private views on minorities, on new citizens, that there could be private opinions on

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such matters, but in this time and age, with the outreach of the social media giants, or websites and the way posts can be transmitted very quickly and very widely, that what are, in the past, private opinions could quickly actually overflow into the public sphere? Would you agree with that assessment?

[7578] **Mr Prakash Kumar Hetamsaria:** Yes. The social media can play a big role in spreading fake news. And, in the past, definitely this kind of situation I've never faced and I don't think that face to face, except one or two individuals told me, that you are a foreigner, you are from the minority section, but it has not impacted me so much. But because it was put on the social media and it's played out, and I was more hurt because of the comments posted by the public at large. That was more hurtful to me.

[7579] **Ms Sun Xueling:** Yes, yes. I think you did mention in your submission that it impacted yourself, your wife and your daughter.

[7580] **Mr Prakash Kumar Hetamsaria:** Yes.

[7581] **Ms Sun Xueling:** And, I think, apart from the post spreading in the way that it did, the quickness of the comments, and people posting what had been in the past private thoughts in a very public arena and people perhaps commenting on what other people comment on, that in itself, is kind of a like a self-feeding kind of a frenzy and I think that probably affected you and your family very much.

[7582] **Mr Prakash Kumar Hetamsaria:** Yes.

[7583] **Ms Sun Xueling:** I would like to go to page 2 of your submission, where you recommended that the social media platforms be more responsible for what is put on their portals.

[7584] **Mr Prakash Kumar Hetamsaria:** Right.

[7585] **Ms Sun Xueling:** Specifically, if I were to look at the section on what you mentioned on what can be done, in point number 3 you mentioned that there has to be an updated Code of Conduct for social media sites, so that fabricated stories are not published and doing so is punishable by law.

[7586] **Mr Prakash Kumar Hetamsaria:** That's right.

[7587] **Ms Sun Xueling:** In the same paragraph, you mention that recently Facebook has given the facility to users to flag any news that they think is inappropriate but that more needs to be done.

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[7588] Mr Prakash Kumar Hetamsaria: Right.

[7589] Ms Sun Xueling: In paragraph 4, you even go and be quite specific in your recommendation that there should be an identification of sites that are potentially trouble makers and, firstly, when there is fake news, that they should get a warning; second time, that there is a fine and third time that they do it, the site should be shut down. That is your recommendation.

[7590] Mr Prakash Kumar Hetamsaria: Right.

[7591] Ms Sun Xueling: In paragraph 5, you mention that the Government has the resources and the clout to fight back but not so the common man and that they, I assume that what you mean the common man in this case, need legal protection.

[7592] Mr Prakash Kumar Hetamsaria: Right.

[7593] Ms Sun Xueling: I assume that you have been following the submissions by witnesses in the past few days, because you have been quite direct and unequivocal in your suggestion on potential legislative changes and powers to seek redress. I just wanted to seek your thoughts on what some of the activists who were with us yesterday said. Some have felt that things should be left to work things through on their own, that perhaps, in your case, you could have put up a post to debunk the original post.

[7594] Mr Prakash Kumar Hetamsaria: Right.

[7595] Ms Sun Xueling: How do you see that vis-a-vis what you are suggesting in paragraphs 3, 4 and 5 that I mentioned?

[7596] Because, in paragraphs 3, 4 and 5, you explicitly mentioned that (a) there should be a Code of Conduct for social media sites; number 2, they should be a given explicit warning -- one, two, three -- third time, if they don't comply, the site should be shut down. And then, the next part, the Government have resources. So, that's a bit different from, I think, what some witnesses had said yesterday. Could I hear your thoughts on it?

[7597] Mr Prakash Kumar Hetamsaria: Basically, what I was trying to say is that since I have gone through all this process and I feel like what I did after the rebuttal on the social media, I also filed a police report, but I don't find any redress after filing the police report. A few months later, I got a reply from police that it is civilian in nature, so you have to address this one in a civil court.

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[7598] So, that was the first -- I still don't feel that, don't get any kind of protection in that sense. So, the only way I can see that there will be a proper legislation which can help an individual like me to protect from this kind of fake news.

[7599] **Ms Sun Xueling:** That's on the point of redress, because, as you mentioned, also in your submission, that the police recommended that the case was civil -- you have been advised to seek civil redress. But you felt that there was a need for a change in laws so that you can embark on this. That's on one point.

[7600] But the other point, I think you are mentioning in your recommendations -- paragraphs 3, 4 and 5 is about taking down the fake news and that you are suggesting that the social media site should have the responsibility to do so.

[7601] **Mr Prakash Kumar Hetamsaria:** Yes.

[7602] **Ms Sun Xueling:** And, failing which, actually, the Government should have the resources and the clout to do so. So, in other words, do I then understand that you do not agree with the viewpoint, as suggested by some witnesses yesterday, that the onus of responsibility should be on yourself, for instance?

[7603] **Mr Prakash Kumar Hetamsaria:** It should be both.

[7604] **Ms Sun Xueling:** It should be both? So, you feel that you should have gone online to debunk the fake news?

[7605] **Mr Prakash Kumar Hetamsaria:** Yes. I should do my part. But, at the same time, we should have been protected by some kind of legislation where there was a warning, because what I know is that All Singapore Stuff is not based in Singapore. So, it's outside the Singapore jurisdiction.

[7606] So, it will be difficult to take any action against those kind of websites, because being a social media, it can be anywhere in the world, they can manipulate this kind of situation. So, definitely, from my individual basis level, I can go and debunk that, put the facts to the public domain, but, at the same time, there should be some legislation where the Government can take necessary action to either give the warning to that website or social media to verify that this kind of any news before posting on the social media, because the damage can be done.

[7607] **Ms Sun Xueling:** Okay. So, just to make sure I understand you clearly. What you are saying is that, in your case, you understand that the website is not based in Singapore, and therefore, you are of the view that local legislation or local police action would not be sufficient to get that fake news taken down. And, therefore, you take it upon yourself to debunk that.

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[7608] **Mr Prakash Kumar Hetamsaria:** I think debunk is that first step that I took, I mean, at the same time, because I don't want to be like, more people will be reacting, which is hurting to me. So, that was my first step. But then, subsequently, I filed a police report. So, there should be some legislation to take action against that website or the person behind putting the fake news, so that the same situation will not appear time and again, and this kind of website or the owner of the website should be more careful before posting such kind of news.

[7609] **Ms Sun Xueling:** Sure. But would you agree that the effectiveness of you putting up the truth in this case, after what we have heard from experts in the past couple of days, that the truth sometimes limps along quite slowly in the back, while the falsehood is already circulating around the world? I think that's the first point.

[7610] And I think the other is really the backfire effect, which some have suggested, in which after you put up the truth, because of various personal heuristic and the way people interpret information, that even when they see the truth, it could potentially even encourage the original falsehood, that impression that they had. Would you agree with that view?

[7611] **Mr Prakash Kumar Hetamsaria:** Not really. In fact, rebuttal sends the right message to that person or that people in large putting that comments, because of this article. So, definitely, it will be helpful too to stop additional comments by that people at large. So, I still believe to put the rebuttal first, and followed by some kind of action from the law point of view.

[7612] **Ms Sun Xueling:** Yes. Just so that I was clear. I guess what's I'm saying is, I'm not saying that you should not put up the truth. Definitely you should, especially since it concerns yourself and your family. I guess what I was trying to say is that, even when you do that, the effectiveness of that may be somewhat limited because, number 1, it is personal action and the truth limps along slowly. It takes time for the truth to get out there and also people might not want to believe it, because they may have personal biases. I think that's the point I was trying to make.

[7613] **Mr Prakash Kumar Hetamsaria:** But in my case, what happened, once I put the rebuttal, of course, I was in India at that time attending one of the relative's marriage, so I was not physically present in Singapore. A lot of friends started rebutting or putting the feedback, good things about me. So, that also helps to that people who are commenting otherwise, to understand that the news is not the real news, there is a fake news. And putting my rebuttal also helps to effectively, like, it stopped spreading further this news.

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[7614] So, in my case -- I'm not sure in general -- it may take a longer time to get that redressed. But in my case, I have seen that it has a big impact and within 12 hours or 15 hours' time, I have seen that photo has been changed and subsequently, even they have put, I think, the very next day, they have taken out that article from the website.

[7615] **Ms Sun Xueling:** Okay. Regardless, you still feel that the Government has the resources and the clout, in your words, to fight back, not so the common man -- again, in your words, so you do feel that while you are putting up in your case the truth to clarify, to debunk the original falsehood, that the Government should also have a role to ensure that such deliberate online falsehoods do not find a place in society?

[7616] **Mr Prakash Kumar Hetamsaria:** Right.

[7617] **Ms Sun Xueling:** And that social media websites, you mentioned, should have the responsibility to take it down. And that, as a form of remedy, I guess the Government should have the resources to ensure that they take down the deliberate online falsehoods. Do you agree with that?

[7618] **Mr Prakash Kumar Hetamsaria:** Yes. I agree.

[7619] **Ms Sun Xueling:** Perhaps, before I go over to Mr Mohan, Chairman, would you like to open the floor to any potential questions for Mr Prakash first, because I think Mr Mohan's submission is of a different nature?

[7620] **The Chairman:** Minister Desmond Lee.

[7621] **Mr Desmond Lee:** Mr Prakash, thank you for your testimony. Would you know, I mean, I've looked at the article, it is still online, except now Mr Fernandez's photo is that of a woman. It's a Chinese lady named Mr Fernandez, and this article has been shared 44,700 times on Facebook. Can I ask you, to the best of your recollection, when was this published, this article with your photograph?

[7622] **Mr Prakash Kumar Hetamsaria:** 22 November 2016.

[7623] **Mr Desmond Lee:** And when were you informed by your friends about the use of your photo in this article?

[7624] **Mr Prakash Kumar Hetamsaria:** The very same day, because I was, at that time, in India, attending one of my relatives' marriage and I started getting a lot, like WhatsApp and calls and messages saying what's going on and what is this news about. So, that's the time I got the message.

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[7625] **Mr Desmond Lee:** What did you do when you received these messages? What steps did you take?

[7626] **Mr Prakash Kumar Hetamsaria:** First I got shocked: “What’s all this happening?”. And unfortunately, I was, at that time, in India. But then, immediately, I then discussed with some of my friends.

[7627] The first thing, what I did, I read a few comments on the article, which definitely, as I said, were quite hurtful and it is more like serious in nature, but I then stopped reading those articles and I – what I thought, it’s better not to reply to that article itself. Later then I put a rebuttal that this is the fact there. So, that was my first step. So, I, of course, take help from some of the friends in Singapore, writing those articles and then I put on the Facebook so that the facts and what fact is there can be seen ---

[7628] **Mr Desmond Lee:** That means you wrote your own Facebook post?

[7629] **Mr Prakash Kumar Hetamsaria:** Yes.

[7630] **Mr Desmond Lee:** How many times was this shared? Do you know?

[7631] **Mr Prakash Kumar Hetamsaria:** I put on the public, because my Facebook currently is private, so I put on the public. Frankly, I had not followed further, because the more I read, I was reading that kind of post or anything, it was more hurtful. So, I thought better to avoid the messages there, and better not to follow what public opinion is there. As long as I myself know my circle of friends or my family knows what I am, so I think that should suffice for me to just ignore that fake news.

[7632] **Mr Desmond Lee:** So, you say on 22 November 2016, the article was published. You were notified the same day and you put the clarification on the same day, 22 November 2016?

[7633] **Mr Prakash Kumar Hetamsaria:** Right. Yes.

[7634] **Mr Desmond Lee:** But your submission at paragraph 3 says: “However, the harm had been done.” This was all within the same day?

[7635] **Mr Prakash Kumar Hetamsaria:** Within the same day, yes.

[7636] **Mr Desmond Lee:** Thank you. You mentioned you put an article on your own Facebook. My earlier question was: do you know how many times it was shared? You didn’t look at it?

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[7637] **Mr Prakash Kumar Hetamsaria:** No, I have not. I didn't check how many times it had been shared.

[7638] **Mr Desmond Lee:** What other steps did you take? Did you try to contact the website that put up this original article?

[7639] **Mr Prakash Kumar Hetamsaria:** No. What I did, after rebuttal, I filed a police report the very next day, and that's the two steps I took. Some of the friends I know, they went to that All Singapore Stuff website and they start rebutting some of the comments, they start like arguing with those comments. So, I have seen some of the friends on my post also, a lot of friends, they start putting good comments about myself, "No, he has been here for last 20 years, he's been involved in the local community, he's serving the community also." So, those kinds of positive comments have been put up by a lot of my friends.

[7640] **Mr Desmond Lee:** 22 November 2016 -- this article went out, in the name of Fernandez but with your photograph?

[7641] **Mr Prakash Kumar Hetamsaria:** Right.

[7642] **Mr Desmond Lee:** Do you know when this photograph was changed to that of a Chinese woman? How many hours later?

[7643] **Mr Prakash Kumar Hetamsaria:** What I have been told, maybe by the evening, it has been changed.

[7644] **Mr Desmond Lee:** So, by the evening, the site changed it from your photograph to that of a Chinese woman? Is that correct?

[7645] **Mr Prakash Kumar Hetamsaria:** Right.

[7646] **Mr Desmond Lee:** I know you don't want to see it, but your Facebook post clarifying that the photograph was false was shared three times, versus the original post, which was shared, just on Facebook alone -- I have not cited the numbers elsewhere -- 44,700 times on Facebook, and also shared on WhatsApp, Twitter, Reddit, Flipboard and Blogger. I presume you didn't go onto WhatsApp, Flipboard, Twitter, Reddit and Blogger to also put up the facts. Did you?

[7647] **Mr Prakash Kumar Hetamsaria:** No, no.

[7648] **Mr Desmond Lee:** Only on Facebook?

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[7649] **Mr Prakash Kumar Hetamsaria:** Only on Facebook.

[7650] **Mr Desmond Lee:** Thank you. Did the All Singapore Stuff write to you, apologise or clarify that they put the wrong photograph?

[7651] **Mr Prakash Kumar Hetamsaria:** No.

[7652] **Mr Desmond Lee:** No. Following this incident, it was in the news, it was shared many times. Did you, after 22 November 2016 till to date, get anyone mistaking you for this so-called

[7653] Fernandez and approaching you, criticising you, writing to you?

[7654] **Mr Prakash Kumar Hetamsaria:** No, no.

[7655] **Mr Desmond Lee:** You know it's relatively easy to put up a false article and put a photograph?

[7656] **Mr Prakash Kumar Hetamsaria:** Yes. Correct.

[7657] **Mr Desmond Lee:** The first question is: where do you think this photograph might have come from?

[7658] **Mr Prakash Kumar Hetamsaria:** I was giving one interview to Channel NewsAsia, one of the community events, racial harmony, and that's how they have picked up that photo from there and put in that website.

[7659] **Mr Desmond Lee:** So, you believe the photograph was publicly available on the CNA website and it was taken from there?

[7660] **Mr Prakash Kumar Hetamsaria:** Right.

[7661] **Mr Desmond Lee:** Was it a whole photo or was it a cropped photograph?

[7662] **Mr Prakash Kumar Hetamsaria:** It's the whole photo.

[7663] **Mr Desmond Lee:** It's a whole photo of you?

[7664] **Mr Prakash Kumar Hetamsaria:** Right.

[7665] **Mr Desmond Lee:** Could you compare and contrast the ease with which this false article was put up with the efforts you had to take and let us have your feelings about this?

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[7666] Mr Prakash Kumar Hetamsaria: Like?

[7667] Mr Desmond Lee: So, I said earlier, it's quite easy to put up this article and put your photo from anywhere on the Internet and you have explained to us the difficulties that you and your family faced and the efforts you had to take thereafter to get this corrected. Could you share with us your feelings and thoughts about this?

[7668] Mr Prakash Kumar Hetamsaria: I mean, it's hard to take such kind of fake news but, as I said, I was not spending too much time on the -- I mean, initially, like one or two days, I was a bit disturbed but, after that, I thought it's better to ignore it rather than commenting on it or rather than spending more time.

[7669] But, at the same time, definitely, I would like to see some kind of remedy or some kind of legislation whereby this kind of website or social media can be -- because me as a common man, it's very difficult to go and fight with them, so if there is some kind of common support or common legislation where we can stop the spreading of this kind of fake news.

[7670] Mr Desmond Lee: So, in your case, the photograph was taken down and replaced with a woman's photo. Let's say, for example, till today, your photograph is still there, supposing, still there, and you are told that nothing can be done. All efforts have been made to talk to the site, either you do it yourself, a civil remedy, or you just live with it and leave it there. What would you say to that? There's nothing that authorities can do to help you.

[7671] Mr Prakash Kumar Hetamsaria: Again, authorities can block the website, such kind of websites, giving the warning to them, okay, why you put the fake news? I mean, nobody is verifying, the fact that they have not verified whether it's the real news or the fake news, but as a person, I know it's a fake news, I can affirm that they have put the fake news.

[7672] So, based on that, is there any way that we can block that website, or we can give them the warning, so that, in future, such kind of things will not happen again?

[7673] Mr Desmond Lee: Thank you very much. Thank you, Mr Prakash.

[7674] Mr Chairman: Mr Pritam Singh.

[7675] Mr Pritam Singh: Thank you, Sir. Thank you for your testimony. I'm just picking up on two points. Number 1, you mentioned that your solution or your way of dealing with it, in addition to putting up your own Facebook post, which unfortunately,

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wasn't shared as widely as the initial story, was basically to just ignore it and you were confident that your family and friends know who you are and you can just move on. Would that be a correct characterisation of how you dealt with the problem?

[7676] **Mr Prakash Kumar Hetamsaria:** I'm not sure how to handle it, frankly. I'm not an IT guy personally. So, I'm not sure, I mean, if I go and start searching how many websites or social media they have put the post, how many likes there are there, so I may be spending too much time on the negative aspects or negative side. So, I would rather prefer, I mean, to focus on the things at hand today rather than spending, rather than, like explaining, whatever fact was there, I would have already put on Facebook. So, I think, my part, I don't think what else I can do.

[7677] Frankly, I don't know how to move further from here, except that maybe Government can help me to see whether any kind of support or any kind of action against those kind of sites can be taken.

[7678] **Mr Pritam Singh:** So, basically, some sort of a legal remedy for you to at least deal with some of the problems that arose?

[7679] **Mr Prakash Kumar Hetamsaria:** Right.

[7680] **Mr Pritam Singh:** And that brings me to my second question, actually. You spoke earlier about blocking the site, giving them a warning. Am I correct to assume that you are suggesting an approach which perhaps starts with a warning and then, if they continue not to comply, additional punitive action can be taken against the site, leading to, ultimately, I would think, a removal of that site?

[7681] **Mr Prakash Kumar Hetamsaria:** Right.

[7682] **Mr Pritam Singh:** Is that what you are suggesting?

[7683] **Mr Prakash Kumar Hetamsaria:** Right. Yes.

[7684] **Mr Pritam Singh:** Thank you.

[7685] **The Chairman:** Ms Sun, would you like to proceed to the next witness?

[7686] **Ms Sun Xueling:** Yes. Mr Mohan, thank you for joining us and waiting. I would just highlight some key points in your submission.

[7687] I understand that you are a Chief Programme Officer, so, you are quite attuned to technology. In fact, the first part of your submission, you talk about online bots.

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[7688] **Mr Raja Mohan M K:** Yes.

[7689] **Ms Sun Xueling:** You shared that online falsehoods are often spread by online bots which post fake contents on a regular basis. You also allude to an article from The Atlantic. That is correct?

[7690] **Mr Raja Mohan M K:** Yes. Correct.

[7691] **Ms Sun Xueling:** You then expressed some concern that the elderly may not recognise that not all content posted on websites are done by other people.

[7692] **Mr Raja Mohan M K:** Yes.

[7693] **Ms Sun Xueling:** And that it is critical for the elderly to recognise that bots may be used to shape public opinions. Would you like to elaborate on that?

[7694] **Mr Raja Mohan M K:** First of all, I would just like to say that I am a Chief Programme Officer, but not on programming or technical, more for elderly programmes.

[7695] **Ms Sun Xueling:** Oh. I understand. I'm sorry. I apologise.

[7696] **Mr Raja Mohan M K:** The second thing is on the bots. The bots are something that is quite common nowadays. It just comes out on WhatsApp or Facebook and that all that. Somebody's view and somebody's idea, he wants to send a false message and all that, so the bots automatically send out this message.

[7697] And for the elderly, WhatsApp is, or social, Facebook and all that, is a way of communicating with another elderly, to tell them, that whatever they receive, they just send it to another elderly, telling them. Actually, they don't know what is in the content, but just to let them know I'm still alive today, like saying good morning, they just send the message out, without realising what the content is all about. From the elderly perspective, they don't know what is false. So, everything is like, you just send out the message to them and say that, "Hi, this message I'm sending to you." The other elderly would say, "This guy, so and so, just sent a message to me, that we are still communicating with each other." So, that's what they use WhatsApp for.

[7698] Bots usually come out with messages which are not true and they will automatically send out. For example, I can just cite two incidents. One was one of the supermarkets in Singapore was giving away gift vouchers. So, a lot of elderly were quite excited. They went down to collect their gift vouchers, thinking they will get it,

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but they did not get it. So, what happened is that they came back and they started to make noise, “Why didn’t we get it?”

[7699] **Ms Sun Xueling:** So, this is the NTUC gift voucher incident?

[7700] **Mr Raja Mohan M K:** Yes.

[7701] **Ms Sun Xueling:** Because we did talk about it with NTUC last week when they were here.

[7702] **Mr Raja Mohan M K:** Yes. So, they were not happy about it and they started to make a lot of comments and negative comments. At that time of point, if the ground, if we knew about it earlier, we could have solved the problem faster actually. So, we ourselves did not know, was it real or fake and all that.

[7703] In that part, the Government should have come out very timely and passed the message, that this is false. I will take another scenario. The same time when these guys who did not get the NTUC voucher, a few weeks later, a group of elderly went for outing and they were given NTUC vouchers by this organisation, but I mean, it was a gift actually. So, when they come back, they shared it on WhatsApp with their friends, “Hey! I received my NTUC voucher.” This guy who went down to NTUC who did not get it, started to boil out, “How come that guy got it and I didn’t get it?” So, it becomes very difficult and it causes tension. Sometimes, it can become a racial problem, if this group was a minority going for an outing and they get it and this group who didn’t, it can become a tension, a racial problem. It is like “How come that group got NTUC and I didn’t get it?”

[7704] **Ms Sun Xueling:** Thank you, Mr Mohan. Maybe, we just go back a few steps. I made a mistake earlier on your occupation. Could I find out, which VWO are you from, because you said you work specifically with the elderly?

[7705] **Mr Raja Mohan M K:** Yeah. Sunlove Home.

[7706] **Ms Sun Xueling:** You mentioned an interesting point, that there could be a conflation of online falsehoods with what happens in real life. You gave the example of some elderly going for an outing. Serendipitously, they got NTUC vouchers. People conflate it with the original online falsehood, which I understand is probably was circulated on WhatsApp, because that’s what the elderly people were mostly using.

[7707] **Mr Raja Mohan M K:** Yes.

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[7708] **Ms Sun Xueling:** And I think you made the interesting point that sometimes when the elderly forward messages which could potentially be an online falsehood to their friends, they could be doing it without realising the information is false. They could be doing it just to say, hello, good morning, to their friends.

[7709] **Mr Raja Mohan M K:** Yes, just to keep in touch.

[7710] **Ms Sun Xueling:** And that somebody sent it to them, so they are just forwarding it. So, in that sense, the online falsehood is being spread unknowingly, in this case, by the elderly?

[7711] **Mr Raja Mohan M K:** Yes.

[7712] **Ms Sun Xueling:** Okay. I would like to go back to your submission. On page 1, whereby you pointed out that online falsehoods could be spread to influence public opinion. I'm not sure whether you heard the submissions by some of the witnesses yesterday. Some witnesses were of the view that the influence of online falsehoods are debatable.

[7713] Yesterday, when there was evidence presented that even with a large number of followers on Facebook, and that when there were millions, I think over 50 million of impressions on Facebook, that the influence of the number of followers, the number of impressions, does not correlate to the amount of influence these online falsehoods have. Would you agree with that view?

[7714] **Mr Raja Mohan M K:** Actually, I don't agree. I think there's a lot of influence on online falsehoods. And normally, when something comes out, like some of these -- what do you call that -- these organisations who come out with falsehoods and all that, it affects the public quite a lot. And, sometimes, we ourselves also, are quite misleading, we mislead, and then, we tend to talk about it to others, about this falsehood, whatever, some articles coming out, and we influence others also.

[7715] **Ms Sun Xueling:** Okay. Just so that I understand you correctly. What you are saying is that you do not agree with a viewpoint that online falsehoods may not necessarily have influence? I think that was the view that some ---

[7716] **Mr Raja Mohan M K:** Online falsehoods have influence.

[7717] **Ms Sun Xueling:** Yes. So, what you are saying is that online falsehoods have influence? That is your view?

[7718] **Mr Raja Mohan M K:** Yes.

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[7719] **Ms Sun Xueling:** And it is a view that is evidenced based on your interaction with people on the ground?

[7720] **Mr Raja Mohan M K:** Yes.

[7721] **Ms Sun Xueling:** In your case, specifically with elderly on the ground?

[7722] **Mr Raja Mohan M K:** Specifically with elderly, yes.

[7723] **Ms Sun Xueling:** And you said you are aware of instances whereby people who have encountered online falsehoods then talk about them and about how it has impacted them.

[7724] **Mr Raja Mohan M K:** Yes. The other one I would like to share happened about a few weeks ago. This guy is a celebrity, a well-known singer in the 1970s and 1980s but till now. And someone sent a WhatsApp that he had passed away. And, some of these elderly who know him and were connected to him in the 1970s and 1980s from his MediaCorp days and all that, they felt very sad. They came up and said, "How come this guy passed away suddenly?" They were like emotionally carrying it with themselves. And then, later on, after one or two days, there was a post saying that it was false. But we went back to tell the elderly that it was false and the elderly couldn't accept it. And two days of mourning, and they had two days of crying and they couldn't accept that it was false. They actually wanted to go to his house to double-check. So, then later, I think we managed to tell them that it was all false news and all that.

[7725] But at the same time, if the elderly can have this kind of feeling, what happened to the real person who is still alive and the false news says that he is already dead? What kind of trauma his family will be going through?

[7726] Quite a lot actually. So, for this kind of thing, I think some regulation should be needed.

[7727] **Ms Sun Xueling:** Okay. Before I come to that, I just want to highlight some points you made in your submission, where you talk about pressure points that are unique to Singapore. You highlighted a few, which include racial tensions, religious conflict, immigration perception, class divide, et cetera. I would like to check with you do you think that just because there are no significant crises in Singapore so far, that the dangers potentially posed by the pressure points that you mentioned mean that the likelihood of such crisis happening is low and/or even that the pressure points do not exist? Would you agree with such a view?

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[7728] **Mr Raja Mohan M K:** The pressure points I mentioned are likely to happen.

[7729] **Ms Sun Xueling:** Likely to happen?

[7730] **Mr Raja Mohan M K:** Yes.

[7731] **Ms Sun Xueling:** You believe that they exist, right?

[7732] **Mr Raja Mohan M K:** I believe that they exist, yes.

[7733] **Ms Sun Xueling:** And you believe that they could potentially lead to disharmony and crisis situations in Singapore?

[7734] **Mr Raja Mohan M K:** Yes, disharmony, crisis or violence and all that, yes.

[7735] **Ms Sun Xueling:** Even when in your view or rather a view shared by some others that there is no significant crisis of that magnitude so far in Singapore?

[7736] **Mr Raja Mohan M K:** Yes. I can say that.

[7737] **Ms Sun Xueling:** So, you feel that they pose dangers?

[7738] **Mr Raja Mohan M K:** Yes.

[7739] **Ms Sun Xueling:** Okay. I would like to go to the section in your submission where you talk about what to do to prevent the spread of online falsehoods. You made four specific suggestions. The first is where you suggested, for example, that Facebook needs to take down illegal content within 24 hours once they uncover it or it's reported to them. Do you feel that there needs to be legislative powers for the Government to be able to compel them to take down the illegal content if they do not wish to do so?

[7740] **Mr Raja Mohan M K:** Yes. Actually, I think within 24 hours, Facebook should be given notice to take down whatever of the false content. If they don't do it, I think the Government should come in and intervene. Like what happened to Mr Prakash, I mean, it was a false allegation, but there was no intervention from the Government at that point of time, even Facebook, but only by the person who posted it changed the face. But there was actually no intervention at that time. So, Government should come in with legislation to protect the people.

[7741] **Ms Sun Xueling:** Okay. On your second point, you mention that there should be an Honest Ads Act, where those who pay for political or socially related advertisements need to declare their identities and this is to prevent anonymous entities

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from buying ads to stoke tensions without having to reveal their private motives. That is your second recommendation?

[7742] Mr Raja Mohan M K: Yes.

[7743] Ms Sun Xueling: And, on your third and the fourth, you are of the view that Government, affected parties, you also talked about grassroots leaders and MPs, should clarify, address online falsehoods via various mediums, because you feel that these are people in positions of power with some public influence?

[7744] Mr Raja Mohan M K: Influence, yes.

[7745] Ms Sun Xueling: But would you agree that, if there are many falsehoods or if they happen frequently, that if we were just to rely on the approach of clarifications by Government, grassroots leaders, MPs, that it might be quite a taxing situation, especially in situations where there are a large number of such falsehoods?

[7746] Mr Raja Mohan M K: Yes. I actually agree with that. That's why, in paragraph 4, I even put there who can rectify the inaccuracies, like even grassroots leaders or important sorts of leaders in Singapore.

[7747] Actually, the other one is also the VWOs and those organisations working on the ground. They are closer to the people. They also should know what's happening and if the MP or the Government can pass down the message to them and say this is false, something which you can disseminate to the ground, it will be very helpful in the time.

[7748] Ms Sun Xueling: I understand. But what happens in situations where there are a high number of falsehoods, if we were to rely just solely on this?

[7749] Mr Raja Mohan M K: I think it depends on what kind of falsehoods, how sensitive is that issue. Some, I think you have to put it as an urgent matter to be resolved, some maybe can put it as a lower category. So, it depends on what kind of falsehood; what kind of message they are passing it.

[7750] Ms Sun Xueling: But I guess to cite the events that Mr Prakash unfortunately faced, the online falsehood was sent around 44,700 times, whereas the truth was sent around three times. I mean, it could be that, you know, not for want of lack of trying, that even where there are officials or grassroots leaders or other influencers, when they share the truth, that that truth may not be spread to the same outreach and the same speed to clarify and to debunk the falsehood that initially started the whole possess. Would you agree with that?

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[7751] **Mr Raja Mohan M K:** I agree. But I think some measures should be taken in place. If he has made a police report, I think the police should follow up, and try to see how you can solve the problem and come back with an answer. I think, to escalate higher, that he can go up to the Ministry level. It is very serious -- 43,000 is quite a big number, and it's not a small number.

[7752] **Ms Sun Xueling:** Yes. I guess what I'm saying is it doesn't have to be exclusive measures, that while there can be influencers, the word that you used, clarifying, debunking falsehoods, but at the same time, there should be legislative action or powers be needed in place.

[7753] **Mr Raja Mohan M K:** To be in place, yes.

[7754] **Ms Sun Xueling:** And also, there should be some, I guess, personal agency, personal action, in that sense, but I guess personal action taken on its own, may have limited outreach. I think the word Mr Prakash used was the common man, the resources and clout that is available to the common man may be quite limited.

[7755] **Mr Raja Mohan M K:** Limited, yes.

[7756] **The Chairman:** There being no further questions, okay, I would like to thank both witnesses, Mr Prakash and Mr Mohan. Thank you very much for being here and sharing your views with us. You have contributed to our Select Committee process. We will send you a transcript of today's meeting. If there are any errors, please correct them and send it back to us. Once again, thank you very much.

(The witnesses withdrew.)

[7757] **The Chairman:** I propose we take the lunch break now, and I will suspend the meeting and we will resume our proceedings at 1.00 pm.

(The hearing adjourned for a break.)

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Paper No. 75 -- Mr Dan Shefet (Individual Specialist to UNESCO and French lawyer specialising in European Law and IT Law), was examined on affirmation.

[7758] **The Chairman:** Good afternoon. I call the meeting to order. May I invite the witness to come to the witness table, please? Thank you. For the record, could you please state your name and the organisation that you represent?

[7759] **Mr Dan Shefet:** My name is Dan Shefet. I'm a lawyer. I'm admitted to the bar in Paris and I'm also the Chairman of the Association for Accountability and Internet Democracy.

[7760] **The Chairman:** Thank you. The evidence which you will be giving today before the Committee will be taken on oath. If you so desire, you can take an affirmation. Clerk, please administer the oath.

(The witness made an affirmation.)

[7761] **The Chairman:** Thank you, please be seated. Welcome to the Public Hearing on the Select Committee on Deliberate Online Falsehoods. The focus on today's evidence-gathering session is for us to put questions you have to. You have taken a solemn obligation to answer our questions truthfully and I now call on Dr Janil to begin.

[7762] **Dr Janil Puthucheary:** Mr Shefet, thank you very much for coming before us, as well as for your written submission. I hope you have had an opportunity to follow some of the various representations and submissions that we have had in front of us. It has been a fairly long process and if necessary, we can summarise some of that for you.

[7763] But if you are, and I'm assuming you are, somewhat familiar with the various viewpoints and submissions that we have had. And I like, if you are agreeable, my proposal is to concentrate not so much on, is this a problem we need to deal with seriously -- I think you are here because you believe that is so -- and I think, largely, the various representations have helped the Committee to understand the scale of the problem, the nature of the problem. Neither do I propose to focus so much on the technical side of what might be software implementation and so forth.

[7764] What we are trying to grapple with is essentially a philosophical question, a question of what principles should guide our response, how do we strike the right balance between the various options before us, as well as the negative consequences, the unintended consequences.

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[7765] So, I'm going to start off with a fairly philosophical position and ask you to comment on a variety of principles and ideas. And then, we can take the discussion further, if you don't mind.

[7766] I would like to begin actually with the submission that you have made. I don't know we have got it on screen. But do you have a copy in front of you or do you ---

[7767] **Mr Dan Shefet:** No. But I remember.

[7768] **Dr Janil Puthucheary:** Sure. Maybe, we can bring it up? On page 6, you spent a little bit of time, a little bit of space, I beg your pardon, in your submission, talking about the marketplace of ideas, going back to Milton and Oliver Wendell Holmes and a number of legal experts in the United States and you made the argument that the marketplace of ideas, if I can quote your words: "... is constantly quoted in debates on Free Speech without any detailed definition or explanation as to how it is deemed to work its wonders."

[7769] And, in the next paragraph, you state: "The theory leads to at least 2 analytical misapprehensions since it implies that not only will the best ideas survive", and you have emphasised that, "but also the best technology".

[7770] So, you have, in your submission, detailed a number of concerns that you have about using the marketplace of ideas as a conceptual framework to analyse what we should do in this space as well as to defend or criticise the various options.

[7771] If I could go on, you explain that: "The tech companies are not at the mercy of the marketplace. They control the marketplace. Their dominance will not be curtailed by market forces and certainly, not as a consequence of a restricted number of potential users arguably limiting growth."

[7772] So, you are taking quite a strong stance that the marketplace of ideas is flawed and perhaps, not the right way to think about some of these issues.

[7773] Then, you go on, you have numbered these issues as 1 and 2, item 2, which is now, I think the seventh page, your second line: "The average cost ratio", it is probably a typo there, "of compliance to revenue in the finance industry is substantial and this is one of the real reasons why accountability is rejected, not the promotion of free speech and democratic values."

[7774] So, two major criticisms of why the marketplace of ideas is a problem: the second one, the financial incentives that are present in this space and the first is that

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structurally, some of the opportunities for the operations of the marketplace of ideas to do its work -- work is wonders, in your words -- not quite present.

[7775] Perhaps, we could start with, if there is a further commentary, you would like to apply to this issue that you have put in your submission and then we can take it from there.

[7776] **Mr Dan Shefet:** Thank you. Yes, indeed. First of all, I would like to commend the initiative of the Government of Singapore to create this hearing. As far as I know, it is the first ever to call in experts from all over the world and it really shows, it really demonstrates, the seriousness of this country in arriving at the right solution, striking the right balance between different values, of course, freedom of speech being one of them, which would bring me to the marketplace of ideas. So, well done, bravo, I salute this initiative.

[7777] In terms of the marketplace of ideas, I realise that what I represent by my submission is controversial. And, of course, I did that more or less deliberately because the marketplace of ideas has become more or less a politically correct statement, a politically correct philosophy, and my philosophy is quite the opposite. When something is politically correct, I always try to challenge it. I think that one should, as a matter of principle.

[7778] And the marketplace of ideas, if ever it had any -- let me rephrase that. The problem with metaphors, that metaphors is a hijack, have a tendency to hijack rational thought. This was something that was pointed out already. If we talk about law, in the Nuremberg trials, where the notion of venomous or poisonous thought and challenges was introduced, in terms of the analysis of hate speech that it was like poison. And, of course, that leaves out a lot of aspects which do not stand up to further analysis. The problem is, with all metaphors, again, that they become too general in scope and that they become self-fulfilling.

[7779] The marketplace of ideas is such a metaphor. It presupposes that there is a real debate, that there is kind of like an intellectual jousting and that somebody will decide which idea is the best and why idea will win. It is almost Darwinistic. And, of course, ideas are in no way subject to Darwinistic criteria of truth and, in addition to that, the problem, when we talk about technology is that, if the marketplace is controlled the way it is today, then there is no marketplace.

[7780] So, my two observations are: first of all, that conflicting ideas are not judged by some Darwinistic method, which the metaphor implies; and the second thing is that the marketplace as such does not exist today on the Internet, in general.

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[7781] And that is the real problem. The concentration of information does not allow, even if arguably, there was a marketplace, it doesn't allow this marketplace to exist.

[7782] **Dr Janil Puthucheary:** Thank you. You then go on in your submission -- so, I think the first portion, and what you have just said, argues that either the marketplace, as envisioned, does not exist, or the marketplace, if it exists, in its operations, is significantly flawed.

[7783] You then go on to talk about the potential of regulation in this space, in your submission. Then, I think, on the basis that you are saying that, well, if people are defending the status quo on the basis that the marketplace of ideas is there, what shall we do from a regulatory point of view? Am I right to characterise your submission that way?

[7784] **Mr Dan Shefet:** Yes.

[7785] **Dr Janil Puthucheary:** You then go on to say about, maybe one-third of the way down the page: "The 'real' Marketplace is however far from unregulated." And, I quote: "Even in the most liberal of societies do we find regulations of the 'Marketplace'".

[7786] One of the best examples is that of antitrust. If the Marketplace, ie, the interaction between free economic agents would regulate itself so that 'the best commodity/idea will survive', why introduce antitrust legislation?

[7787] Obviously, the marketplace is distorted if there is no free exchange of commodities." You are drawing the parallel then that, in real world marketplaces, we need some degree of regulation to ensure that it operates. So, if we say that it is flawed, you have a parallel there, or maybe we can argue that it doesn't even exist.

[7788] You then go on to say: "From a historic perspective, however, the debate was heated when the first instances of governmental intervention to liberate the economy from monopolisation were introduced."

[7789] It's quite fiery words here -- if you have historical people in the room or some economists. But, essentially, I think you are making the case that when these types of issues were tested with respect to commodities, to finances, there was the same argument against regulation; that somehow, this would reduce the liberal flow of those real goods. The same arguments were offered and then, in the end, we ended up having to regulate these spaces to, as in your words -- I like the phrase -- liberate the economy from monopolisation. Is that the parallel you are trying to draw?

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[7790] **Mr Dan Shefet:** Absolutely. I mean, you are perfectly right. And, it is not a coincidence that I refer to antitrust as one of the areas where we see that, in order to arrive at true competition, we have to regulate competition, which, of course, is one of the problems that we are dealing with, in terms of deliberate falsehoods as against, also, I think that we make the bridge to that, is, of course, the concentration of information, and that's why I mention antitrust.

[7791] **Dr Janil Puthucheary:** Thank you. I am going to quote you a certain passage. I think it sums up where we are, but it is your words, so you will recognise the quote, but for the purposes of the record and other members of the Committee. "Society and consumers, this is on the same page, the end of the page: "Society and consumers end up paying the price. There is no need to justify antitrust regulation. It seems obvious to us today that a Marketplace cannot exist without these regulations. Failure to regulate leads to a restriction of liberty -- not to the opposite. Even the staunchest supporters of the free market, which seems to be the theoretical foundation of the Marketplace of ideas would not argue against a certain level of environmental protection, consumer protection, anti-trust, financial regulations, product liability, et cetera. Actually, the marketplace of ideas far from justifying the absence of regulation demonstrates exactly the opposite: the need to protect values through regulation."

[7792] And it is this last bit that I'm most interested in at this point. Would you like to expand on this idea that you need to protect values through regulation in order to have a functioning marketplace of ideas?

[7793] **Mr Dan Shefet:** Well, let's relate it to the problem that we are dealing with here. Again, let me just, as a preliminary mark, say that I love the expression "deliberate falsehoods". I think that's a much better expression than "fake news". I will get to answer your remark but I just wanted to make this preliminary remark.

[7794] Falsehoods is much more generic than news. On the other hand, "deliberate" presuppose an element of intention, which I will get back to in a second. Clearly, as a consequence of concentration, not only concentration over the infrastructure, that is, concentration of search engines and social media in general, but also of the ability through technology. And here, I'm thinking especially bots, to disseminate false information for those that are adamant in doing so. As a consequence of that, we find that unfortunately, we are, as human beings, very prone to believe what is sensational, what is scandalous and we are more easily manipulated into believing what is negative than what is positive.

[7795] I know that, because I have been working with quite a lot of psychologists and sociologists, I mean, the work I am doing on fake news in general in France. And,

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as a consequence of that, we need to be very, very careful that the necessary balance is made so that the counter narrative, as it is called, will actually be heard and will be understood. The only way that we can achieve that is through regulation. So that, I hope answers your question, if we relate it directly to the problem at hand.

[7796] Dr Janil Puthucheary: And you made a comment on the next page, and I think, this is in the context about the survival of the fittest axiom. And, I think, you begin the frame by saying: “The ‘virality’ of content has no bearing on its validity. Market participation or dominance is not a pertinent criterion or truth or intrinsic societal value.”

[7797] Then, you go on, a little bit further, three paragraphs later: “It has no consensual measure of value.” So, there is a marketplace of ideas, but it may not be functioning as a market and it may be a poor proxy for truth. And your position is that part of that is because we don’t have a consensus of what counts for value in what is happening in this online space.

[7798] Mr Dan Shefet: Absolutely right, yes, absolutely, which is again, therefore, an argument for regulation.

[7799] Dr Janil Puthucheary: An argument for regulation? Okay.

[7800] If I could just divert your attention to some of the commentary that has been made on some of these issues from a number of other people. We will return to your submission and some of the things that we are having to consider. I have just got two articles that I want to show you. You may or may not have had a chance to familiarise yourself with them; you may not be familiar with them.

[7801] The first is from The Guardian, by Andrew Rawnsley, published on 25 March, and the title, “Politicians can’t control the digital giants with rules drawn up for the analogue era.”

[7802] I am not sure if you are familiar with this piece of work but I am going to quote a few things and ask for your commentary about whether you think these are valid statements and whether it has an impact on what we should do. And, I quote: “Politicians have gnashed their teeth about the tech giants’ reluctance to pay tax but flailed about trying to find a remedy. Politicians have wailed about extremist, harmful and illegal content on the Internet but hesitated to legislate and lamely implored the platforms to implement their own technical solutions. The tech barons have largely been left to set their own rules. They have been allowed a degree of self-policing which society would never tolerate for car makers or drugs manufacturers.”

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[7803] That is a very strong statement. But do you think the author has hit the nail on the head?

[7804] **Mr Dan Shefet:** It could have been me.

[7805] **Dr Janil Puthucheary:** So, you would agree with this position?

[7806] **Mr Dan Shefet:** Absolutely. I would certainly like to meet that person.

[7807] **Dr Janil Puthucheary:** Okay. Andrew Rawnsley is his name. Then, later on, it talks about some of the levers that are present. The author is talking particularly about Britain and says, "Britain's data protection" -- this is the paragraph that begins: "Invigilation is a particular weakness in Britain." About halfway through: "Britain's data protection regulator is the information commissioner. Her powers are so feeble that it took nearly a week to get her team through the front door of Cambridge Analytica. Let us just say that this is rather longer than it takes to press delete. The information commissioner and the electoral commission, both bodies set up for an entirely different technological landscape, are under-powered and under-resourced. There are rising and cross-party demands for a toughening up of the data protection bill now going through the Commons. One modest step would be to add criminal penalties for companies which fail to comply with disclosure orders."

[7808] Something close to your heart? How do you feel about this statement?

[7809] **Mr Dan Shefet:** I should have met Elizabeth Denham, the Information Commissioner, in Manchester -- that was back in July. It is true that the different data protection agencies in Europe and also in the European Union, in your opinion, there will be 28 countries -- soon 27, unfortunately. They may be understaffed. The general data protection regulation which comes into effect on 25 May, which is very soon, has caused a lot of these DPAs, these data protection agencies, to try and beef up their ability to implement and enforce the very heavy fines. As you know, 4 per cent of global turnover will be the fines that will be levied after 21 May in Europe. And, it is indeed a problem getting the necessary qualified staff in place, not only for the DPAs, but also for the corporations that are looking for these people.

[7810] I would say, fortunately, the sanctions, as I mentioned before, 4 per cent of global turnover is quite hefty. It will give the general data protection regulations and the European authorities much more power.

[7811] Talking about the other remark, which was, yes, it seems that the European Union has been very much focused on tax. That is true. One does not exclude the

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other, fortunately. And you may have followed the news that the latest proposal from the European Commission is now to levy a turnover based tax of 3 per cent. We may talk about that later if you so desire. What we are saying is the subject of today's hearing.

[7812] But a turnover of 3 per cent is indeed the proposal on the table with the European Commission. So, again, one does not exclude the other. It has been very tax-based but not exclusively. The general data protection regulations have been on the table for four years now and that is going to help quite a lot.

[7813] We see that the tech giants are already, they already accept that this is a fact and they are already trying to find ways of implementing the general data protection regulations on a global scale because it will be very difficult for them to have one set of rules which apply to 28, soon 27, countries and another set of rules that applies to the rest of the world. So, the GDPR, the general data protection regulations, will most probably be exported to other countries.

[7814] **Dr Janil Puthucheary:** Thank you. There are a couple more lines from this article that I just want to highlight. It may help us crystallise the type of problem we are trying to deal with, the knottiest problem with governing the space is what the Internet is doing to democratic politics.

[7815] If I skip ahead a sentence, it says: "What is easier to agree is that the Internet has created a political ecosystem and in which the extreme, the incendiary and the polarising tend to prevail over the considered, the rational and the consensus-seeking."

[7816] Is that again something that you could quite easily agree with, I'm sure?

[7817] **Mr Dan Shefet:** Absolutely. I have done quite a lot of work, and I'm continuing that, on hate speech, security and incitement and even persecution, harassment and so on, on the Internet and it is really frightening what we see. It could ultimately lead not only to harm against the individual and against society as we see because deliberate falsehoods may be a great challenge to democracy, but also to stability, not only on a regional but also on a global level.

[7818] **Dr Janil Puthucheary:** Are you are familiar with the Massachusetts Institute of Technology study about the falsehoods spreading six times faster than the truth, which the article quoted, which I'm sure is significantly cited.

[7819] **Mr Dan Shefet:** Absolutely. I think one of the main challenges -- actually, I co-chaired a hearing at the Senate in Paris about -- that was in mid-February, together

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with Facebook, and mentioned Cambridge Analytica, of course, before the story broke out. I think that the next story that will break out, if I may also try to predict that one, will be not MIT but will be Stanford University. I don't know whether the panel has this information, but Stanford University in its psychology lab has developed what they call persuasion points. Just listen to this. Each and every one of us in this room, we have 60 persuasion points. All right? So, if I have that technology, if I have that information on each and every one of you, I could probably persuade you to do whatever I want. I think this is very, very dangerous.

[7820] And actually, in terms of deliberate falsehoods, I think that is much more dangerous to have this kind of science, to have this kind of research, if it falls into the wrong hands, like what we saw with Cambridge Analytica.

[7821] Allowing this research is a problem in itself. Controlling what is done with it is probably the only thing we can do, because prohibiting research would probably be impossible. But I find it very, very dangerous to democracy that we have this kind of ability to identify 60 data points on each and every one of us in order to persuade us to do whatever somebody wants us to do. So, this is one of the things that I think we should definitely concentrate on.

[7822] The psychological research, it's been a fact known for many, many years that, for instance, subliminal advertising. Just to remind everybody what that is, subliminal advertising is the fact that when you see a movie, your subconscious will register certain images that you don't consciously register, and that has been outlawed, that has been prohibited in almost all countries around the world. The classic example is that you go in and you watch a movie and afterwards when you go out, you want to have popcorn or coke or whatever it is and you don't realise that this is because there was a picture of it, and again, you register it without knowing that you registered it. That is prohibited.

[7823] That is not prohibited on the Internet. I find it completely unacceptable that we allow this kind of thing on a media which is much more prevalent than the classic broadcasting media and the cinema industry is today.

[7824] So, if I may predict the next scandal, it will be based on the abuse of such psychological research.

[7825] **Dr Janil Puthucheary:** Your concern is that such psychological research is ongoing and made easier by the online tools that can be deployed?

[7826] **Mr Dan Shefet:** Yes, as we saw in Cambridge Analytica. The information was for sale for the highest bidder. So, this is not theoretical speculation. This has, unfortunately, already happened and it will happen again.

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[7827] Dr Janil Puthucheary: This brings me to the last quote I want to pull from this Guardian article, which is two paragraphs down: “There is a persuasive case that this is a profound change to the political ecosystem with considerable potential to subvert the open debate which is critical to democracy.”

[7828] And the next couple of sentences really, really reinforce what you have just said: “In the analogue political era, we could all read the promises a party put in its manifesto. We could all see the claims a party made on its roadside billboards, and we could all watch the attacks launched on an opponent in a TV broadcast. That made it possible to call out mendacities and expose contradictions and to hold those responsible to account. This didn’t prevent distortion and misinformation, but it was easier to spot and more risky to perpetrate”, which I think is very similar to the point you have made.

[7829] Mr Dan Shefet: Absolutely. May I address that, because you mentioned account and, as I said, I’m also President of the Association for Accountability and Democracy. The problem we have is, as opposed to classic media, and you talked about the broadcasters here. But, of course, we have it also in the written press media that of accountability. And, given that we have to address this problem, because I think everybody agrees, maybe to a lesser degree or a higher degree, that it is a problem to democracy at least. Given that we have to address it, we need to see how can we apply a standard of accountability to these new media.

[7830] Actually, what I just said here presuppose that they are media. When I mentioned that word, I didn’t do it in the legal sense of the word, but more in the sociological sense of the word, because unfortunately, they are not characterised as media in law, as you know. The media law does not apply to the tech titans or the tech giants as they are today. Why is that the case, and, should it remain to be, to remain that way? And, if not, is there another way of making them accountable? I think those are the three questions.

[7831] I would like to remind everybody that the basis today for the operations of these companies is not really the first amendment in the US. It is the Communications Decency Act, article 230(c). I don’t know whether everybody knows about that section. In the Telecommunications Act, it is absolutely key to understand the legal environment. This is the section in the US law that creates what I call absolute immunity to the infrastructure providers, and I use the word “infrastructure providers” because I think it really demonstrates what they are.

[7832] According to Communications Decency Act, section 230, they are supposed to be mere conduits, infrastructure providers, they just provide the pipes or the tubes

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and they don't have anything to do with content. Now, that might have been true in 1996 when the Communications Decency Act was passed. But it's no longer true, in my opinion.

[7833] It is very interesting that in the European Union, four years later, that is, in the year 2000, the E-commerce director, which is still in force and effect in the European Union, in article 14 and article 15, have a system of relative immunity, as opposed to the Communications Decency Act, which is absolute immunity. That system of relative immunity actually allows, under European law, to hold the infrastructure providers liable or accountable for content under certain conditions, which again is not possible under American law.

[7834] And those conditions are today that the content in question has to be manifestly illicit. The word "manifestly" was introduced pursuant to some Constitutional Court decisions in France and in Germany that said that you cannot hold an infrastructure provider accountable unless the illegality of the content is manifest. Since there are penal sanctions involved, this has to be the case. I get back to that in a second, what the practical consequence of that is.

[7835] But I think it is very important to remember that the point of departure in law is the Communications Decency Act, with absolute immunity and then, of course, in Europe, the relative immunity and that you have different variations in other countries.

[7836] Let me give an example of how strong the Communications Decency Act actually is in the US. There have been three cases, maybe four cases now, against Twitter, that has been one; against Facebook, there have been three cases. So, there's four cases. They are on anti-terrorist or on terrorist cases, that is to say, victims of terrorist acts have taken legal action against Twitter and Facebook for being instrumental in assisting, abetting and so on -- terrorist acts have been committed. That is the material support doctrine and clearly, the idea was that infrastructure providers can render material support, simply by the infrastructure of search, to the commission of such terrorist acts. That is based on the anti-terrorist Act -- you may have a look at that -- it's articles 22 and 23(a) and (b).

[7837] The interesting thing is that these cases were lost by the victims; they were won by Facebook and Twitter. In other words, even material support has to give way to the Communications Decency Act. This is just to demonstrate to everybody in this room that how important the Communications Decency Act is. It's almost Constitutional -- it is almost the first amendment.

[7838] So, this is the problem we have today, that this very, very strong protection applies in the US and since the tech titans are based in the US, the rest of the world

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has to accept, as a fact, that whatever we do in terms of legislation and regulation will have limited effect unfortunately, due to the universal nature, due to the universal character of the Internet.

[7839] Dr Janil Puthucheary: Well, I would have to interrupt with that point, Mr Shefet We have heard some fairly convincing explanations from the tech titans themselves, as well as other technical experts, that, actually, in practice, for a number of years, there has been significant geographical variation of exactly which version of the Internet or social media we are presented with.

[7840] So, I think I accept your point and I hope I understand your point well with respect to the regulatory space and the legislative framework in the United States being an impediment to some of the challenges to free speech on the basis that you have described as being one of the structural issues that we have to contend with and one of the protections that the tech giants enjoy and potentially exploit to their benefit; as do other people who ride on their platforms.

[7841] But I think there is some leeway or it has been put to us that there is some leeway to consider the issues of geography, national jurisdictions as a separate category of problems to be solved in a separate way, not entirely, but that has been put before us, that we have been and can be presented a different set of views, filters, feeds and this applies to a number of jurisdictions out there.

[7842] Mr Dan Shefet: Yes. I would just like to ---

[7843] Dr Janil Puthucheary: The reason I'm bringing this up is not to necessarily say that we should always agree with that, but I think for the purposes of the analysis going forward, we should separate out those two arguments and deal with them separately. The latter, frankly speaking, is an issue of how much resources people can be persuaded to put into the requisite technical solution.

[7844] The first is about the legislative protections and how we should balance the various freedoms and concerns around the legislative protections. So, my apologies for the interruption. I will let you carry on, but I think it would be useful if we separate out those two concepts.

[7845] Mr Dan Shefet: Absolutely. I was not saying that regulation serves no purpose on a domestic level, I was saying that we need to understand that it will have limited effect, unfortunately.

[7846] This is something which brings us back to the jurisdictional problem, to territoriality. It is true that, in this country, for instance, you could apply regulatory

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efforts in terms of deliberate falsehoods, which would have a certain effect, but those who were really interested in accessing that sexy information, because, that is probably the right word here, will syndicate a VPN and would do it that way.

[7847] Dr Janil Puthucheary: Maybe so.

[7848] Mr Dan Shefet: We need to understand that it is a universal problem we are dealing with.

[7849] From a jurisdictional point of view, the jurisdictional clash or the territoriality clash actually exemplifies what's going on in the European Union right now. The French data protection agency, CNIL, decided that pursuant to the right to be a forgotten case, which you probably all know about, from 13 May 2014, to levy a fine against Google in the amount of €100,000 for Google failing to take down content on a dotcom website, in other words, on a website in the US. The question was whether the French regulatory authority had that right. And that authority knew very well that this would be challenged as it watched, and it was challenged. It was brought before the Conseil d'État which is the Supreme Court in France and the Conseil d'État submitted that question to European Court of Justice as a prejudicial question, and we are waiting for the answer to that question now.

[7850] The argument that was raised by Google was that it's actually not necessary to have global effect in order to obtain efficiency because if we can identify the IP address, we can geo-locate the IP address within the territory in question.

[7851] So, yes, indeed, I'm not saying it doesn't serve any purpose whatsoever but even if you can identify the IP address within the territory -- VPNs and other technology, which is very, very easy to download as an app. It's just a question of 10 seconds and then, you can access dotcoms everywhere.

[7852] Dr Janil Puthucheary: Indeed. Mr Shefet, I am going to interrupt you again, apologies for that, because you have highlighted, very articulately, many of the challenges involved in regulating many of the problems thrown up by the structure of the Internet today.

[7853] The matter before us, as a Committee in Singapore, is very narrow in scope. We really want to only look at deliberate online falsehoods of a significant impact, both in terms of their virality and speed of spread, as well as the subject matter that may affect our social fabric. We are not out to solve the problems of the whole world with respect to the Internet.

[7854] Mr Dan Shefet: Not today.

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[7855] Dr Janil Puthucheary: Not today, maybe for another day. So, yes, indeed, those are the technical limitations for the extent to which some of the tools can be applied, but perhaps, do not mean that we cannot solve or at least -- not solve, address, the specific scope of what we are trying to do in Singapore.

[7856] If I could move you to another article from The New Yorker. And again, this is now moving on from what is the problem. Here is a suggestion, and the title of the article is "How to fix Facebook". You may or may not agree with the proposal by Adrian Chen, Nathan Heller, Andrew Marantz and Anna Wiener, four writers, published on 23 March. I want to firstly talk about some of the problems about how we might deal with this space.

[7857] In the second or third paragraph: "Facebook has bristled at the suggestion that what Kogan and Cambridge Analytica did constitutes a breach. 'People knowingly provided their information, no systems were infiltrated, and no passwords or sensitive pieces of information were stolen or hacked' ..."

[7858] Then, a few paragraphs down, Adrian Chen, the paragraph starting "Zuckerberg's apology jumps between", but later on he says: "The only thing that Zuckerberg offers here is harm reduction."

[7859] At the end of that paragraph: "Maybe Zuckerberg hopes that, by laying out this narrative, he'll offer a picture of a technical loophole that has already been closed. But the human vulnerability is as present as ever. The only good news, it seems, is that it will be a little less violating next time."

[7860] Anna Wiener goes on to say: "It reads to me like a post-mortem for a software project, run through the communications and legal departments. It's a gesture at transparency, but it's very slippery."

[7861] The issue here is: is there a defence that a consent-based process alone allows the tech giants to then abrogate all responsibility for what has happened thereafter? And there are plenty of precedents in the law that I'm sure you will be familiar with, that you can highlight to us. I clearly believe that that is not so.

[7862] Secondly, are the measures that they are talking about, with respect to harm reduction sufficient, as a way of covering the loophole that has been thrown up as a result?

[7863] Thirdly, which is highlighted again in Anna Wiener's statement: "... Zuckerberg is pushing the narrative of bad actors who exploited a loophole. But if we can call it a loophole at all, then it's a policy loophole: Facebook was operating exactly as it was intended to. It was and it is an ad network."

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[7864] So, those three questions. If we are going to think about the tech giants taking ownership of the problem or imposing some kind of regulatory requirement on them, and I realise there may be some geographical issues about that, we still haven't worked out what type of responsible we should be asking them to take and what type of regulatory intervention should we be considering.

[7865] **Mr Dan Shefet:** As you mentioned before, the issue before us today is really that of deliberate falsehoods. This article is, of course, a consequence of a violation of data protection -- it's not the same thing. But it is the same thing, in terms of accountability, I agree. I just want it make that point.

[7866] It is a very healthy consequence that we have now, that Facebook and the other tech giants may wake up finally to the accountability issue but it is not because of the deliberate falsehoods, it's because of the violation of data privacy. The facts in this particular case, from a legal point of view, is that Facebook may or may not have violated the consent decree with the FTC which, if that is the case, would cause them to have to pay penalties of up to US\$40,000 per violation, and which is probably why people are selling their stock right now. But just to make it clear, that is the specific problem we are dealing with right now.

[7867] While I think what should interest us is whether the business model as such makes it more or less impossible to deal with the problem of deliberate falsehoods. Yes, indeed, the business model -- I referred to psychology before. There is no doubt that some of the best behavioural psychologists today are working for these companies and have developed techniques which causes all to have Facebook accounts and so on and so forth and to use them and find them more or less indispensable for everyday life because they have done a great job in analysing what makes us addicted.

[7868] Of course, they have done that because of the advertising, retargeting capabilities inherent in that technology. The technology carries very many names, bubbles and echo chambers, I think, are the names that are most commonly used. But that's not very new.

[7869] In the 1960s, we had what was called cluster technology, which was developed for radio and TV and, in those days, it had maybe a hundred different clusters or groups across the US, and today I don't know how many echo chambers and bubbles there are, there are probably a few thousands; I don't know, because the algorithm is a very well-protected secret, which is another problem.

[7870] The business model, as such, seems to drive us towards having society divided into a lot of subsections, a lot of subgroups, which, of course, allows advertisers to retarget us on our News Feed in a very efficient manner. So, that is the business model, simplified in a quick way.

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[7871] Does that business model create a need for deliberate falsehoods, in other words, is it incompatible regulation against it? Well, I think that the business model itself, to the extent that it is based on advertising, may actually find some sort of equilibrium if we also hold the advertisers accountable. Everybody has been focusing on the accountability of the tech providers, and I'm the first to stress the importance of that. But let's not forget that those that actually pay for this business model are the advertisers. If there is a way of causing them, maybe not to be accountable from a legal point of view, but from an ethical point of view, and from a business point of view, meaning they will simply lose business if they continue to advertise on these sites. Well, maybe that's the best solution.

[7872] The specific remedies that are suggested by Mark Zuckerberg on Facebook right now relate to a data protection breach and they may be useful. They may not be useful -- I don't know exactly what they intend to do in terms of data protection. As I mentioned before, probably, they will have to adapt to the European General Data Protection Regulation, which again takes effect on 25 May, and that they would have had to do in any case. But, of course, with the Cambridge Analytica case, there's even more drive to do that.

[7873] But in terms of the deliberate falsehoods, I don't see any direct proposals dealing with that. And I think that the proposal that would be effective would be an algorithm which actually does exist today but is not being used, which will allow the advertisers to have knowledge of the websites that contain false information or fake news, to use a term that involves news. In a real-time bidding function, you can actually include a parameter which will allow the potential advertisers to have that information. If it is made transparent that they had that information before they placed the ad, well then, advertising will become bad advertising -- they will stop doing it.

[7874] **Dr Janil Puthucheary:** So, the outcome that you are trying to drive at through that process essentially is to demonetise the incentive to proliferate deliberate online falsehoods?

[7875] **Mr Dan Shefet:** Yes.

[7876] **Dr Janil Puthucheary:** Demonetise the website or the players or the actors that profit from this process?

[7877] **Mr Dan Shefet:** Yes, but to demonetise -- we see, there's another thing. We have to make a distinction here between websites and social media. The demonetisation is completely different in those two areas.

[7878] **Dr Janil Puthucheary:** But the outcome that you are striving for is the same?

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[7879] **Mr Dan Shefet:** The outcome is the same, but it is much more complicated on social media. But the outcome would be the same. It is possible, as I mentioned before, to include that in the real-time bidding function, also on social media, but much more complicated.

[7880] **Dr Janil Puthucheary:** So, I think it's well beyond the remit of the Committee to get down to the technical possibilities. I think we have to really establish what are the standards and principles we want to be guided by and what are the types of solutions that we are willing to countenance, together with the trade-offs and make the case later on, as part of our output and then, ultimately, the technical solution, that will be beyond our capability, but we have to take them into account in terms of what is possible.

[7881] **Mr Dan Shefet:** Yes.

[7882] **Dr Janil Puthucheary:** But you would agree that removing that financial incentive is key to the outcome that we want to achieve, and we need some sort of regulatory pressure or regulatory lever on how to do that, and how it is done for a website versus social media, how it is done on the tech giant versus the advertisers. There would be technical limitations, as well as, sort of the operational limitations on that?

[7883] **Mr Dan Shefet:** Yes. I was at a conference. I just spoke at the Council of Europe last week and there was a gentleman from the advertising industry in Europe who had this extremely interesting statistics, showing are we willing, we, as users, to pay for the use of these social media?

[7884] Today, we pay with our data, we all know that, but are we willing actually to pay \$1 or whatever on a monthly basis, like we do for Napster and for these other music sites?

[7885] **Dr Janil Puthucheary:** So, that we become the user and not the product?

[7886] **Mr Dan Shefet:** So, that we become user, not the product, and which would then deal also with the 100 per cent reliance on advertising and the business model would be different. And actually, the poll that was taken was that, no, there is a large majority in Europe which would prefer the advertising model. Maybe, that's not a great surprise. We are in for the long run probably with the advertising model. But at least it is a question that had to be asked. Therefore, we don't want to regulate and come up with proposals that are not technically possible.

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[7887] Dr Janil Puthucheary: Absolutely.

[7888] Mr Dan Shefet: So, we need to work together with these tech companies. That does not mean that we should not impose laws and regulations at the end of the day. But we need to find out what is technically possible in law. And I just happen to know that algorithms like that do exist and they are technically possible.

[7889] I think there was also another question that you said, which was, do we accept having these soft law approaches? I think that was what you were also implying, to tech companies.

[7890] So far, they have been very good in achieving that, for instance, on hate speech. That is the agreement with the European Commission that they commit to policing hate speech, to trying to monitor hate speech, even applying artificial intelligence, which could also be done to deliberate falsehoods.

[7891] But, as we have seen in Germany, with the written law to come into effect on 1 October, that it is a law, it is not a soft law approach and this is, as you all know, a law that contains a penalty of up to €50 million in case of a violation.

[7892] In France, a law is also being discussed right now. It will not include, most probably, such penalties, but again it is law, it is not soft law, it is hard, tough regulation.

[7893] If I just make one remark about the German law and law in general. And, I state that in my opening statement, the term “deliberate falsehoods”. “Falsehoods” is more generic than “news”, and that’s why I like that term. On the other hand, I don’t know whether I like the word “deliberate”, because it presupposes that it is deliberate.

[7894] If the regulations will apply only to falsehoods that are deliberate, the legal question we have to ask ourselves: is deliberate on the side of whom? I mean, who is aware and who has intention? Who is deliberate and what does that deliberate state of mind mean? Is it the author of the content in question who deliberately wants to mislead or what is deliberate intention actually? Or is it also the provider of the infrastructure, in this particular case, the social media platform?

[7895] I think this is actually one of the main problems that we also have, that I personally have, with the German law, which tends to apply a standard of intent or mens rea, as it were, which is based on complicity, in other words.

[7896] I apologise if this is getting too technical but I think it is absolutely key if we want to regulate. We need to know what is the legal basis, for holding social media accountable for hurtful content, in general, posted by someone else. Right? Because that is what it is -- they don’t post it themselves.

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[7897] So, first of all, again, since we are talking about criminal law, we have to apply the standards of criminal law. The basic standard of criminal law is that vicarious liability is an exception. I am not liable for whatever you may do and you are not liable for whatever I may do. It is an exception.

[7898] So, under what circumstances may one company, in this particular case, the social media company, become liable from a criminal law point of view for content posted by a third party? Is it because they are complicit? And if it is a complicity standard, what is the mens rea requirement? Is it what we call, in law, dolus specialis, which means, do I, as Facebook have, to be deliberate in the sense that, not only am I aware that the information is false, but I also have to associate myself with the intention of the perpetrator of the original crime, which is to destabilise or manipulate? Do I need to have the dolus specialis, which is associating myself with a purpose or is it sufficient that I have awareness?

[7899] I'm sorry if it was technical but I think it's absolutely key if we want to regulate to understand this distinction.

[7900] **Dr Janil Puthuchear:** Indeed, it is key, it is technical but it is important. But we are not there yet. We haven't actually got to the stage of crafting any laws. We are jumping the gun here. We have to scope out what are the types of interventions that we need. But your point is entirely valid, that if there is a legislative solution required, it needs to take these things into account.

[7901] **Mr Dan Shefet:** Yes.

[7902] **Dr Janil Puthuchear:** But that is not the point that we are at, at this point in time.

[7903] **Mr Dan Shefet:** No. But I mentioned it because of the German law that exists, as being an example of a regulatory approach which is not soft law, that my concern with the German law is precisely this.

[7904] **Dr Janil Puthuchear:** I understand. If I could maybe summarise the approach that I think, to see if I have characterised your position correctly, that we do need to deal with this in a decisive, authoritative manner over the long term. We are not going to have a single measure that's going to work on its own. There's no single silver bullet as it were. We would need a suite of options on the table, a suite of interventions, customised to the platforms, the products and the services where these deliberate online falsehoods are being perpetrated as well as spread. Some of those interventions would have to address the financial incentives that are out there for the platforms as well as for the advertisers.

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[7905] Presumably, we didn't go into this explicitly but I think we can take it as read is, if there are legislative means, there needs to be some significant oversight over that legislative process, and we need to make sure that some degree of opportunity is presented for facts, from an authoritative source, to be presented to the public who are being exposed to or manipulated by these deliberate online falsehoods. That's just the breadth of the philosophical point of view that you would agree with, I'm sure.

[7906] **Mr Dan Shefet:** Absolutely. Let me also make another general statement, because I think we are talking about the philosophical point of view. I have been working on the question of, let's call it fake news, because that's really what most people call it, for quite some time.

[7907] As I said before, one of these things that I think is most dangerous is this psychological research, the persuasion points and I made the analogy to subliminal advertising. And also, I like to introduce another notion here, of something that I think is maybe just as dangerous as fake news or more dangerous, which is what I call selective news.

[7908] As we all know, again, I'm going back to the business model, to remind everybody that retargeting consists of the fact that certain individuals are deemed to be part of a certain echo chamber and targeting the sale of a product to one echo chamber rather than another is more efficient and therefore, it's done to echo chamber A and not echo chamber B -- fine. The consequence of that is also that we all have in this room different news feeds. That is very dangerous to democracy.

[7909] We don't have the same news. Whether it is fake or not, it is not the point here. We don't have the same information. That's what I call selective news. I think that is just as dangerous to democracy as the fake news.

[7910] **Dr Janil Puthucheary:** Mr Shefet, I think this is one of those large problems of the world that we can't solve.

[7911] **Mr Dan Shefet:** Actually, we can. I think it is easier to solve than the problem of deliberate falsehoods. There was a very interesting proposal that came out from the law review commission in December, from Westminster, which proposed the introduction of a new offence, which is that of intimidation in public life. A very interesting report really. It had to do with the assassination of Cox as we all know and the effect that it has had in the UK but also in the rest of the world of people simply not running for public office. They don't run for public office because they are being intimidated, they are being harassed, themselves and their family, with all kinds of fake news about them and their life in general.

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[7912] One of the suggestions by this law review commission was to create this offence which would apply during the pre-electoral period. My proposal would be, to say, okay, why don't we say, like, for four or five weeks, whatever it is, before some democratic event, which is typically an election, either municipal or national election, we would simply say that we would not allow selective news.

[7913] It is not that hard to do. Actually, it is simply a question of suspending the echo chambers for five weeks before an election, so that everybody will have the same news. That, I think, is just as important as dealing with the fake news and it's easier to do so because we don't run into terribly difficult legal and philosophical challenges of defining what fake news is and we don't need the oversight that we do, in terms of ex post judicial oversight for the fake news.

[7914] Selective news, to me, is probably just as dangerous, or more dangerous than fake news. It's at the level of psychological manipulation, and there's an easy fix to that. In terms of the oversight, which is, of course, essential to any democratic governance, is remedies.

[7915] The suggestion that I put on the table, which is now actually becoming probably -- it is a motion for recommendation and will probably become a recommendation for the council of Europe, which is 47 countries, it's not European Union, is to create what is called an Internet ombudsman.

[7916] As we all know, the problem on the Internet is that if the remedy is the normal judicial remedy, it will take one out of five years, including appeals, and the damage is done in one week or in 48 hours. So, late justice is not only no justice; it is completely inefficient justice.

[7917] In terms of oversight, what we need is an institution that will give guidance to the social media companies and the search engines and so on and so forth, and that can be done very quickly if that guidance is not a legally binding decision, but I stress the word "guidance".

[7918] **Dr Janil Puthucheary:** I understand.

[7919] **Mr Dan Shefet:** So, that judicial oversight could actually be almost real-time and could counter the challenge that we have from the infrastructure providers, where they say, how do you want us to judge what is fake and not fake? Illicit or not illicit, you have to take as government that obligation is not ours.

[7920] **Dr Janil Puthucheary:** I understand. But your larger point, Mr Shefet, is that that process needs to be quick and almost real-time. Right?

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[7921] I mean, that should be the operating parameter. Again, we are not at the stage of thinking exactly what institution, what organisation. We do have a number of options that have been presented before us. We will consider them. But the parameters under which that process should operate needs to be quick.

[7922] **Mr Dan Shefet:** Absolutely.

[7923] **Dr Janil Puthucheary:** And needs to have some degree of responsiveness for aggrieved persons and processes of appeals and so forth, so it needs to satisfy all the stakeholders in the ecosystem.

[7924] **Mr Dan Shefet:** That's right. Take one last line. I think because all these is about the philosophical approach, because what we are doing here, let's not forget that, we as government, we have a monopoly on law enforcement, it's a constitutional monopoly. And what we are doing is, we are delegating that to the private sector. And if we are delegating that to the private sector, simply because they are gate keepers or maybe least cost avoiders or common carriers or public utilities or whatever we want to call them, we need to put in place a system which can give them the proper guidance to comply with the fact that we delegate to them.

[7925] **Dr Janil Puthucheary:** Indeed, and we should then be requiring them to comply with that.

[7926] **Mr Dan Shefet:** Yes.

[7927] **Dr Janil Puthucheary:** Thank you very much, Mr Shefet. No further questions, Mr Chairman.

[7928] **The Chairman:** Ms Chia.

[7929] **Ms Chia Yong Yong:** Thank you, Mr Shefet. Thank you for your submission. It was very, very interesting.

[7930] Just want to take you back to the earlier, perhaps your introduction to your paper. You referred to your latest public intervention on the subject of the hearing, and some of the proposals that you are making here. You referred to a hearing at the Senate in Paris on 15 February which you co-chaired together with Facebook. Could you explain a little bit about this hearing and what was the role of Facebook here, and yourself?

[7931] **Mr Dan Shefet:** Actually, it was very interesting because it was about 18 months ago or maybe more. I had the great privilege of drafting for a Senator in

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Paris, the first law in France on fake news. The first Bill, it didn't pass. We had the presidential elections afterwards, and President Macron immediately announced that he would legislate, in terms of Internet content, in general in a broad law, which would also include anti-terrorism and so on and so forth.

[7932] As a follow-up to the Bill, however, the Senator in question, for whom I drafted the Bill, had called for a hearing at the Senate and it was co-chaired by the public policy officer of Facebook, France, and myself. It was a hearing that did not concentrate on the Bill as such, but more on the problem of regulation and of the responsibility, in this particular case, the social media.

[7933] So, it was a very, very interesting debate, I must say. I made the proposal about selective news for that hearing and it was very interesting because the representative of Facebook said, "But doesn't that mean that during the four or five weeks before an election, each and every newspaper stand in this country will have to run the same newspapers?" And, I said, "Yes. And what's the problem with that?"

[7934] **Ms Chia Yong Yong:** I see. What were the other issues that you discussed? You talked also about the regulation of the platforms. So, what did Facebook have to say about that?

[7935] **Mr Dan Shefet:** I think that -- this was before the Cambridge Analytica case, I mentioned Cambridge Analytica during that hearing, so that was rather interesting. It was before the Cambridge Analytica case. Remember, there was a hearing also in the US Senate as a consequence of the Russian probe and Facebook, Google and Twitter -- the hearing lasted for two days, one of the two days was public, the second day was not -- actually based their defence very, very much on the fact, especially in terms of Facebook, that you have two billion users and almost all of them are online every day and it is impossible to police the content. I think it would be fair to summarise their main defence by referring to the quantity problem. That was also repeated at the French Senate.

[7936] I agree that even if we find artificial intelligence solutions to this quantity problem and fact checkers which they are now saying that they will employ another 10,000 or something like that, or subcontractor rather, I agree this is a problem. We should be perfectly fair in our analysis and it would be unfair to say that it is not a problem, that we have two billion or 1.7 billion users every day posting content and that is, of course, a major challenge.

[7937] The problem with artificial intelligence, if we want to apply that to monitoring content, is an example that I will give you now. We had a case in Poland

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with demonstrations against the Polish law and that was taken down from Facebook because it included certain hate speech content. But some of it was simply identified on billboards that were carried by the demonstrators, and if that kind of content is taken down, then we have a problem with journalism and we have a problem with photos taken by reporters and put on the Internet of events taking place.

[7938] So, the artificial intelligence algorithm here actually led to taking down content which we have a right to see because we had a right to see what was going on in Poland that particular day. So, this is the problem with artificial intelligence. It's not just a problem of contextual analysis, but also of relating the facts and arguing a position. Those are two completely different things, and it is very hard for an algorithm to make that distinction. It can identify the words and the terms, but not really whether it was an opinion or a fact.

[7939] **Ms Chia Yong Yong:** Yes. I think we do have some way to go for AI, but I think it is not hopeless for us yet.

[7940] I want to come to page 2 of your submission, where you refer to the problem with government regulation of deliberate online falsehoods that it is not only the risk it poses to free speech but that, ultimately, it might lead to tech companies gaining even more control over our lives.

[7941] So, I know you shared about the 60 data points, you shared about how dangerous it is, but I would like you again, to share with us, in greater detail, how you see government regulation as ultimately leading to tech companies gaining even more control over our lives. Or am I misreading you somewhere?

[7942] **Mr Dan Shefet:** Maybe. The thing is that -- I know what the point is now.

[7943] If you look at what happened to AT&T, for instance. Let's take the AT&T example. AT&T actually obtained complete market control as a monopoly by obtaining a system of licensing in the US, which made it impossible for competitors to enter the market. It was called the "indignant" monopoly. There was a fantastic analysis made of this by Prof Tim Wu, who described how de facto monopolies, through government regulation, actually become even stronger monopolies. AT&T held that monopoly for 70 years, until it was finally broken up by antitrust. The fact that a company which is in a de facto position obtains some sort of licensing status makes it even more impossible for disruptive technology to emerge and makes it even more impossible for competitors to gain foothold.

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[7944] **Ms Chia Yong Yong:** What you meant was not government regulation in general, but that perhaps, any form of licensing regime, sort of legitimises it and then allows them to entrench themselves within our corporate and our community landscape ---

[7945] **Mr Dan Shefet:** Absolutely.

[7946] **Ms Chia Yong Yong:** --- and thereby control our lives, because you then went on later -- also, my colleague has taken you through -- your views that there is accountability, that it's important, and that they should be held to account.

[7947] Can I have just one final question in relation to your association? Could you tell us who the members are?

[7948] **Mr Dan Shefet:** Well, I can tell you, some of the members of our board, because we have very many, many members. But some of the members of our board are the former Minister of Justice, Angela Merkel, Sabine Leutheusser-Schnarrenberger. We are very proud to have Sabine with us. And we have the first Commissioner of Human Rights under the Council of Europe, Álvaro Gil-Robles, Spanish, as you can tell. We have a Dutch Senator, Hans Franken. We have members from almost -- I think about 26 board members -- members of parliament in Ukraine, Indian members. It is a very important association -- it's an NGO now.

[7949] And we have, for instance, submitted what is called a motion of support for a Bill to introduce in the US the right to be forgotten. We were contacted by an assemblyman in the US who wanted us to come in and support that in the US. We are very active in conferences, both at a domestic level within those countries we represent, and having a big -- conference coming up at the Hague, at the Peace Palace on 31 May and so on and so forth. Yes, indeed, I think we are becoming pretty influential now.

[7950] **Ms Chia Yong Yong:** Thank you. Are the major tech companies represented in your association?

[7951] **Mr Dan Shefet:** No. They are not.

[7952] **Ms Chia Yong Yong:** Okay. Thank you. My apologies. I do have one more question, to do with -- maybe I will let my colleague go ahead and I will jump in later. Thank you.

[7953] **The Chairman:** Mr Pritam Singh.

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[7954] Mr Pritam Singh: Mr Shefet, thank you so much for your testimony. My question relates to actually the country of your birth, Denmark, and its initiative to appoint an ambassador to tech companies.

[7955] And, given your vast experience in this area, I was just wondering whether you could shed light on the effectiveness of such a move and whether it has reaped any dividends insofar as improving the interface between government, individuals, active citizenry and tech companies.

[7956] Mr Dan Shefet: I left Denmark very many years ago but it is true I still hold a Danish passport.

[7957] What you should know is that I was against the initiative and I actually took a stand against it in the Danish press. I think it was wrong to use the word “ambassador” in terms of these tech companies.

[7958] Unfortunately, they are perceived, to a very large extent, as being above the law and above the law, by that, I refer especially to the philosophy which is the code, that’s the code on the Internet, which, of course, means that if something can be done, in terms of algorithms, then that is the law, full stop.

[7959] This is the early philosophy of the Internet. The code is the code. Right? I think it was wrong to use the word “ambassador” because it gives a connotation of accepting that they have some sort of status which is that of a government or a state. I was asking also, in a pretty controversial article in Denmark, whether we should see them having diplomatic status and embassies, and driving cars with diplomatic licence plates. Of course, that created quite a debate in my own country. So, I think it’s wrong, absolutely wrong. These are corporations, like any other corporation. They should be subject to the laws and comply with the laws like any other corporation and it would be the wrong signal to send to have ambassadors dealing with them. They are not sovereign states and they should not be allowed, in any way, shape or form, to pretend to have that status.

[7960] Mr Pritam Singh: Just very quickly, I agree the form does seem to boggle the mind. But in terms of the substance, were there any substantively beneficial outcomes of having, maybe not -- okay, I agree the term “ambassador”, given your testimony, does make things sound very odd, but was there any positive outcome that came from this new relationship? It was a pilot in many ways, I would think.

[7961] Mr Dan Shefet: No. I have spoken to officials in other countries in the European Union and there is not one single country, as far as I know, that has entertained the same idea. I don’t see what good could come out of it.

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[7962] Mr Pritam Singh: Thank you.

[7963] The Chairman: Ms Chia.

[7964] Ms Chia Yong Yong: Thank you, Chairman. Sorry. I come back to one point that you raised. You referred to critical mass, the contested content point. And, you said, for example, that we could have stipulation that reaches up to a certain number of users and then, you have a certain number who are critical or who contest the content within a certain number of hours and then, that could be taken down. But how would then, you then address the concern that, well, typically people are vocal if they don't agree and they are not as vocal if they do. So, would that not give quite a lot of lead time for any form of bias or falsehood to amplify and spread, whilst people are slow to respond, and you may not even reach the numbers that you are looking at?

[7965] Mr Dan Shefet: The first point I want to make on that is that the advantage of using the terminology disputed content or contested content is, that there is no judgement as to whether it is false or not false. It is simply a fact that some people dispute it. I think that is very, very important.

[7966] As I said before, selective news is a neutral term. It is simply a question of comparing different news feeds and if something doesn't appear on all News Feeds, it is by definition selective.

[7967] The problem with deliberate falsehoods is again, that there is this criterion of deliberate, as we discussed before, the mens rea, which is a major problem, and the falsehood, which is also a major problem in terms of law. Is it a falsification criterion, is it a verification criterion, what do we do with opinions and so on and so forth? Does it lead to having what is called politically government truths, which is sanctioned, which recalls a regime that reminds us what went on in the worst repressive societies in history and all of that, we avoid by not using the term "fake" or "false" or "falsehood", but instead by using an objective statistically verifiable term, which is something is disputed. So, whether it is contested or disputed, find a word, I don't care.

[7968] Now, if we follow the logic on this, of course, we cannot say that simply because you find that something is not true or that you don't agree on something, that then, it is disputed in the sense and that Facebook has to take action. There has to be a certain number of people agreeing that something is disputed. That is what I call the critical mass.

[7969] The nature of the social media is that it moves very, very fast. That is the problem and that is also the advantage. It is perfectly reasonable to assume that the critical mass, which we defined as a threshold value, the way we want, may vary, very

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quickly be reached. What we could have is a critical mass that differs over time, so-called dynamic critical mass.

[7970] Again, let's take the pre-election process. As I mentioned before, four or five weeks, for instance, if it's six or three, I don't know -- but whatever it is, before voting, we will prohibit selective news. Let's say, also that during the same period, three, four or five weeks or whatever, we say that the threshold is not 10,000 but 5,000. Again, I'm just giving a number to illustrate the point. Whatever that number is, the consequence of the fact that it is disputed will not be that the content is taken down. Actually, that is very, very difficult on social media. It is almost impossible on social media. All we can do is tag the information. It's not like on a website. So, the consequence will be, that once that critical mass is attained, and that's very fast, then it will be tagged that it is disputed, and everybody who will see that post will see that it is disputed. That, in itself, is neutral, from a value point of view, from a legal point of view, that's neutral information. That, in itself, will cause many people to say, "Okay, I better double-check that." It may also refer to a counter narrative at the same time, which could be placed on the same page, or which could be hyperlinked referral or linked to another page, but the mere fact that it is disputed will achieve quite a lot, especially these days where everybody is talking about fake news and there is an awareness of the problem.

[7971] **Ms Chia Yong Yong:** Who determines critical mass? It is quite arbitrary. Right?

[7972] **Mr Dan Shefet:** You do.

[7973] **Ms Chia Yong Yong:** The government of the day?

[7974] **Mr Dan Shefet:** Yes, you do. You simply decide that in this country, the critical mass is again 10,000 and when it comes to elections, it is 1,000, 2,000 or 500, whatever you do. And it is very easy, because it is simply a parameter in the algorithm.

[7975] **Ms Chia Yong Yong:** Thank you.

[7976] **The Chairman:** Okay. As there are no more questions, Mr Shefet, thank you very much for your contributions and your very interesting presentation. We will send you a transcript of today's proceeding. If there are any errors, please correct them and send it back to us. Thank you very much.

[7977] **Mr Dan Shefet:** It's a pleasure, thank you.

(The witness withdrew.)

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Paper No. 150 -- Assoc Prof Eugene Tan (Associate Professor of Law, School of Law, Singapore Management University), was examined under oath.

[7978] The Chairman: For the record, could you please state your name and the position you occupy in your organisation?

[7979] Assoc Prof Eugene Tan: I am Eugene Tan. I'm an academic at the School of Law, Singapore Management University, but I appear here in my personal capacity.

[7980] The Chairman: Thank you. The evidence you will be giving today before the Committee will be taken on oath. If you so desire, you can take an affirmation.

(The witness took an oath.)

[7981] The Chairman: Welcome to the Public Hearing on the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully and I will now call upon Mr Edwin Tong.

[7982] Mr Edwin Tong Chun Fai: Good afternoon, Prof Tan. Thank you for coming to assist us. You have written a very comprehensive report which we had looked at. What I propose to do is to take you through some sections of it and ask you to clarify and elaborate some portions of this report. You started by saying at page 5, if you look at paragraph 14, that this phenomenon of using digital technology to deliberately spread falsehoods online is real and pervasive. And I suppose if you look at that, together with your opening paragraphs at page two, where you are talking about what can multi-racial, multi-religious societies like Singapore do to cope with massive deliberate falsehoods, how do societies fortify themselves and so on. You would know that much of the attack is centred on religious, racial and other social fault lines. Agree?

[7983] Assoc Prof Eugene Tan: Agree.

[7984] Mr Edwin Tong Chun Fai: And then, when you speak of these spread of falsehoods online as being real and pervasive, it's really targeted at these fault lines. Correct?

[7985] Assoc Prof Eugene Tan: Certainly, if someone has malicious intent, they would certainly want to hit at our vulnerable points, and certainly, race and religion, language issues could potentially be fertile terrain.

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[7986] Mr Edwin Tong Chun Fai: Right. And these attacks can be significant false news, one-offs, which generates, as we have seen, from some of the news stories that we have put to some of our representors -- incites violence, incites hatred and sometimes, results in actual physical violence which leads to loss of property, loss of life, destruction and so on. That is one kind of falsehood. The other kind can equally be the slow-drip effect of misinformation, having slow effect of undermining key institutions, trust by people in the Government, trust by people in key institutions that hold up the country. Would you agree with this definition?

[7987] Assoc Prof Eugene Tan: Yes. I mean there are different approaches. Certainly, someone who is out with ill-intent could resort to a variety of means. Some could take the long-term approach and others could, taking advantage of a certain event, be it elections or certain crisis in the country, they will certainly want to drive a wedge. I mean, these provide very opportunistic occasions for political entrepreneurs to take advantage of.

[7988] Mr Edwin Tong Chun Fai: Yes. Just to be clear, what I mean is, you have on the one hand, one type of falsehood, which is, for example, saying President Obama is Muslim. That is one kind of falsehood. Then, thereafter, followed by subsequent postings along these lines, or you have those which suggest that Muslims are celebrating terrorist attacks and then proliferating that online to incite hatred for Muslims. You have one kind of event like. On the other hand, you have a spectrum where you have the slow-drip effect, slowly undermining key institutions and government and social cohesion with false information which may be misleading in some ways and truth in others and thereafter, slowly feed these into the system. Both types would be characterised as online falsehoods? Would you agree?

[7989] Assoc Prof Eugene Tan: Yes. I would.

[7990] Mr Edwin Tong Chun Fai: Yes. And you go on to say that the use of technology of choice which has its ease, speed and difficulty of tracing, would exacerbate that problem. Would you agree?

[7991] Assoc Prof Eugene Tan: I would agree.

[7992] Mr Edwin Tong Chun Fai: We've also heard some representors tell us that it's also easily manipulated through automated bots, troll farms and the like. Would you accept?

[7993] Assoc Prof Eugene Tan: Yes, from my understanding of the technology, there are many ways in which the impact could be amplified.

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[7994] **Mr Edwin Tong Chun Fai:** So, one of the recommendations you proposed in the first section of your report under A, is when you look at the whole spectrum of potential online falsehoods from one significant event that I mentioned to the slow-drip pernicious ones, you recommend public education, principally. That can be found at A1 and you also talked about supporting indigenous research to better understand the multifaceted nature of the falsehood phenomenon and so on. Would you elaborate on this, briefly?

[7995] **Assoc Prof Eugene Tan:** Yes. I will be happy to, Mr Tong.

[7996] **Mr Edwin Tong Chun Fai:** Yes. Focusing on how you think this public education can be constructed, particularly from your perspective as someone who sees students regularly and who interacts with that generation of the population. How do you think that can be best attenuated?

[7997] **Assoc Prof Eugene Tan:** When we look at education, it needs to be fairly pervasive in the sense that I think it should take place throughout all the different educational levels and certainly one at the societal level. I think the challenge really here is: Do people have the ability to ask the right questions, to make the required value judgements to decide whether something could be relied or not?

[7998] Students in the institutions of higher learning are very much digital natives. I wouldn't even call myself a digital migrant -- I don't think I have migrated completely. I'm not even on any of these social media platforms. But, for them, these social media platforms are a very important source of community, but also a very important source of news. Putting aside whether it is true or not -- information, news, gossip, entertainment -- these are very important sources of information for them. So, in that sense, it is also being part of community. The idea is that I'm in this space. So, I think education would have to be very subtle. We don't want young Singaporeans to say, "Well, this is another national education".

[7999] National education has become a "meme". If you ask the young people today, it's a meme for government propaganda and the like. But here, we are dealing with very serious matters: How do we discern what is reliable and what is not. At the same time, without telling them what is or is not reliable, leaving them to make the judgement whether they want to believe or not to believe, or to ask further questions, or seek corroboration. It is this sort of skill sets that are very important for our society. I'm not in that area of education, but I believe that you need different sorts of skill sets at different levels to enable them to be sensitised.

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[8000] On the one hand, not to believe everything that they read, but also not to disbelieve everything that they read. I think in this age of falsehoods, it is possible that people may just decide to switch off and say, "I am not going to believe anything that I read." I think that would be very harmful as well.

[8001] **Mr Edwin Tong Chun Fai:** And become too cynical.

[8002] **Assoc Prof Eugene Tan:** Yes, we need healthy scepticism. Of course, getting there is always the challenge.

[8003] **Mr Edwin Tong Chun Fai:** Finding the right balance is also the challenge, isn't it?

[8004] **Assoc Prof Eugene Tan:** Definitely.

[8005] **Mr Edwin Tong Chun Fai:** And also we heard -- I think you were in the room earlier when Dan Shefet said that actually a lot of people go on social media to get the news, as you've just said, but the news they get will be different from person to person because of the filter bubbles and echo chambers and that also shapes the kind of content that each of the persons that represent and make up society would be exposed to.

[8006] **Assoc Prof Eugene Tan:** Definitely. We are now in an age where there are multiple realities. So, the reality that I see is very different from the reality that, Mr Tong, you might see. And so, this is where it becomes important. If you talk about public education, not just to equip them with the skills and sensitise them, but also to enable them to have the openness of mind. I know these are fairly highfalutin ideas and ideals, but this is really what we need to strive towards, because I don't think the Government is in a position to tell each person what is it they should believe or not believe. And the moment any government does that, then it's more likely than not that those pieces of information would not be believed at all.

[8007] So, it is this challenge that we have and it means being able to sensitise. I use the word "sensitise" a lot because we don't want a hard sell, but at the same time, these are vital skill sets for any person living in a democracy, because we are going to make important choices, whether they relate to state or even personal choices based on the sort of information that we have. And given that there could be these multiple realities, it is something that we have to spend a lot of effort. That's why I mentioned in my recommendation that significant resources be devoted to this endeavour.

[8008] **Mr Edwin Tong Chun Fai:** By multiple realities, what you mean is that we are exposed to different types of news feeds?

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[8009] **Assoc Prof Eugene Tan:** Yes.

[8010] **Mr Edwin Tong Chun Fai:** Not that we are all living in different dimensions of reality?

[8011] **Assoc Prof Eugene Tan:** The former.

[8012] **Mr Edwin Tong Chun Fai:** It shapes your outlook of what news is, it shapes your outlook of what opinion pieces might be out there. There are different ones that we are exposed to and that's really what you mean?

[8013] **Assoc Prof Eugene Tan:** Yes. The sort of news that I seek would be very different from the sort of news that my teenage son would seek. So, we might be living in the same place, but our perceptions of reality might differ to some extent.

[8014] **Mr Edwin Tong Chun Fai:** I understand. Would you also agree that education -- and I think, what you have just described is useful, coupled with, I suppose, you would also agree media literacy, higher degree of upscaling knowledge, so that there is a greater sense of discernment? These are useful but really more long-term in nature. Would you agree?

[8015] **Assoc Prof Eugene Tan:** They are, but the long-term starts today.

[8016] **Mr Edwin Tong Chun Fai:** Of course.

[8017] **Assoc Prof Eugene Tan:** We have to make that effort.

[8018] **Mr Edwin Tong Chun Fai:** So, on my spectrum of falsehoods that one sees online, which we started this session with, it would be useful to protect or inoculate ourselves against the drip feed kind of slow misinformation with bits of information that is true and bits that are not true. Having a more discerning public, one who is more educated, more able to, as you say, be sensitised to what might be obviously untrue and also have some sense of discernment, that is very useful.

[8019] But would you agree that, where there is an obvious one-off at the other end of the spectrum, kind of false information, designed to be very targeted, to incite very emotive feelings, you can't go and rely on media literacy at that point in time and public education? At that point in time, you either have it or you don't. If you don't have it, then I think some steps need to be taken beyond just education. Would you agree?

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[8020] Assoc Prof Eugene Tan: I would agree. I think what you are referring to is in the face of clear and present danger.

[8021] Mr Edwin Tong Chun Fai: Yes.

[8022] Assoc Prof Eugene Tan: Yes. Then, I think, within our legislative arsenal, we would want to certainly have the tool to be able to deal with this sort of situation which is in contrast to the slow burn. I would also argue that even what I call the slow burn effect of falsehoods may actually have a greater impact, because the slow burn effect is a lot more insidious.

[8023] Mr Edwin Tong Chun Fai: Yes.

[8024] Assoc Prof Eugene Tan: It could operate within us, in our societies without us even knowing it.

[8025] Mr Edwin Tong Chun Fai: Well, some witnesses like Dr Shashi Jayakumar has come and said, you know, it's likely that it has already started, that we can't assume that it's not been done on us in Singapore and it's also not to be taken for granted that this kind of slow burn, pernicious effects, the seeds of that has not yet already been planted. And I think it's not something you would disagree with. Right?

[8026] Assoc Prof Eugene Tan: I haven't had a chance to look at Dr Jayakumar's submission. So, I don't know what's the evidence that he based his findings on. I'm sure that he has a basis for saying that, but I think we should treat this as something which shouldn't surprise us.

[8027] Mr Edwin Tong Chun Fai: I understand.

[8028] Assoc Prof Eugene Tan: And my concern is that, we shouldn't be alarmist about it. There are always these threats and we shouldn't get unduly worried. We should certainly continue to maintain our sense of readiness. But, yes, I think I would not disagree that it could be possible that the seeds of some of these slow-burn efforts could have been planted.

[8029] Mr Edwin Tong Chun Fai: Right. And I think what you said earlier is that this slow burn drip misinformation could be as adverse, if not, more so, than those at the other end of the spectrum. That's what I thought I heard you say earlier.

[8030] Assoc Prof Eugene Tan: Yes. I think the slow burn effect is a lot more difficult to manage, but someone who is determined and has the resources, that would certainly work very well. The tools that we have within our legislation, we can deal

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with clear and present danger relatively well. But trying to deal with the sort of fractures and fissures that may become bigger over time, that may be a lot harder. It's your proverbial frog in a boiling saucepan?

[8031] Mr Edwin Tong Chun Fai: Okay. Can you go to page 7 of your submission?

[8032] Assoc Prof Eugene Tan: But Mr Tong, if I could just interrupt, because you mentioned about my recommendation about research.

[8033] Mr Edwin Tong Chun Fai: Paragraph A2, is it?

[8034] Assoc Prof Eugene Tan: Yes. A2 on page 5. I've been trying to follow the media reports on the Select Committee hearings and certainly, we hear of many foreign examples of falsehoods being perpetrated, but we need to better understand the ecosystem in Singapore -- what is it that makes Singapore and Singaporeans more or less susceptible to falsehoods?

[8035] Despite the various incidents that have been cited, that involved local cases, we have not been badly affected. And I think that does point to something that speaks about our internal resilience. But we need to know more. And my concern is that the Committee might then perhaps make recommendations that draws a lot from foreign examples. Yes, the comparatives are useful, but we must be careful that the cure is not worse than the disease.

[8036] Mr Edwin Tong Chun Fai: Of course. I agree with you that, some of the examples that have been cited of experiences overseas, yes, have not happened in Singapore. But I think you would also agree that we don't want to be waiting until something as adverse as that has happened before we do something about it.

[8037] Assoc Prof Eugene Tan: Certainly. That's why I think we need to understand falsehoods -- what is it that might make falsehoods gain a lot more traction in Singapore?

[8038] Mr Edwin Tong Chun Fai: Take, for example, if you have been following what's been debated at these sessions. Take, for example, a falsehood which suggests that there are racial disagreements, or news in -- I don't know whether we can put it up -- but news of a Muslim man allegedly raping a Buddhist woman in Myanmar, which then resulted in street riots within 24 hours. I think one or two persons were killed. A mosque was damaged and businesses were destroyed. Now, that, of course, is in a different country and I appreciate a different social context as well. But if something as racially inflammatory which seeks to draw on the divides, or accentuate and split open those divides were to happen, we don't want to be waiting for that to occur before we decide that we have to do something about it.

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[8039] Assoc Prof Eugene Tan: Definitely. I am familiar with Myanmar. As a volunteer faculty, I teach on religion and rule of law programmes in Myanmar, and I've been to a Buddhist monastery where they had very explicit pictures of Buddhists allegedly being killed by Muslims, and these right in a Buddhist monastery. So, I am very familiar with that. So, I've no disagreement with the fact that we need to be prepared. But my point is we know, in my view, relatively little. I think we need to know more -- what is it that that has made Singapore less vulnerable thus far? Because if we know what it is that works for us, we want to ensure the foundations of those continue to be maintained as well as enhanced.

[8040] Mr Edwin Tong Chun Fai: And that we continue to focus on what has been right for us.

[8041] Assoc Prof Eugene Tan: Correct. Yes, and not be excessively concerned about what's going to happen. Yes, we must be concerned. I think, in the end, it's really about getting the balance right. And I feel that if the Committee would be able to support the view that we need to have further research on the ecosystem in Singapore, I think that would certainly help us deal with the problem of deliberate falsehood because we must also remember that deliberate falsehood is a constantly evolving phenomenon.

[8042] Mr Edwin Tong Chun Fai: You are right. What you are really saying is, at the end of the day, in deciding how to propose a set of countermeasures, be it education, literacy, legislation, one has to appreciate the landscape that we operate in. We have to bear in mind what has worked for us and served us well. And I think what you are suggesting is that we don't go and throw out the baby with the bath water in coming up with measures which disregard what has made Singapore safe and sound over so many years.

[8043] Assoc Prof Eugene Tan: Yes. Here, I would like the opportunity to refer to the trust that we have in our institutions of state, in the media generally. So, it is important that even as we seek to prepare ourselves for any untoward events, we do not ignore what is it that has worked for us but instead constantly ensure that those pillars will remain strong.

[8044] Mr Edwin Tong Chun Fai: Remain strong. Okay. I understand. I was going to refer you to page 7 and paragraph 15. You say you are largely in agreement with this aspect of the Green Paper and you say that the motivations and reasons for spreading deliberate falsehoods can be collapsed into two broad categories. You said, one, as a tool of subtle and strategic warfare by states and their agents, pivoting on disinformation to achieve certain political, economic and strategic objectives. And two,

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for individuals and commercial entities, it is primarily about profit making. Just briefly elaborate on these two.

[8045] Assoc Prof Eugene Tan: Yes. I make this submission based on what I've read, what I've studied. Certainly we are looking at deliberate falsehoods, particularly online falsehoods, as a form of warfare. And, of course, to be more specific, asymmetric warfare. So, the idea that it doesn't matter that two countries are not equally resourced, a country may not have as strong a military or may not be so technologically advanced, may use disinformation to pursue strategic objectives. I think that has been adequately documented. This is important for us because we do have several vulnerable points, those that relate to our multi-racial, multi-religious, multi-lingual society.

[8046] But I also want to emphasise that, even as we are mindful that there are these vulnerabilities, we do not exaggerate them. If we look at how far we've come, it also does point to the fact that we should instead look at how this diversity could work for us. When I talk about individuals and commercial entities, I very often, this is really about making money in the end, or pursuing other objectives that they may have, whether political or otherwise. And I think so long as we are clear that the motivations can be broadly put into these two groups, I think that can help us come up with better measures to handle them.

[8047] Mr Edwin Tong Chun Fai: I think you sort of anticipated where I was coming from because, in constructing the right measures, I think one really has to understand what the likely motivations are in the first place.

[8048] Assoc Prof Eugene Tan: Yes. Right.

[8049] Mr Edwin Tong Chun Fai: I think what comes through from your paper is that you are looking at the possible measures. And if I can frame your thoughts in this way, you take the view that there really has to be a range of different measures, differentiated for the different type of falsehoods that may be purveyed online, whether as I said the one large falsehood that has a significant effect or the slow-drip misinformation, but differentiated remedies for differentiated types of ill or mischief that we might see. That's the first point I think you make here.

[8050] The second is that there is also a need for a range of different options, including things like we discussed earlier, public education, further research, media literacy. Third, you take the point and I think, in my view, quite rightly, that any response has to be taken in the context of our local climate, our local context, what has worked for us and not to ignore that.

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[8051] And fourth, I think you say here that in any measure that is being proposed, one has to balance the interests between public discourse, proper public discourse, and the potential harm of the online falsehood that society might face from it. Have I summarised your broad approach accurately?

[8052] Assoc Prof Eugene Tan: Yes, yes. I think you have done very well.

[8053] Mr Edwin Tong Chun Fai: Now, on this broad approach, and in seeking to strike the balance, you would agree that, in terms of trying to deal with the mischief, that this issue presents to us there will be a range of options, including legislation. You talked about omnibus legislation. Can you tell us what you mean by “omnibus legislation”?

[8054] Assoc Prof Eugene Tan: Right. In my submission, when I refer to an omnibus legislation, I was referring to an all-encompassing legislation, that anything to do with deliberate online falsehoods, this would be in that law.

[8055] Mr Edwin Tong Chun Fai: Consolidated into one piece?

[8056] Assoc Prof Eugene Tan: Yes, that we would go to. And so, that may mean, for example, pulling out from other legislation things that may deal with falsehoods and bringing them all into this one omnibus legislation.

[8057] Mr Edwin Tong Chun Fai: Right. But you wouldn’t disagree with, and I’m not sure if you read the news on what Prof Goh Yihan has said, that on the current legislation, he feels that there are gaps in there, in terms with dealing with the different types of online falsehoods. And he did a report which looks at three or four different real-life events and applying Singapore laws to it and came up with the view that current legislation falls short. You don’t disagree with that, would you?

[8058] Assoc Prof Eugene Tan: I wouldn’t disagree with my boss. But, no, I mean I’m not being facetious. But yes, I wouldn’t disagree with him. But I think we should also bear in mind that where there are inadequacies, I think we can sharpen. I don’t think the solution is that, “Okay. Let’s have a new legislation.”

[8059] Mr Edwin Tong Chun Fai: Okay. In trying to understand what you say here about omnibus, your point about the omnibus that you made here, that we don’t need a new one, is not the same thing as saying we don’t need some new legislation to deal with the problem that we have?

[8060] Assoc Prof Eugene Tan: Yes. If we look at social media platforms, they have probably been around for 14, 15 years. So, many of our legislation would predate

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that. I think there will obviously be the need to update the legislation, tweak them, sharpen them, refine them. But I would be cautious about wanting to go for a very all-encompassing legislation.

[8061] Mr Edwin Tong Chun Fai: I understand. And the point I think you made, if you look in your submission in D3 and D4 is that, in constructing this legislation, one must seek to strike the balance. I mean, largely those four points I mentioned to you earlier. But what you say here is: “To ensure that there is no curtailment of public discourse in constructing such legislation.” Correct?

[8062] Assoc Prof Eugene Tan: Yes.

[8063] Mr Edwin Tong Chun Fai: And you go on to say, at D3, that: “The right to freedom of speech, in turn, entails the concomitant duty of responsible speech.” I think, speaking personally, that must be true because there is no room for falsehoods. The suggestion that you can say what you want, includes falsehoods so that you can have free speech and proper public discourse. I wouldn’t agree with that proposition. What do you think?

[8064] Assoc Prof Eugene Tan: I don’t think we can ever run away from the fact that there will be falsehoods.

[8065] Mr Edwin Tong Chun Fai: But the point is that, because you want freedom of speech, that that must include the ability to spread and start falsehoods?

[8066] Assoc Prof Eugene Tan: I don’t think there is this particular right.

[8067] Mr Edwin Tong Chun Fai: That’s what you mean by the concomitant duty of responsible speech as well?

[8068] Assoc Prof Eugene Tan: Yes. I think, in the end, even as we talk about freedom of speech, we should bear in mind that speech also has to be responsible.

[8069] Mr Edwin Tong Chun Fai: Yes. And, in fact, there are some restrictions. You have got to ensure that you don’t say anything that is racially or religious divisive, seditious and so on. Would you accept?

[8070] Assoc Prof Eugene Tan: Yes. I mean, this is part of our landscape.

[8071] Mr Edwin Tong Chun Fai: Yes.

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[8072] Assoc Prof Eugene Tan: Our way of life.

[8073] Mr Edwin Tong Chun Fai: And so, that's the landscape in which free public discourse is to occur, and any legislative attempt to try and deal with this problem ought to take that into account?

[8074] Assoc Prof Eugene Tan: Yes. I put a fair amount of emphasis on any legal regime that this Committee might recommend must continue to promote robust public discourse because ultimately, it is people who defeat deliberate falsehoods. Governments are very much the tool and agent. They will not be able to defeat falsehoods. So, if we have a population that is discerning, that is able to unpick falsehoods and to be able to engage in robust debate, I think that makes for a much healthier society, a society that would be able to deal with deliberate online falsehoods without having to resort to very extreme measures.

[8075] Mr Edwin Tong Chun Fai: Yes. I think, speaking for myself, I don't disagree with that. But I think it's also useful to keep in mind that whilst, as you say here, there's a concomitant duty to do so, as you embark on free public discourse, I think there must also be a need to ensure that there's a right balance. And one has to have a range of options in terms of remedies available to strike that right balance. Would you agree?

[8076] Assoc Prof Eugene Tan: Yes. I don't disagree. I think it is important to have a range. And that's why I use the term "legislative arsenal". And this has been an attribute of the way we have drafted our legislation. So, if you think about trying to deal with racial and religious disharmony, we have the whole range from the Societies Act to the Penal Code to the Sedition Act, and if you want to take out the big stick, you have the Internal Security Act.

[8077] And, looking at deliberate online falsehoods, I think that should also be the way to go. And that was why I have reservations about a very all-encompassing and omnibus type of legislation. I think we need a range of calibrated measures to cater to different sort of threats. And I think we are well served by what we have. Yes, we may need to plug the gaps, and I think if new legislation is needed, in my submission, I have acknowledged that that may have to be the road that we take.

[8078] But I also mention about our anti-terrorism laws. You won't find our laws that deal with terrorism in one piece of legislation. There is a reason for that because there are different ways of dealing with the problem as it is presented to us. And if we continue with having that calibrated range, the differentiated measures, I think it will serve us well because we don't want to take out a sledgehammer when a nutcracker will be adequate to do the job.

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[8079] **Mr Edwin Tong Chun Fai:** I think I understand. I mean, that analogy is put in your paper as well. The point really is: we are dealing with what is the issue in this Select Committee hearing. And then also, what do we need to do. And I guess finally how that is implemented. And I think what you have just been advocating goes to the how that can be done. And what you have been saying that, yes, while there is a need to have a calibrated response by way of new legislation, you would be slow to suggest that that all fits into a new omnibus piece of legislation. As you clarified earlier, that's not the same thing as saying the current legislation doesn't have gaps which need to be filled?

[8080] **Assoc Prof Eugene Tan:** Yes. I think if we talk about gaps, my dean spoke about maybe the need for takedown orders for the previous witness before me spoke about tagging ---

[8081] **Mr Edwin Tong Chun Fai:** He's given a range of options.

[8082] **Assoc Prof Eugene Tan:** The provisions that we have certainly may be inadequate and I wouldn't be surprised to deal with this phenomenon of online falsehoods. So, even though I do have reservations about an omnibus legislation, I do recognise the need, if the gaps are shown for there for new legislation to fill those gaps. But I think we should look at how our existing legislation can be amended to cope, to manage with the evolving threat.

[8083] **Mr Edwin Tong Chun Fai:** All right. Thank you, Professor. That's been very helpful. Mr Chairman.

[8084] **The Chairman:** Ms Rahayu.

[8085] **Ms Rahayu Mazam:** Thank you, Prof Tan. It's really been an enlightening paper. And I particularly interested in your suggestion of looking into a more indigenous research and understanding of context. I just want to understand a little more of your basis, in terms of your -- because I think you give a rather positive perspective of Singaporeans. I think you were very, I suppose, confident in our ability to actually overcome certain issues. And, in particular, in paragraph 30, you had described a little bit and the fact that we have been able to, sort of resist certain serious repercussions from falsehoods. In particular, you said: "We should learn why deliberate online falsehoods have not made much headway domestically thus far." I think that's an interesting proposition. I just wanted to understand your sort of experience and your basis for coming to that position in feeling that we are fairly resilient in dealing with these issues because we've also heard other experts coming and giving -- I understand that we shouldn't be fearful and react in fear. But I do honest feel some concern

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because we've been told and informed about our heuristic tendencies, how people receive information, and, in particular, within our local context, we've been told also about the existing fault lines. And, in this, I would refer to your example in the US where you said that Russia's effort would not have made much headway if there weren't existing cracks within the community.

[8086] So, I'm just wondering whether, what you feel, whether there are, within our existing fault lines, be something that people could take advantage of. I think you've already agreed that this is possible. But, to what extent you think that it will happen? Because, you know, there is a lot of also issues with regards to terrorism that has been brought up in the recent times, especially with radicalised Muslims and the news of that being shared. I'm concerned, particularly with regards to the Malay/Muslim community. And the talk on the ground, sometimes, some things are unsaid, but it's what people think about.

[8087] So, firstly, I suppose my question is: where is your basis, or what is your experience? Was there research or what was there some sort, what is it that you are relying on to come to an assessment that we are fairly resilient?

[8088] And, secondly, what do you feel our level is and what do you think we can do more of in terms of calibrating the approach because, whilst I do not want to react and act in fear, I do have some genuine affairs about the state of affairs? And I'm not quite sure if it's a completely accurate picture that we are really fairly resilient because there are little things that still keep coming up. Right? I mean, halal pork issue. This may be small, but it impacts over a long time, the slow-drip effect, the slow burn effect that you've also mentioned. Your thoughts on this, please?

[8089] Assoc Prof Eugene Tan: Yes. Thank you, Ms Rahayu. My view, as is mentioned in paragraph 30 of my submission is, from looking at the documented examples: the block of flats in Sengkang -- I think Ms Sun would be able to identify with that; the halal pork and those sort of issues. My conclusion is not drawn from any empirical study. But looking at how the authorities responded, looking at how Singaporeans responded, yes, some people may have fallen for it, but overall, I don't think there was this widespread consternation or panic. So, that was the basis. Yes, it's in a way, very much anecdotal, but I think this ties in with my recommendation that we should try to have more research on the local ecosystem.

[8090] What is it that makes Singaporeans more resilient and what could be our weak areas? So, yes, we are by no means, a totally discerning society. I don't think there's any society in this world that would ever reach that level. And, yes, you are familiar with the issues within the Malay/Muslim community, but I think it is sometimes how we present it.

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[8091] We also don't want a situation where the countermeasures, I mean, this is one of the key themes for this particular Select Committee, weaken our ability, the innate ability to make the right judgement calls. Because if every time we have to turn to the Government to determine whether something is real or not, and I don't think people will, in any case, then we are in trouble -- we are in big trouble.

[8092] That's why I take the view, on the one hand, while we should not underestimate the threat, we also should not let it overwhelm us to the extent that we feel that we need to wield the big stick and feel that we need to put in place all these countermeasures. I think, again, this Committee has not recommended, we have not seen the bill, it's not even drafted, but it is possible that countermeasures could have a chilling effect. It could dampen, it could dull public discourse because of the fear factor. Will I be running foul of the deliberate online falsehoods legislation?

[8093] So, I take the view that, even as we try to anticipate future threats of how Singapore's security and well-being and harmony could be compromised, we also need to better understand what is it that has enabled us not to have fallen victim like many other societies have.

[8094] If you look at the 2015 general election, I think that was probably the most -- that could be called the Internet and social media election, and it did play a big part. And I think the Internet and social media will continue to play an ever-growing role. And so, there's a need to update our sensitivities, refine our sensitivities, but I hope the approach would be from a position of confidence, not from a position of fear, because we recognise our vulnerabilities, but we shouldn't feel that we are subjugated by them, that we need to be defined by our vulnerabilities. In fact, we should look at how we have risen above our vulnerabilities. The vulnerabilities will always be with us, for sure, but I think we cannot continue as we progress in our nation-building process to continually to just raise the fixture of -- and I use "fixture" deliberately -- of race, language and religion because it means that we will always treat someone who is different from us with a certain level of wariness. And I think we need to go beyond that.

[8095] Ms Rahayu Mazam: Some responses -- I just want to clarify, because I accept that point and I think it's really important that we come from a place of confidence. But to some extent, the position we have arrived at in Singapore today, is also as a result of some hard laws that are in place, in terms of certain OB markers which we will not cross in respect of racial or religious comments. So, to some extent, a certain degree of firmness in position is important. You would agree?

[8096] Assoc Prof Eugene Tan: Yes, I agree, Ms Rahayu. The Pew Research Centre which does a couple of studies looking at religion in different parts of the

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world. I think the Committee would be aware that in 2014, it rated Singapore as the most religiously diverse society in the world. And then, in 2015, another Pew survey showed that Singapore has one of the highest number of restrictions with regard to religion. The Pew Research Centre didn't quite note the irony, or the contradiction or the paradox. But I agree with you. It is because of our diversity that we have taken a very careful approach, sometimes, even leaning on pre-emptive measures that have helped to maintain that social harmony that we all enjoy today.

[8097] I think we need to continue to strengthen that. We certainly have not arrived. When I, just the last two weeks in class, we have been talking about -- I teach constitutional law at SMU and we have been talking about article 12, equal protection and equality before the law, we talked about article 152, we talked about article 15.

[8098] So, again the questions about the role of the place of Malay/Muslims in the SAF constantly gets raised. I think there are these issues, right, and we need to deal with them from a position of confidence, rather than a position of fear. So, if I can just answer more directly to your point. Yes. It is because we have taken a no nonsense approach to issues, such as race, language and religion. And that was obviously required in our very early years of nation-building. But I think as we progress further, we need to be able to rely less on these sort of strict OB markers and instead, to rely on Singaporeans to recognise that we should be defined by our commonalties rather than our differences.

[8099] So, my concern with a legislation that might somehow have a chilling effect on public discourse, is that some of these sensitive issues may be driven underground for fear of offending, for fear of being caught by the law. And I don't think that will help us in the long-term, because there are these issues that I think need to be constantly articulated, need to be re-examined, need for the basis, the premises to be re-examined and to be reconsidered. So, I don't think we have very different views. It's really a question of the how. And the difficulty for the Committee is always the how. Because we can understand the why, the what, but the how, I think is a lot more difficult.

[8100] **Ms Rahayu Mazam:** I think I agree with you. We don't necessarily have different views. I think we all agree also that not all free speech should be protected because you need to have certain regulations so that discussions, democracy can thrive. I think this is in line with Prof Thio Li-ann had said about the importance -- there is always a need to protect free speech. But that free speech, what type of free speech we are talking about.

[8101] So, I think, my personal view is that some laws need to be in place. I think you accept that some laws need to be in place and there is no, I suppose, conflict in

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the coexistence of some laws as well as soft measures in encouraging discussion and candid sharing or queries that arise from the differences that we have. And I think a lot of efforts have already been done. I work with OPSG and one of the things that we do really is to encourage open conversations and discussions. You see a lot of that happening now, with a lot of queries with regards to religious differences and students coming together obviously wanting to know more.

[8102] And I think, as what you said, the reliance should be on the desire to actually overcome our differences and not because of fear of the rules or because of some laws that we have put in place. But I believe that, at the end of the day, there needs to be some rules and regulations to be put in place, some hard ones because we need to protect what we have here, but, at the same time I think we can work and definitely should work in trying to find spaces where we can have open discussions and encourage a robustness in our willingness to find out about each other.

[8103] Assoc Prof Eugene Tan: Thank you. I don't disagree that we cannot have a free for all situation. The Pew Research Centre studies didn't quite note that paradox, that we are able to sustain that high diversity partly because we have very clear rules. And I don't disagree as well that we will need some tough legislation. But this tough legislation should be reserved for clear and present danger, because if we use very tough legislation for insignificant threats, when the time comes to wield the big stick, we may not be able to have the desired effect.

[8104] But, Ms Rahayu, you also mentioned about soft measures. I think this is something that the Committee would want to study further as well, because, in the end, you can't legislate discernment, you can't legislate people being able to make the right judgement calls. And so, this is where we talk about soft measures whether it is public education or is it through soft law mechanisms. Whether there could be a code of conduct, for example, for these social media platforms as well, for them to come up with a code of conduct. And I think it is something, of course, a significant difficulty because Singapore is a small market. If Facebook can say, "Well, we don't comply, we pack up and go", no big loss to them. So, I do recognise the difficulty as well. But I think we need to get them on our side – our side means on the side of Singaporeans.

[8105] And if it means having soft law measures like a code of conduct, that is something that could be explored as well. Ultimately, I think the Committee would have heard over the last two weeks, we need that multi-stakeholder approach. This is not a challenge that can be solved just by the Government alone because you need all the different players to recognise that they do have, not just a social responsibility, but also a moral responsibility. And if we can do that, we could be that model. Of course, I know that we are not at all aspiring towards that, but we can show that there are means beyond just hard and tough legislation.

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[8106] Ms Rahayu Mazam: Thank you, Prof Tan, for your views.

[8107] Ms Sun Xueling: Professor, I was just wondering. I'm not sure whether you were here when we had a previous witness, Mr Prakash Hetamsaria. He was the unfortunate soul, a new citizen in Singapore, who had his face superimposed on a piece of news which All Singapore Stuff put out saying that he's someone who wanted to revoke his Singaporean citizenship. So, what would you say to someone like him, because he was here saying the current legislation, is not sufficient for him to seek redress? His photo was actually put up in a case of fake news.

[8108] Assoc Prof Eugene Tan: I wasn't here when the witness whom you mentioned testified, But I would have thought that the Protection from Harassment Act -- I don't know the details of Mr Prakash's case -- but I thought that POHA might be a means for him.

[8109] Ms Sun Xueling: That would be after the fact, right? The damage is done.

[8110] Assoc Prof Eugene Tan: Yes. But that's the nature of criminal law. Generally, most criminal laws deal with the fact that after something has happened. We can't penalise thought-crimes. But I understand the point that you are driving at. What recourse would someone like Mr Prakash have?

[8111] I think the current legislative regime would be able to handle that. But we must also recognise that laws have severe limitations in today's context because if let's say the website that put these falsehoods about Mr Prakash was located overseas, there is probably very little that Mr Prakash can do because we have to be careful about laws that have extra territorial reach and even if they do, we often also require the co-operation of the foreign law enforcement agencies.

[8112] This is where it becomes challenging when we talk about deliberate online falsehoods because if you talk about a state-initiated campaign to embark on an attack on Singapore using deliberate online falsehoods, even a very tough measure in any law would have limited reach. We probably wouldn't be able to do anything at all.

[8113] So, this is where I think it is important. And I know it might sound ironic coming from a lawyer, but I think we must recognise that there are severe limitations in the law. The law can try to bridge that gap as much as possible, but you need the combination of hard and soft law. And I think this is where Mr Prakash hopefully would be able to count on the good thinking, the good sense of Singaporeans to recognise whether this could be true or untrue.

[8114] But, again, I said I wasn't here. So, I might be underestimating the sort of difficulty that Mr Prakash is in. But it doesn't take away from my point that, yes, we

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can try to have the law to do as much as possible, but the laws are not -- legislation is not the silver bullet. And, ultimately, whether people believe it or not really depends on Singaporeans having that good sense and a good judgement. No law will be able to tell Singaporeans that the news about Mr Prakash is false.

[8115] Ms Sun Xueling: I would like just to add in Mr Prakash's case, the falsehood was shared 44,700 times whereas the truth about it was shared three times.

[8116] Assoc Prof Eugene Tan: Right. So, this goes back to the point -- we know that about falsehoods. It goes back to -- in my submission where I talk about trying to understand the local context, trying to understand the local context that if deliberate online falsehoods -- let's say deliberate falsehoods that relate to our system of Government. If they gain a certain traction, the problem doesn't lie with the social media platforms. The problem may inherently lie with our system of Government.

[8117] And so, likewise, in Mr Prakash's case, why it was shared, I think it just reflects the current social climate where there is still that wariness about immigration. And to deal with the sort of concerns that Mr Prakash have. We need to work on getting Singaporeans to appreciate that, as a society, we will constantly need immigration. So, the problem here is not Mr Prakash or the laws, but it relates to the fact that there -- in our context -- there is an issue that makes it very receptive for falsehoods to gain a certain amount of traction.

[8118] Mr Edwin Tong Chun Fai: Just arising from what was raised earlier by, I think, Ms Rahayu's questions where she asked you about tough laws, tough legislation and the context of it being reserved for clear and present danger, I just want to understand that in context of what we discussed earlier, I think as a starting point, you accepted that there were gaps in legislation. Right?

[8119] Assoc Prof Eugene Tan: Yes.

[8120] Mr Edwin Tong Chun Fai: And we also agreed that legislation is just one of the suite of different options that one should have. Correct?

[8121] Assoc Prof Eugene Tan: Yes.

[8122] Mr Edwin Tong Chun Fai: And you then went on, in that exchange with Ms Rahayu, to say that you can't legislate discernment. And I think what you mean by the tough legislation is that you can't go and legislate for people to be more aware or legislate for people to be more discerning. In those cases, I think media literacy education would be more appropriate. And we also agreed that it would be more long-term in nature. Correct?

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[8123] Assoc Prof Eugene Tan: Yes.

[8124] Mr Edwin Tong Chun Fai: But what we can't escape from is the need to deal with the different grades of online falsehoods and for that, we might then need to work on either present legislation to enhance it, or, as you put it, have an omnibus legislation, which, of course, I know your views on.

[8125] Assoc Prof Eugene Tan: I think there could be a combination. We may need a dedicated legislation to deal with deliberate online falsehoods, but I hope it wouldn't be an omnibus one.

[8126] Mr Edwin Tong Chun Fai: Okay.

[8127] Assoc Prof Eugene Tan: If we talk about racial and religious harmony, if there are gaps in our laws, that we then deal with that particularly where they relate to deliberate online falsehoods. So, it's really this combination. I hope we don't just place all our hopes on a piece of legislation as being that silver bullet.

[8128] Mr Edwin Tong Chun Fai: Of course. I think that you are not the first one to say that. So, some legislation, whether in the form of new legislation, or in the form of omnibus, that is a question of the how, which I mentioned earlier. But that's not to ignore the rest of the suite of options which includes media literacy, education for better discernment. I think that's really the point you are making?

[8129] Assoc Prof Eugene Tan: Yes. Just to be clear, I think where there is a clear and present danger, I think Singaporeans would expect the Government to make that judgement call, to make that call to do what is necessary to neutralise that threat. So, certainly, within the suite of measures that we would like to have, or we think would be desirable, certainly, something that would enable us to deal with, clear and present danger posed by deliberate online falsehoods, I think we want to have that. But I think these measures must be scoped very precisely.

[8130] Mr Edwin Tong Chun Fai: I understand. What you are saying is that there must be a differentiated, gradated range of countermeasures which includes dealing with clear and present dangers?

[8131] Assoc Prof Eugene Tan: Yes.

[8132] Mr Edwin Tong Chun Fai: Thank you.

[8133] The Chairman: Okay. As there are no further questions, Prof Tan, thank you very much for your time and your presentation here. It was very interesting and the Committee would like to thank you for your contributions.

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[8134] Assoc Prof Eugene Tan: I thank the Committee for giving me this opportunity as well. Thank you.

(The witness withdrew.)

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Paper No. 63 -- Dr Norman Vasu (Senior Fellow, Centre of Excellence for National Security, S Rajaratnam School of International Studies), was examined on affirmation.

[Mr Seah Kian Peng in the Chair]

[8135] The Chairman: Dr Vasu, good afternoon. For the record, could you please state your name and the position you hold in your organisation?

[8136] Dr Norman Vasu: I'm Norman Vasu. I'm a Senior Fellow in the S Rajaratnam School of International Studies. I'm here in my private capacity.

[8137] The Chairman: Thank you. Dr Vasu, the evidence which you will be giving today before the Committee will be taken on oath. If you so desire, you can take an affirmation. Clerk, please administer the oath.

(The witness made an affirmation.)

[8138] The Chairman: Dr Vasu, thank you, please take a seat. Welcome to the Public Hearing of the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully. I will now call on Mr Singh to begin.

[8139] Mr Pritam Singh: Thank you, Chairman. Dr Vasu, good afternoon. Thank you so much for your submission, which was concise and I thought very helpful, very effective at some places, in fact, most places. What I will do is I will go through your submission and, at certain point, at certain junctures, I will stop and ask some questions about them.

[8140] On the first page of your submission, you framed the issue quite effectively by saying that the challenge stems from, and the challenge of deliberate online falsehoods: "... stems from both the velocity, intensity and extensity of information. Information today moves far more rapidly, comes at a greater volume and reaches more people than ever before. Confronted with this torrent of unrelenting information, individuals can inadvertently believe, and sometimes act, on incorrect information -- a condition of modern society ripe for manipulation by those seeking to destabilise society."

[8141] And, thereafter, you go on to describe that there are two truth conditions that underpin your paper, the first being that there is no silver bullet that can shield a society from deliberate online falsehoods and, secondly, that any response has to be

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multidimensional and comprehensive as well. You go on then to describe what the guiding principles ought to be, that define the response to deliberate online falsehoods. And the first principle is that any response should target only falsehoods purposefully distributed to undermine a society, and that the second principle would be that the measures put in place will not reasonably be expected to stifle the frank and healthy exchange of opinion and ideas required for a functioning democracy.

[8142] Dr Norman Vasu: Yes.

[8143] Mr Pritam Singh: I move on to the second page of your submission. And, here, you deal with online falsehoods and you identify six categories on the extent of the danger they pose to society. And you list them, in descending order, based on the threat they pose, the first is: “a. Falsehoods knowingly distributed to undermine society. [This is at paragraph 6a] b. Falsehoods distributed for financial gain; c. Sloppy/poor journalism; d. Relativisation of fact for political purpose; e. Differing interpretation of facts based on ideological bias; f. Parody.”

[8144] I move on to paragraph 13, where you say it is the threats that are posed in categories (a) and (b) which demand some form of a state response, and those, just to recap, are falsehoods knowingly distributed to undermine society and falsehoods distributed for financial gain. And you argue that measures are already in place for falsehoods with regard to category (c). And, for category (d), the relativisation of facts for political purpose, you said that this cannot be attended to as it is part of political hustling. Could you please elaborate on category (d), why these cannot be attended to?

[8145] Dr Norman Vasu: Okay, it’s (d). I think the relativisation of facts for political purpose, I mean, the example that I drew there was from what President Trump has been doing, where there is the ability then to dismiss anything that he disagrees with as fake news, which is the term he particularly enjoys employing. It’s quite common to have different views. Well, let me try to approach in two ways.

[8146] The first one, it’s quite common to have different views on the information that you are receiving. So, if something is easily done, you can relativise news quite easily, just by having difference of opinion.

[8147] The second point is, I cannot see how one can do anything about it. That is the second problem from the relativisation of fact. If it is out there already and someone is willing to constantly say it’s not true, I mean, you can show him why that is not true but if he is insistent on maintaining that it’s not true, that’s just, you just not going to be unable to convince this individual or group of individuals. So, I don’t see how this can be attended to.

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[8148] Mr Pritam Singh: I think I understand the point you are making. But would you have any examples with regard to political hustings in particular, because that's what you say in paragraph 14?

[8149] Dr Norman Vasu: Yes. Perhaps, one example that comes to mind, I want to do this right and I hopefully I'm precise, would be to the, what the leave campaign were saying for Brexit, and what they were saying how much they would save, how that would be ploughed back into the NHS, the National Health Service, and I can't see how, beyond just proving them wrong, I don't see what can be done about it.

[8150] Mr Pritam Singh: I suppose in that case, the famous bus that was being driven around, that was ostensibly, one could argue, part of a dedicated campaign of falsehoods, so that in that particular case the information was not presented how it ought to have been presented. But I think you make your point in that regard, how in the environment of political hustings, you can have those facts which are bandied about which would have, short of being rebutted, may have already been internalised by a sizeable number of people.

[8151] Dr Norman Vasu: Yes, in certain ways. Perhaps, to add to that, that's why it's quite interesting when you watch American elections. So, after a particular debate, for example, say, between two presidential candidates, the next news item would be the fact checker, right, what was said, whether it was true, whether it was not. So, you can see how. I'm in agreement.

[8152] Mr Pritam Singh: You then go on, in paragraph 14, to describe categories (e) and (f), falsehoods, and you argue that this is part and parcel of the fourth estate. By fourth estate, I take it to mean that this refers to the journalistic profession?

[8153] Dr Norman Vasu: Yes.

[8154] Mr Pritam Singh: And you then restate your point that it is categories (a) and (b) which is most threatening to a polity on the spectrum and this is because there is a malicious intent in stoking their creation. And, as such, later on, you would recommend that certain dedicated legislative action be taken to address these two particular problems.

[8155] Dr Norman Vasu: Yes.

[8156] Mr Pritam Singh: I move on to the second principle, and this is from paragraphs 18 to 20, and this is the countervailing principle, the balance, where you say: "With no one in possession of absolute truth, responsible, open discussion and the

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free exchange of information and ideas are key to a healthy democracy. Hence, what we require is for the flow of information -- through the guarding of free speech -- to be protected. This point is of course not novel.” This point is, of course, not novel. You go on, at paragraph 19 to say: “The danger of subjecting information to the vetting of a selective few tasked with deciding whether it is true or false cannot be overstated ... And, at paragraph 20, as such, the second principle of guiding the selection of deliberate online falsehoods should be: “Responses selected will not reasonably be expected to stifle the frank and healthy exchange of opinion and ideas required for a functioning democracy.” Is that correct?

[8157] Dr Norman Vasu: That is correct.

[8158] Mr Pritam Singh: Your recommendations -- there are five recommendations you make, vis-a-vis the two principles that in your opinion should guide the Committee’s deliberations. And they are, paragraph 22, at (a): “Government legislation to make the spreading of falsehoods illegal; (b) Self-regulation on disinformation by social media platforms. (c) The debunking of falsehoods; (d) Removing the financial incentive for the creation of falsehoods; and (e) Instilling critical thinking and media literacy within the polity.”

[8159] Dr Norman Vasu: Yes.

[8160] Mr Pritam Singh: Insofar as category (a) is concerned, you made an important point. You say: “... laws frequently fail to keep pace with technological development and are often easy to implement.” And I found this interesting: “In addition, it is difficult to anticipate second and third order effects after their employment and they can also be challenging to alter.” And this, I suppose, comes up squarely with the point that when there is an obvious deliberate online falsehood out there, while a government may have the option of requiring, through legislation platforms, such as a social media entity to take down that falsehood, it still has to exercise some judgement, whether it wants to exercise that power because there could be the backfire effect, the Streisand effect. So, it’s actually not so straightforward just to order a social media company to take down something. There could be other ramifications. Is that the point that you are seeking to make?

[8161] Dr Norman Vasu: That’s the point I’m trying to make, most certainly. I mean, to add on to that as well, I don’t see how a takedown is possible. The Internet never forgets. It would just move on to a different platform and it would continually be distributed. So, there’s a practical element to it. And, to give more, perhaps, there is too much brevity in my writing here.

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[8162] To give more sense also of what I mean by second and third order effects would be, if takedowns happen often, just giving you a scenario here, then there is a possibility, as related to what Prof Tan just said, what effect that will have on just the general discussion people have in the open about the polity, and about the situation with polity. There are two possibilities here.

[8163] Possibility number 1 would be that people are fearful about speaking, about voicing their opinion, so you are stifling their discussion, which is required for a healthy democracy. So, they are internalising it, they are not saying it and they are not discussing it with their fellow citizens.

[8164] And the second outcome, which was raised by the two representatives from Mothership -- I apologise, I can't remember their names. And one of them had a great term. He said, we might, in our zeal to ensure a well-functioning marketplace of ideas, we might end up then with the black market of ideas. So, we are getting these conversations being pushed to corners where they cannot be debunked, they cannot be challenged and that is another worrisome possibility.

[8165] Mr Pritam Singh: Do you think that there are other options for that prospect not to occur, for example, a government could order a takedown of a piece of information which clearly crosses a threshold, but then go on to explain why this is so fundamental to that government of the day that the information has to be removed from the public space? Do you think that's a fair course of action for any government of the day to take?

[8166] Dr Norman Vasu: It would be hard to -- I think what would give the attempt to explain why something has to be taken down more convincing, ironically, is to keep it up, because if you remove something and then you say, I removed this for the following reasons, then an individual can't make up his own mind whether your reasons are good or not. So, what I would argue here, in this case, is that there's a need to engage with it rather than take it down. I mean, that needs a judgement call that has been made on game day.

[8167] Mr Pritam Singh: Yes. I understand. Thank you. I move on to the second recommendation, which is self-regulation, and you caveat this actually. You said that's it's to be -- just to recap, the second recommendation is self-regulation of disinformation by social media platforms. And I think, as events have unfolded over the last week or so, well after your submission proper, that the mood seems to have changed, vis-à-vis, self-regulation. But you still exhibit a lot of foresight. You say: "For category (b), it is prudent to be cautious on how much the regulation of information should be left in the hands of private enterprise. Profit-driven enterprises may not be equipped to make

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decisions on what is false and moreover, may not have the public good at heart.” It’s quite a prescient observation.

[8168] You then move on to paragraph 24 and you say: “For categories (c) to (e), none offers a silver bullet solution. They require different lengths of time to have a positive impact, for example, finding a manner in which to reduce the financial incentives for the creation of falsehoods will result in an almost immediate reduction in its creation but the instilling of critical thinking and media literacy within the polity will take time before the rewards are attained. And you said others have to work in unison -- the debunking of falsehoods will only find full traction with a significant portion of society when critical thinking and media literacy are instilled.” Now, the way that the last part has been framed, and I’m not meaning to be provocative here, are you suggesting we still have some way to go with regard to the instilling of critical thinking and media literacy in a sufficiently large proportion of our society?

[8169] **Dr Norman Vasu:** I’m not an empirical evidence for this. So, I mean, nothing I say right now will pass, I mean, for academic test here. So, I should stress that. But I think the fact that misinformation does circulate, indicates then that that we haven’t reached a point where we can sit back confidently and say we are satisfied with the current level of media literacy and critical thinking.

[8170] And also, what I meant by how these two work in unison is that I think, currently, very few people go to websites that fact check when they find a piece of information, that they are worried whether they should believe it or no. It’s not a natural instinct right now, shared by the majority of the population. And so, that’s where this critical thinking and media literacy works together with the debunking, because it becomes almost second nature that you fact check effectively.

[8171] **Mr Pritam Singh:** Do you think there is a role for -- I wouldn’t call it an institution at this point -- an entity to perform the role of some fact-checking organisations that have performed such a role elsewhere in the world?

[8172] **Dr Norman Vasu:** Yes.

[8173] **Mr Pritam Singh:** Do you think there is a role for that and do you think that’s healthy for our society?

[8174] **Dr Norman Vasu:** I don’t see how it would be harmful, so I can only say it will either remain a steady state or will be helpful. Yes.

[8175] **Mr Pritam Singh:** Thank you, Dr Vasu. I have no further questions. Thank you.

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[8176] The Chairman: Ms Chia, you have some questions for Dr Vasu?

[8177] Ms Chia Yong Yong: Thank you, Chairman. Dr Vasu, thank you for being with us. Just a couple of clarifications. In paragraph 6, you referred to the different levels of falsehoods. You referred to the degree of threat. You categorised them according to the degree of threat. I want to understand, so, basically you have categorised them this way but it does not change -- but essentially, there is overlap actually. There can be overlap and there are actually shades of commonality as well between the categories. Is that correct?

[8178] Dr Norman Vasu: There may be. I do agree with you. I proposed this typology effectively because the intention here was to, sort of, add to the conversation -- I'm trying to refine on what we are concerned about, what kind of deliberate false information, deliberate online falsehoods are we worried about. And I do admit that you can slice the pie many ways here, with regards to typology. Mine isn't the only one. Well, certainly, there are others out there. So, this is just an attempt here in order to try to suggest that when we discuss deliberate online falsehoods, there should be a refinement onto what we are actually concerned with. But I do agree with you -- no typology is perfect right? So, there will always be a bleeding into one another, yes.

[8179] Ms Chia Yong Yong: I understand. I think there's also an interplay of a number of other factors. So, as we consider the typology that you have proposed, we probably also need to consider other evidence that has been put before us, such as cognitive tendencies, heuristic tendencies, such as slow drip effects and so on and so forth. So, essentially, what could start as a parody could ultimately escalate into something a bit more serious as well.

[8180] Dr Norman Vasu: Yes. With regard to this idea about the slow drip, you could, with the slow drip, it probably may employ all four, yes.

[8181] Ms Chia Yong Yong: Don't misunderstand me. I'm not trying to say we should stop parodies. I enjoy reading them too but I'm just saying that, I think, in terms of the way we recognise issues. So, perhaps I might want to propose, like, in this case what you have done is to categorise actually by the nature of the subject matter itself, falsehoods knowingly distributed, blah, blah, blah. But maybe, we could add others which are categorised according to consequences that such falsehoods may have on the society at large.

[8182] Dr Norman Vasu: I must confess -- I have not thought about it from that angle. It may be possible. Yes. It's possible. I guess it would be possible, yes.

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[8183] **Ms Chia Yong Yong:** Because there could be falsehoods distributed for financial gain, for example, but the undermining impact on the community or adverse impact on the community may not be as great as some other form of poor journalism, for example, which refuses to be corrected, for example.

[8184] **Dr Norman Vasu:** Like the case of Hillsborough? Yes.

[8185] **Ms Chia Yong Yong:** So, okay, so I just wanted to clarify that. And also, in paragraph 16, you referred to the first principle guiding the deliberation, should be responsive selected should solely focus on online falsehoods created deliberately in order to undermine the state. So, I suppose “state” here is used generally. But when we talk about the deliberate creation, it seems to target only the creators of the falsehood. What is your view about purveyors, people who pass on the information, and also, again, I think my colleague spoke about the social media platforms. So, what is your view, in that regard -- more than that, we shouldn’t allow self-regulation?

[8186] **Dr Norman Vasu:** I think this is the next question, whether the focus should be on the creators or the guys who are part of the purveyors, right, that spread it. I think the challenge here, in trying to tackle the purveyor situation, the individual distributing it, is that some may be just unwittingly doing it, rather than those with the intent to undermine society. So, I see a challenge in that. That’s why, for the first principle, with regards to selection that I offer, I focus purely on the creators.

[8187] **Ms Chia Yong Yong:** Perhaps, a distinction then could be drawn between individuals. Maybe we could have a very calibrated approach where it could be just -- nobody is going to go after an auntie or uncle doing it, but there could be non-state or there could be proxies for state players, or some other organisations, that may have some perverse motivation in purveying falsehoods as well. So, do you think there is a room for us to target those?

[8188] **Dr Norman Vasu:** Possibly.

[8189] **Ms Chia Yong Yong:** You are saying cannot prove intent?

[8190] **Dr Norman Vasu:** The issue I’m struggling with is intent. While I agree with you that any form of action that is chosen should not be out there to get the unwitting auntie and uncle, yes. So, I’m possibly in agreement with you. I am in agreement with you. It’s very well calibrated.

[8191] **Ms Chia Yong Yong:** Thank you. So, just now, an earlier witness, Mr Dan Shefet, also mentioned the point about intent. He talked about the element of mens

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rea, when you commit an offence, typically we would require two elements, the mental element as well as the act itself. And I think one of the points was that in some of these circumstances, the mental element could be waived as a prerequisite, given certain circumstances that could follow. So, do you think that, in very, very serious falsehoods, for example, those that undermine our national security or even our social cohesion, for those types, do you think that the intention is very, very important?

[8192] Dr Norman Vasu: I believe the intention is important, yes.

[8193] Ms Chia Yong Yong: So, if I transmit information, messages, that are racially inflammatory, I should still be held not accountable, as long as you can't prove that I did it with intent to incite violence?

[8194] Dr Norman Vasu: I think, in the Singaporean context, if you are distributing content which is racially inflammatory, you probably have an intent to stir up racial problems, in the Singaporean context. I don't think that this would be done through ignorance. I'm doubtful.

[8195] Ms Chia Yong Yong: You think that's a reasonable inference that one would draw ---

[8196] Dr Norman Vasu: Yes.

[8197] Ms Chia Yong Yong: Okay, although that may not be sufficient. So, can I look at then your paragraph 20 on your second principle? I would assume that the second principle is to be read in the context of the first. Right? Not to stifle frank and healthy exchange of opinion and ideas. That would be read in the context of the first?

[8198] Dr Norman Vasu: Yes. What the first principle is trying to bring about in discussion is what don't we want, whereas the second principle, could work in tandem in the discussion then, is then what do we want?

[8199] Ms Chia Yong Yong: So, in your view, the freedom of speech and the freedom of expression, how is that to be weighed against all the other freedoms that we have?

[8200] Dr Norman Vasu: Oh, yes. I'm not one of these absolutists when it comes down on free speech. I mean, I certainly believe you don't have. Free speech doesn't cover the right to shout fire in a theatre with the intent to sow panic. I'm sorry. What's the question again?

[8201] Ms Chia Yong Yong: So, therefore, if I look at it in the context of safety and my freedom to walk in the streets at night safely, and so on, what I'm saying is that,

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in that context, then perhaps, the freedom of speech, while most of us would agree is not an absolute freedom, that has to be calibrated against the protection of the public as well.

[8202] Dr Norman Vasu: Yes. I'm in agreement with you.

[8203] Ms Chia Yong Yong: Yes. Therefore, in any measure that the Committee might deliberate on and make a recommendation to the Government, we would then have to take an approach whereby we are clear that in certain circumstances, there has to be a greater restraint on freedom of speech than in some others?

[8204] Dr Norman Vasu: Yes.

[8205] Ms Chia Yong Yong: Thank you.

[8206] The Chairman: Dr Vasu, I have a question for you. In paragraph 22, you clustered the deliberate online falsehoods into five categories. And then, in paragraph 24, for categories (c) to (e), you recognise that none of them offers a silver bullet solution. I think everyone is in agreement with that. And then, you go on to list as examples that we need to find a manner in which to reduce the financial incentives for the creation of falsehoods. Could I just ask you to just elaborate what do you mean by -- I just want to make sure we are on the same page -- what do you mean by "reduce the financial incentives for the creation of falsehoods"?

[8207] Dr Norman Vasu: What I was thinking about there, my reference there were the -- we already talked about the Macedonian boiler houses, where they were producing fake news in order to have clickbait, in order to steer, to get financial gain from advertising.

[8208] The Chairman: So, what you are saying we need to find a way to ensure that is not allowed?

[8209] Dr Norman Vasu: You got to de-incentivise the ability to make money off something like this, yes.

[8210] The Chairman: So, in concrete terms, how could that be possibly done?

[8211] Dr Norman Vasu: This one, I suspect, as much as I'm clearly not very positive about private enterprise in my piece, I think there would be a need to work with private enterprise here in order to bring this outcome about.

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[8212] The Chairman: Okay. Thank you. If there are no other questions, I would like to thank you, Dr Vasu, for taking the time to participate and to contribute to our Select Committee process. In a couple of days, we will be sending to you a transcript of today's proceedings. Do go through it and if you have any minor amendments, make the changes and then send the transcripts back to us.

[8213] Dr Norman Vasu: Sure. Thank you.

(The witness withdrew.)

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Paper No. 137 -- Mr Andrew Loh (Self-investor, Co-founder and Former Editor of The Online Citizen, Founder and Editor of publichouse.sg), was examined on affirmation.

[8214] The Chairman: Mr Loh, good afternoon and welcome. For the record, could you please state your name and the position you hold in your organisation?

[8215] Mr Andrew Loh: My name is Andrew Loh, I was the former editor of The Online Citizen. I'm here in my personal capacity.

[8216] The Chairman: Mr Loh, the evidence which you will be giving before the Committee will be taken on oath. If you so desire, you can take an affirmation. Clerk, please administer the oath.

(The witness made an affirmation.)

[8217] The Chairman: Mr Loh, please be seated. Again, a warm welcome to the Public Hearing of the Select Committee on Deliberate Online Falsehoods. The focus of today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully. I will now call on Mr Tong to begin.

[8218] Mr Edwin Tong Chun Fai: Good afternoon, Mr Loh.

[8219] Mr Andrew Loh: Good afternoon.

[8220] Mr Edwin Tong Chun Fai: Thank you very much for your submissions, which we have all read. What I propose to do, which you would have seen us do with the previous witnesses, is to go through your submissions and pause at several places to raise some points with you for clarification and elaboration.

[8221] Mr Andrew Loh: Sure.

[8222] Mr Edwin Tong Chun Fai: The issue of deliberate online falsehoods, I think, there are several sub-issues that need to be considered. The first is what it is, what is the impact. With that, we have seen from other witnesses from around the world, the experience that they have demonstrated, some of which is set out in the Green Paper. And then also what is it that needs to be addressed and finally, how that has to be addressed. Those are some of the issues that arise. Now, I think, your position, as set out in the paper is that you accept that the concerns about DOFs -- if I may short-form it that way -- are valid and you have given some incidents around the world and also that in Singapore, and how it might apply in Singapore. Would you agree?

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[8223] Mr Andrew Loh: Yes.

[8224] Mr Edwin Tong Chun Fai: And you do also accept that DOFs, I mean, in the nature of how they are purveyed and transmitted and the purpose of purveying those DOFs in the context of national security issues and so on, tend to play up or play on racial and religious sensitivities and they, in turn, then use those to seek to undermine social cohesion. By and large, have I summarised your position correctly?

[8225] Mr Andrew Loh: Yes, by and large.

[8226] Mr Edwin Tong Chun Fai: Right. And you also give the analogy that even in the US, a country like the US, it has been susceptible to it, not immune to it, despite its, I guess, more mature economy and despite its possibly perceived greater media literacy. Then, you ask the question in your submission, I think, at page 2, then what more, like Singapore, which is a small country? Can you elaborate on that, please?

[8227] Mr Andrew Loh: I think, in Singapore, in my opinion, we don't have a polity that is critical or that is used to critical thinking or that is used to questioning authority, for example. And I understand from my friends who are teachers, they are trying to impart these to their students at the moment. But, by and large, and from my own interaction with people and having been involved in the online world for more than 10 years, I do see that there are instances where people are not questioning enough, not critical enough.

[8228] So, I do feel that, yes, as with previous representors, there is lots of room for media literacy and for civic education. But apart from that, I think, to go beyond that, there is actually a need to change the tone in society itself, if you ask me, in order to combat deliberate online falsehoods, which is a term I also have a problem with, actually. Incidentally, something can be deliberate, it can be false but it may not be as serious as we think it is. I would prefer the word "malicious" actually, malicious and deliberate online falsehood, because that goes to intent. Coming back to what you have asked I think ---

[8229] Mr Edwin Tong Chun Fai: I was asking you to give us a bit more background on your comparison between what's happening in the America that we have seen the experience there, and you say that even they, as a country like them, is not immune to it, let alone Singapore.

[8230] Mr Andrew Loh: I think the comparison is that in the US, they have greater freedom, as guaranteed in their Constitution. In Singapore we have also in the Constitution, free speech, but it has been circumscribed; it has been curtailed in many ways.

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[8231] Mr Edwin Tong Chun Fai: So, are you using that to then say that Singapore is more susceptible than the US?

[8232] Mr Andrew Loh: I think that is one. Like I said, the other one is that, as with other presenters to this Committee, we don't have that natural instinct, you know, for one of a better description, to question, to critique, to investigate. I think we are more of a deferential society.

[8233] Mr Edwin Tong Chun Fai: Right. Well, that may or may not be because of the laws you described in your paper, but it's because one is a western country, the other one is a very much Asian country, which has its own different social, political, cultural differences.

[8234] Mr Andrew Loh: But there are Asian countries which are critical -- Korea and all that.

[8235] Mr Edwin Tong Chun Fai: Now, the way you put it, if I just invite you to look at page 2 of your submission. You compare the US and Singapore at paragraph 2, where you say here: "On a broader level, as the US 2016 presidential election experience has shown, even nations as powerful and resourceful as the US are not immune to external parties' attempts to sabotage democratic processes and institutions, let alone a small one like Singapore." So, your focus here is, the focus in your comparator is really in the nature of the resources and the might of the country, between the US and Singapore. Correct? That's what you put in your paragraph.

[8236] Mr Andrew Loh: Not just resources. I would think it's the nature of the society itself.

[8237] Mr Edwin Tong Chun Fai: The nature of society and the resources available?

[8238] Mr Andrew Loh: I wasn't really referring to resources, actually. I was more trying to compare how the US, the only superpower in the world at the moment.

[8239] Mr Edwin Tong Chun Fai: Some people might disagree.

[8240] Mr Andrew Loh: Yes. Some people might disagree. How, and given its history and its culture of outspokenness and all that, it is still susceptible.

[8241] Mr Edwin Tong Chun Fai: But that's the point, isn't it? It's outspoken, it has a different culture, as you put it, it has been the target of DOFs. So, why do you automatically assume that the jurisdiction or a climate that is less outspoken, assuming that is correct in the first place, would make it even more susceptible to DOFs?

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[8242] Mr Andrew Loh: I think because we have been talking about this the last one week or so, the ability to distil, to discern information.

[8243] Mr Edwin Tong Chun Fai: But if I may just postulate this with you. The ability to distil and discern is one thing. I think that's on the media literacy, education point of view. And I think you have heard what Prof Tan said about this earlier. But on the other hand, what is the quality in the US, which is absent in Singapore, which I will suggest is one key reason why DOFs are purveyed in the US in the way it is, riding on social fault lines and religious and cultural issues, is that in the US, you are allowed to do a lot more. You are allowed to take a picture of the Koran in a derogatory way and post it; you are allowed to frame yourself as doing something that is, maybe even anti-Semitic and that's okay, but not so in Singapore. So, I'm trying to understand why you come from the position that because the US is a more open society, more free as you put it, that that necessarily means that Singapore would be more susceptible to DOFs.

[8244] Mr Andrew Loh: I say that even nations as powerful and resourceful as the US are not immune to external parties' attempts. My point is that, actually, no nation is immune, whether big or small.

[8245] Mr Edwin Tong Chun Fai: Yes. Correct. So, it's actually really an online global phenomenon that countries are to be concerned about.

[8246] Mr Andrew Loh: Yes.

[8247] Mr Edwin Tong Chun Fai: And I think it's also correct that -- I think you may have heard from the evidence of previous representors that this has become one of the weapons in national warfare -- it doesn't have to be military; it doesn't have to be kinetic, but it's one of the weapons used by countries to soften a target, to destabilise and to incite a breach in social cohesion. Would you agree?

[8248] Mr Andrew Loh: Yes.

[8249] Mr Edwin Tong Chun Fai: And I think, as a smaller country, particularly for us, which is very open geographically and our economy, would you agree that is something we should be particularly concerned about?

[8250] Mr Andrew Loh: I think we should be concerned about any threat to our national security, whether it is online or offline. And, I think, for Singapore, smallness has its advantages and disadvantages.

[8251] Mr Edwin Tong Chun Fai: Of course.

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[8252] **Mr Andrew Loh:** So, when it comes to deliberate online falsehoods, and campaigns against our nation, I think it is also good to keep in mind that it might be easier for us to react to that, being small -- our number of Facebook users, for example, is about 4 million. It's relatively small compared to other countries.

[8253] **Mr Edwin Tong Chun Fai:** I understand your point. Thank you, Mr Loh. At page 3, you made this point that repeated deliberate publication of DOFs, with the intention of doing damage must be dealt with firmly and should be taken by the authorities within the law. I think that is a reflection of your sentiment that DOFs is a problem and that when it is purveyed in this way, particularly -- not only -- but particularly, when it seeks to undermine national interest, that has to be dealt with firmly and I think you used the word "decisively" as well elsewhere in your submission. That will be an accurate reflection of your sentiment?

[8254] **Mr Andrew Loh:** Yes.

[8255] **Mr Edwin Tong Chun Fai:** Now, you also made the point that one has to be mindful of what the intention is. You heard some of the earlier representors talk about intention. Dan Shefet spoke about intention -- I'm not sure if you were here yet. But certainly, the previous submitter talked intention. Harm can be caused intentionally or unintentionally. Correct? So, we agree that a particular posting or image is harmful, on that assumption, whether I put it out there intentionally or unintentionally, harm is done. Right?

[8256] **Mr Andrew Loh:** Potentially, yes.

[8257] **Mr Edwin Tong Chun Fai:** So, the difference between intentional and unintentional cannot affect how we deal with that harm that is out there. We have to take steps to deal with the harm. Would you agree?

[8258] **Mr Andrew Loh:** I think that would depend on the particular situation, rather than just a broad brush kind of thing.

[8259] **Mr Edwin Tong Chun Fai:** I agree. Where I'm coming from is really to suggest to you that you must have a range of different remedies to fit the situation and if you have harm caused unintentionally, that obviously will have to be dealt with differently from harm caused intentionally. And I know you say you want to add in the words "maliciously", but that's of a definitional issue. But, as a broad concept, you would agree?

[8260] **Mr Andrew Loh:** I see no reason to disagree, yes.

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[8261] Mr Edwin Tong Chun Fai: Right. Would you agree that if harm has been caused but unintentionally, one has to find remedies to deal with the harm that is out there, whether you clarify, you take down, you make sure that there's an apology, or you make sure that there's a way to redress it, whichever is the range of options chosen best to deal with the harm. But you would treat the person who posted it very differently from someone who posted it intentionally. Correct?

[8262] Mr Andrew Loh: Yes.

[8263] Mr Edwin Tong Chun Fai: Right. For the person who posts it or purveys it intentionally, there could well be other consequences, and I think that stands to reason.

[8264] Mr Andrew Loh: Yes.

[8265] Mr Edwin Tong Chun Fai: Thank you. So, I think we have sketched out the broad parameters of what the issue of DOFs is. You then also deal with questions on how the different types of responses that will be appropriate in the different situations. I want to show you an exchange that this Committee had with Patrick Daniel, and to see if you can agree with some of the propositions there.

[8266] If I can have the transcript of 23 March put up? I will start with page 268, if I may? Mr Loh, I will just take you through some of the excerpts. Stop me if you think I'm going too quickly. But I will read it out to you as well. So, Mr Shanmugam was asking the panel, including Mr Patrick Daniel, some questions and he said this: "If I may pick up on the last point [skipping a few lines down], some sort of quick say is executive action to take down, coupled with remedy. If the other party wants to challenge it, subsequently to go back, take it down, or rather reinstate it back. But really, the quick takedown is essential to deal with the virality and nature of the digital age, coupled with a range of penalties depending on if we can use the term "culpability", or the state of mind of the individual concerned.

[8267] That may also then deal with another point that I think Mr Daniel made, which is that it may have been false, but the person may not have known and that may then -- how you deal with it may be related to what sorts of penalties are imposed. In some cases, if there is no intention but it is false, it could just be a takedown. In some cases, if there is intention and actual deliberateness involved on the part of the person putting it up, then maybe the penalties can be higher." Would you agree with the broad approach outlined here?

[8268] Mr Andrew Loh: For me, personally, my threshold to, for one of a better word, tolerate content that are disagreeable, is quite high. So, like what the previous presenter was saying, sometimes, you have the opposite effect of removing something.

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[8269] Mr Edwin Tong Chun Fai: The Streisand effect?

[8270] Mr Andrew Loh: Yes, and we have seen that online quite a number times, in fact, and viewership can triple, quadruple

[8271] Mr Edwin Tong Chun Fai: Because people are curious about what you have taken down.

[8272] Mr Andrew Loh: Yes. So, I would caution, as I have said in my submission, that the Government should exercise patience and wisdom. And, what I mean by that is you don't overreact, because overreacting will result in overreach. And I think there are examples, with regard to my own experience with the Government. In 2015 when I was with TOC, for example, the Protection from Harassment Act was used against us, which we thought was totally unfair, and the Act was not meant for that. From all the parliamentary debates that I read, the Act was meant for vulnerable individual people.

[8273] Mr Edwin Tong Chun Fai: I understand. That has been part of a court application and the judgement has been issued; we leave it at that. But I think where you are coming from is this: that, yes, we have to deal with or be clear about how we define what the threshold is. But I'm just now focused on what is the appropriate recourse and the different boxes of the recourse for the moment. So, if you assume for a moment that whatever is the remedy, is the appropriate remedy for that situation, I think you would broadly accept. In fact, I think you do accept. This is similar to what you told me earlier, that depending on whether there's intention or no intention, there is a gradation of different remedies available. Right?

[8274] And if you look further down the page of this transcript -- I stopped at line 23. Could I read further: "So, as long as your focus is falsehoods, or opinions based on falsehoods which are apparent to everybody, and what I mean is opinions are made, and everybody is aware what those facts are based on which the opinions are made, and those facts themselves are false, then what you do is you have a range of remedies depending on the degree of culpability of the person involved." You would agree with that. Correct?

[8275] Mr Andrew Loh: Yes.

[8276] Mr Edwin Tong Chun Fai: Then Mr Daniel says: "... there must be some way in which the party being penalised is given a proper right to ..." And then, you just skip over the next few lines. It says, line line 16, Mr Shanmugam says: "That's why I think it probably has to be a multistage process; maybe where the takedown comes immediately after the first order and then the person who feels that he's not

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culpable or anyway, his post ought to be up, then be entitled to a right of going to some neutral place to have that decided.” Over the page, line 4: “Just as he has a right to have the takedown reviewed, if there is any penalty, he must also have a right to challenge it appropriately. We haven’t sort of buttoned down to that sort of detail, but that is perfectly sensible and civilised, I think. Yes. Mr Daniel says: Thank you.” Again, would you agree with that framework?

[8277] Mr Andrew Loh: Yes. On principle, yes. But I also did say in my submission that in this sort of framework, sometimes it comes, practically, and it really comes down, because I have gone through it. It comes down to whether the person involved is available to go through that process. By that, I mean financially.

[8278] Mr Edwin Tong Chun Fai: I understand. I think that is something that has to be taken into account. But what we are trying to grapple with first is conceptually, what that process should look like and what that staging process which has just been outlined should look like.

[8279] Mr Andrew Loh: Yes.

[8280] Mr Edwin Tong Chun Fai: Your report is not paginated, but I think if you go to page 3 of it, broadly speaking, pages 3, 4 and part of 5, what you then do is try and frame what should drive the kind of counter-remedies or countermeasures there should be. I think we have gone through the first of your point, which is the intent and the level of the intent. You then say that any response should bear in mind that one should not stifle or restrict free public discourse. Correct?

[8281] Mr Andrew Loh: Yes.

[8282] Mr Edwin Tong Chun Fai: And I will just want to turn on that now. So, in dealing with that, you talked about the media landscape and you say -- this is page 4, top of page 4. You said that there has been: “... raised suspicions of the mainstream media ...” I mean, I’m not sure we will debate this. There are views about the mainstream media and the Edelman publications and other barometers. And I think people still -- we have heard from CNA, Mediacorp and SPH, and at least based on what they tell us anecdotally, based on the evidence that they have collected themselves, they do see that people go back to these news sources and people come back, which they tell us is an indication of the trust that people still have in the mainstream media sources. You wouldn’t disagree with that. Right?

[8283] Mr Andrew Loh: Actually, I do, because I know that the number of likes you have and the number of retweets and all that from your report, does not represent trust.

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[8284] Mr Edwin Tong Chun Fai: No. It's so much the likes or the retweets. I think I understand where you are coming from. But it's more a question of: when there is a potential news event or a big news event, they say that they see the number of eyeballs landing on their pages.

[8285] Mr Andrew Loh: Yes. And we experienced the same thing at The Online Citizen, at The Public House, the other website that I ran. My friends in other websites, we all see a spike during the elections, during the Lee sibling disputes with the Prime Minister.

[8286] Mr Edwin Tong Chun Fai: So, when there is anything newsworthy, you are saying that people go to both mainstream and alternative sites.

[8287] Mr Andrew Loh: When I heard the mainstream media executives saying that people go back to them and that shows there's trust, I really question that.

[8288] Mr Edwin Tong Chun Fai: All right. Okay. I think I'll leave you to debate that with them separately. But you go on to then say, at the third paragraph on that same page, you then seem to suggest that there is a differentiation in the way alternative media is treated and the mainstream media is treated. And, you cite, amongst others, the Administration of Justice Act. Now, did you follow the debate on the passing of this Bill?

[8289] Mr Andrew Loh: Not as closely as I should have.

[8290] Mr Edwin Tong Chun Fai: Right. Two propositions. One, you would agree that these provisions apply equally to mainstream media as they do alternative sites. Would you accept that?

[8291] Mr Andrew Loh: Sorry?

[8292] Mr Edwin Tong Chun Fai: The Act and what it seeks to do, what it seeks to achieve, what it says you can do or can't do, would apply equally to mainstream media as it does to alternative sites? There's no differentiation?

[8293] Mr Andrew Loh: The Administration of Justice Act? There is one point about the Act that I question, which is that ---

[8294] Mr Edwin Tong Chun Fai: No. I'm simply starting from the premise of how they apply, you say here, not equally to both of these platforms, the mainstream media and the alternative sites. I'm just trying to get you to see if you would agree that this Act and the provisions contained in this Act apply equally to both mainstream as well as to the alternative sites.

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[8295] Mr Andrew Loh: The Administration of Justice Act? My point here, and I mentioned the other Acts, such as the Elections and Films Act, is that it is not enforced sometimes fairly. For example, on cooling off days, for example, under the Elections Act, registered media under the law are allowed to publish election news, while alternative media, because we are not registered, are not allowed to do so.

[8296] Mr Edwin Tong Chun Fai: But that's not a disequal treatment, if I may suggest. That's really a question of how it is licensed and which ones are accredited. But I just want to keep to the Administration of Justice Act. You don't really have a basis to disagree with me when I say that it applies equally to both. Right?

[8297] Mr Andrew Loh: Yes, correct.

[8298] Mr Edwin Tong Chun Fai: So, it's not a question of having an act that applies only to alternative sites, as it were. Right?

[8299] Mr Andrew Loh: Sorry, I don't understand what you mean.

[8300] Mr Edwin Tong Chun Fai: In other words, there is no suggestion that this Act and the provisions of this Act can only apply or should only apply to alternative media?

[8301] Mr Andrew Loh: Yes, correct.

[8302] Mr Edwin Tong Chun Fai: Thank you. You then go on to say that there are other legislations which question or raise concerns over the police force, IMDA, with wide-ranging powers and so on. Now, would you say that even in the context of the latest survey results, which show that Singaporeans trust the police, that they have belief that they are safe and that their interests are well looked after by the police?

[8303] Mr Andrew Loh: Yes.

[8304] Mr Edwin Tong Chun Fai: You still say that?

[8305] Mr Andrew Loh: Yes, I do.

[8306] Mr Edwin Tong Chun Fai: Let me show you those findings, and then you can comment on that in the context of this paragraph. I can put up The Straits Times' about a few days ago, 24 March. Just look quickly at the key points. These are the public perception survey results. You have 93 per cent who feel safe walking in their neighbourhood at night; 92 per cent felt that general safety and security is good or

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very good; 90 per cent felt that the police was ready to deal with any major law and order incidents and are well-prepared to respond to future security needs; 88 per cent felt that police provided high quality service; 87 per cent regarded the police as world-class crime-fighting organisation and almost half said the installation of police cameras at housing estates made them feel safer.

[8307] Now, in the context of these issues, I mean, you are raising these points as concerns for Singaporeans, raising concerns for Singaporeans. But how would your view here square off with these findings?

[8308] Mr Andrew Loh: I think the first point to note is that the survey was done by the police, not that I'm questioning that, just an observation. And also, we need to see the details of how the whole poll and the survey was framed and the questions that were asked and stuff. We all know that questions can be phrased in a certain way to elicit a certain response, not that I'm questioning this. But even though despite this, the point is that, for any authority to be able to enter your home without a warrant and to take any document and anything, in fact, and that I believe was the wording in the law ---

[8309] Mr Edwin Tong Chun Fai: I'm sorry to interrupt, but I think if you want to make that point, I think you should be fair about what exactly are the circumstances in which it can be done. It is not any time and any document.

[8310] Mr Andrew Loh: Yes. I understand. That was the consensus, yes.

[8311] Mr Edwin Tong Chun Fai: It's under very strict circumstances.

[8312] Mr Andrew Loh: Even so, I would say that, in my opinion, that is a bit of an overreach, because I know IMDA officers, according to news reports that I have read, are to be put through training by police training. But even so, I think it is quite troubling to me that they have such powers.

[8313] Mr Edwin Tong Chun Fai: You see, ultimately, the purpose of having the police force is to ensure that there is safety and security, law and order.

[8314] Mr Andrew Loh: Yes. Correct.

[8315] Mr Edwin Tong Chun Fai: And if these are objectives that meet that purpose and you see the survey results, I mean, to address your point about these questions raising serious concerns for Singaporeans, I'm just suggesting to you that it doesn't quite square off what you are saying.

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[8316] **Mr Andrew Loh:** I think the survey results don't really relate to this, because these questions about police entering your home without a warrant and all that, were not put to those people that were polled.

[8317] **Mr Edwin Tong Chun Fai:** But won't you agree it is part of the ecosystem; it's part of the range of powers?

[8318] **Mr Andrew Loh:** Of course, I think, generally, if I go up and ask people, they would say yes.

[8319] **Mr Edwin Tong Chun Fai:** Yes. Would you agree that's, at least, one marker, if not a good marker, for what the public regard the police institution as?

[8320] **Mr Andrew Loh:** I think, generally, Singaporeans have trust in the police force and in our judicial system. I don't think that is my dispute.

[8321] **Mr Edwin Tong Chun Fai:** Right. And then, in the next paragraph, you then say that mere expression of a view can result in serious consequences. I mean, you are not suggesting here that merely expressing your view can result in arbitrary serious consequences?

[8322] **Mr Andrew Loh:** Arbitrary, as in? I'm not sure what you mean by that.

[8323] **Mr Edwin Tong Chun Fai:** Well I'll put it this way. If I went out there and tomorrow I defamed you, obviously, you have a recourse and I can't exercise my free speech without having regard to some of these constraints. And, if I breach these constraints, there are consequences. Right?

[8324] **Mr Andrew Loh:** Yes.

[8325] **Mr Edwin Tong Chun Fai:** But these consequences are based on law, based on what the rule of law provides, based on rules that we all know. It is quite a different thing to suggest that saying something can result in consequences arbitrarily, which is very different.

[8326] **Mr Andrew Loh:** I didn't say arbitrarily.

[8327] **Mr Edwin Tong Chun Fai:** Right. So, you are not suggesting that in this paragraph?

[8328] **Mr Andrew Loh:** No. I'm not suggesting that.

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[8329] **Mr Edwin Tong Chun Fai:** Can you then give an example where an expression of a view can then lead to a serious consequence which is unfair?

[8330] **Mr Andrew Loh:** In fact, I gave the example of Mr Li Shengwu, who posted on his Facebook page a comment about our judicial system, and subsequently, the case now is pending before the court.

[8331] **Mr Edwin Tong Chun Fai:** I'm not going to go in that case which is pending in court. But, generally, if we have contempt laws, they are for a reason. Would you agree?

[8332] **Mr Andrew Loh:** Correct.

[8333] **Mr Edwin Tong Chun Fai:** And if there's a belief that laws are breached and it is referred to court, that is really the rule of law operating, isn't it?

[8334] **Mr Andrew Loh:** Yes. Correct. And it is the law itself that is being questioned.

[8335] **Mr Edwin Tong Chun Fai:** But why do you have a quarrel with a law which, many parts of the Commonwealth have as well? You don't act in a manner which scandalises the judiciary; you don't act in a manner which affects matters which are before the courts: you don't publish or post or say something which is in contempt of court. Those are all fairly well-established.

[8336] **Mr Andrew Loh:** I'm not a lawyer and from my limited understanding, I think contempt of court laws in other jurisdictions are quite circumscribed, isn't it? They are quite rarely used, am I not ---

[8337] **Mr Edwin Tong Chun Fai:** That, I don't have the numbers. I'm not sure you do as well. But the point is here these are laws which are meant to preclude someone from personally attacking judges. You can disagree with judgements, you can disagree with outcomes, but I think these are laws which are meant to ensure that no one takes personal issue with the judiciary. Would you agree?

[8338] **Mr Andrew Loh:** That is what the law is meant to be.

[8339] **Mr Edwin Tong Chun Fai:** There should be nothing wrong with that, right?

[8340] **Mr Andrew Loh:** Sorry?

[8341] **Mr Edwin Tong Chun Fai:** And there should nothing wrong with that because the judiciary is one of the key pillars, key institutions of our society and we don't want to undermine that.

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[8342] Mr Andrew Loh: Correct, I don't disagree. And that is not what I'm saying. What I'm saying is that the law itself is problematic and, therefore, the enforcement of that law can lead to certain undesirable consequences. For example, and I go back to this example again, Mr Li's example, that instead of debating him and challenging his ideas or his claim or his perceived claim, to use the law in this manner will shut down debate. And in order for our society to be a critical one, with an ability to ascertain and to question, we need debates like that, and we need opportunities like that, to use this sort of opportunities to -- for want of a better word -- to practise what we may be taught in media literacy council programmes and such.

[8343] Mr Edwin Tong Chun Fai: I think, you will agree, as a starting point, you can't just go out there and say things as you like. Right? There are, to borrow Prof Tan's language, he says that whilst you have the right to speak as you like, there is a concomitant responsibility to be responsible in speech.

[8344] Mr Andrew Loh: Yes.

[8345] Mr Edwin Tong Chun Fai: And by that, he means you must look out for issues like contempt, for questions of undermining privileges of Parliament, for example. You must also be mindful not to say or do anything which incites sedition or is racially motivated.

[8346] Mr Andrew Loh: Yes. That really comes down to how much threshold the authorities are willing to give. I believe Dr Gillian Koh was of the view that falsehoods in fact have a place in public discourse.

[8347] Mr Edwin Tong Chun Fai: I know. She said that and I think you posted on it as well. I do read alternative media sites.

[8348] Mr Andrew Loh: Now I know.

[8349] Mr Edwin Tong Chun Fai: And I found it interesting. But the point is, one must be clear what the rules of engagement would be. You can have free speech, but there must be a balance and there must be -- you can't go out there and, in my earlier example, say something or post something about Koran in a derogatory way. There's a limit to it.

[8350] Mr Andrew Loh: My view is that, I have been doing this more than 10 years online, interacting with these people that you might want to be legislating against or their actions. And, from my experience, I can tell you that, if you engage, you may have a different outcome, and that outcome may be better than legislation -- I'm

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throwing the book at them. But I am also aware that, like the Law Minister has been emphasising, that we are not talking about opinions, even though that itself I question. But that is another issue. We are talking about deliberate online falsehoods, and for me, with malicious intent. And what Dr Carol Soon said was low breach and high breach, which I agree with. And I think that is a determination that the Select Committee might want to consider.

[8351] Mr Edwin Tong Chun Fai: We go back to what we started with when we first started this session, which is you must have the ability to differentiate and there must be a variegated response, depending on what type of issues you are faced with. And I think you have no issue with that kind of approach?

[8352] Mr Andrew Loh: No. I don't.

[8353] Mr Edwin Tong Chun Fai: And you must bear in mind that we are looking at falsehoods. I mean, we use the words "deliberate online falsehoods". You have a slightly different definition. But we all go towards, I suppose, the direction that you must have some level of culpability. And then, you start thinking in terms of whether you do countermeasures by way of legislation or whether the best thing to do is to upscale the media literacy of the population and educate better. Some are long-term, some are short-term, but I think where this seems to be going and what a lot of people have told us is that you take all of these options together as a regime that you have and you need to have this available so you can have a differentiated response to the issue that is before you at any particular given time. And, from what I have heard so far from you, you have no difficulty with that?

[8354] Mr Andrew Loh: No. I don't, although I do have questions about the fair enforcement of that. I am sorry to have to come back to this, because from my end, I'm on the receiving end of the legislations that Parliament creates, and sometimes, it seems a little unfair to me. Of course, I can give you examples, but I shall not go into that, that sometimes, the enforcement of it is more strictly done for alternative media than for mainstream media, and I have written about it actually.

[8355] Mr Edwin Tong Chun Fai: In fact, the language you use here -- it's about five or six pages down, where you say that the Government's position seems to be a militant one.

[8356] Mr Andrew Loh: Yes.

[8357] Mr Edwin Tong Chun Fai: You would know that is quite strong a word, quite a harsh characterisation.

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[8358] Mr Andrew Loh: Yes. I realise that.

[8359] Mr Edwin Tong Chun Fai: And that's not quite fair, isn't it? You see, one of the things we are trying to determine now, which I have been putting to you, is that one must have an ability to have a variegated response. So, it's not a one size fits all. And that's on top of the fact that you bring in questions like fact-checking councils. I mean that what you've suggested. I think this part, the Committee will consider. You have literacy education campaigns and so on. So, why would you describe the approach as being militant?

[8360] Mr Andrew Loh: Because it's my experience. Since 2006, when I started The Online Citizen with a couple of friends, I remember back then the Internet was relatively new, blogging was really very new and that was one of the reasons why I started the website, because blogging was simple to do. Later on, social media came along. But right from the beginning, the approach that the Government took towards alternative media, bloggers, was a very antagonistic, very confrontational approach, and we were demonised by the mainstream media at a constant level. If I may continue, that was fine with us because it is part of debating, it is part of the rough and tough of being online, and we accept that. The thing that really changed my opinion at a more fundamental level was when the Government started to create laws or enforce laws against us.

[8361] Mr Edwin Tong Chun Fai: You have covered this. You see, the point is, if you take that position, then, at one level there's no need for you to be here and no need for you to be making these submissions here. The point here is that, we are looking at DOFs, deliberate online falsehoods here. Now on a clean slate, we have looked at what impact has had elsewhere in the world. I think you agree now that it has impact in Singapore and is a serious one, and we must have a range of responses available to Government to deal with it. And this Committee will consider what is the scope of that, how it should be done and in what form. So, all I'm suggesting to you is that: it's somewhat premature at this point in time to reach those conclusion, when even the Committee itself has not reached any conclusion. Wouldn't you agree?

[8362] Mr Andrew Loh: Yes. I would agree with that. But my submissions and my sharing with the Committee is so that you have an idea from my perspective as a practitioner or user of online space, the things that I faced and my team faced when we started out. In order to avoid unnecessary enforcement against us or people like us, who were online. The reason why I brought up my past experience is that I have always wondered why would not the Government engage, instead of confront.

[8363] Mr Edwin Tong Chun Fai: You made the point here ---

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[8364] Mr Andrew Loh: If I may, the point I'm trying to make here is that in order to combat deliberate online falsehoods, we need everyone on board. I agree with that because we are talking about things like national security, our sovereignty, our national harmony, and these are very important things. In order to shield ourselves or to build this resilience, you need everyone on board, and that everyone must include the alternative media.

[8365] Mr Edwin Tong Chun Fai: I don't disagree. In fact, you say here, you raised an interesting idea. If you just look at, towards the end of your submission, you talk about how a fund could be raised, set aside. I think the purpose of that really is it fits in when what you just said, which is to raise the standard, raise the awareness, inform the online community, and I'm quoting from you, on the pitfalls in those areas when publishing content online. And I think that's a -- I mean, speaking for myself -- that's an interesting idea and one certainly that this Committee will consider.

[8366] Mr Andrew Loh: Thank you.

[8367] Mr Edwin Tong Chun Fai: And, you go on to say that, if nothing else, it will signal that the idea is really to go upstream, to inoculate, to make sure that we have built a more resilient society. And I don't think anyone on this Committee would disagree with that.

[8368] Mr Andrew Loh: Yes. And, if I may, I would like to bring up this example, since we are talking about real life examples, and I think previous presenters have all given examples and we talked about what happens in other countries and all. I'm more interested in what happens in Singapore and whether past incidents have lessons for us.

[8369] Mr Edwin Tong Chun Fai: What is this going towards? What is the aim of your point?

[8370] Mr Andrew Loh: I'm saying that, as a reporter, as an online alternative news site, what would be my limits, in terms of, if I report something that the Government says is a fact, and I know, or at least from my investigation, I know that it is not a fact and I cannot prove it in court and neither has the Government proved it in court. In such a situation, if I publish this story or this series of stories, would I be accused of deliberate online falsehoods?

[8371] Mr Edwin Tong Chun Fai: I think that is one of the challenges that this Committee has to grapple with.

[8372] Mr Andrew Loh: I'm bringing this up because it is a real life incident.

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[8373] Mr Edwin Tong Chun Fai: I understand. And as I said at the onset, what we are trying to grapple with is in several buckets. What is the problem? Then, should we deal with it? If so, how? And then, what is the mechanism and the process by which that is done. So, I take your point. I think those are all issues that will have to be deliberated and will be considered. And I suggest that we don't jump the gun. Let this Committee receive all the evidence and deliberate, and I'm sure the report will be out. We will consider all the points, including the points you raised here and your suggestion too.

[8374] Mr Andrew Loh: If I may, I think, back in 2008 when the Government convened the advisory council on the new media, I think it was called AIMS, I think there was a suggestion for a code of conduct for bloggers. I think there was -- if I'm not wrong, I don't think it was the council that suggested that but it was a group of bloggers who suggested that, because the Government was concerned about the kind of content that bloggers were putting out. And, incidentally, there were more political bloggers back then than now, which is very disappointing for me.

[8375] Mr Edwin Tong Chun Fai: You remain in that space very actively.

[8376] Mr Andrew Loh: Only on Facebook nowadays. But the point is that, yes, we can perhaps consider initiatives like that. I believe that in order to combat deliberate online falsehoods, it is not just the Government, like some people have said. And, in fact, I think the Government's role will be quite limited. And I think the real foot on the ground, if you will, are those people who are at frontline, and those people who may not be seen as credible or may not be accredited and all but who nonetheless have some legitimacy among a certain portion of the population. And it comes back to my point that the Government must engage everyone, because it is the Government of everyone and not just people who don't get involved in falsehoods -- it's everyone.

[8377] Mr Edwin Tong Chun Fai: All right. Thank you, Mr Loh. I have got no further questions. Thank you, Mr Chairman.

[8378] The Chairman: Indeed, Mr Loh, I think this Select Committee is engaging everyone, every stakeholder in this space and for sure, it requires a multi-pronged approach to resolving this.

[8379] Mr Andrew Loh: Correct.

[8380] The Chairman: Ms Chia, you have some questions?

[8381] Ms Chia Yong Yong: Thank you, Chairman. Thank you, Mr Loh. It's a pleasure to have you here with us. And I just want to clarify a few thoughts in my

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mind. We have heard quite a lot about not just from you, but from other witnesses on the issue of freedom of speech and so on and so forth. And, it is also something that is of grave concern to us on the Committee. So, Minister Shanmugam and I think, a number of us on the Committee have expressed that we are looking at facts and not opinions. And certainly, you agreed that should be the correct approach that we should take, looking at facts, rather than opinion?

[8382] Mr Andrew Loh: I think who determines the facts, because from my work, I know that sometimes, the facts are not facts, although -- and it comes from the Government, and therefore, we have to accept it.

[8383] Ms Chia Yong Yong: Okay. So, assume that there is no dispute as to facts. I mean conceptually, we should be looking at facts and not targeting differing opinions.

[8384] Mr Andrew Loh: I think, broadly, I would not have any problem with that but in practice there is always -- and Ms Kirsten Han was saying yesterday, sometimes we try to get the facts, but there is a road block, there is a wall that is put up. And when we are unable to get the facts and go ahead with the story, we are then accused of being -- of propagating falsehoods, and that is a real problem for us, that I hope the Government will understand, in that we are not troublemakers. I have been around for more than 10 years -- I don't hide, I'm not anonymous.

[8385] When I started TOC in 2006, the very first thing I told my team was, we are not going to use pseudonyms, and that was very popular at that time because people were frightened. And we came out and we say we are not going to use pseudonyms. Why? Because we are Singaporeans. And, at the time, the mainstream media at least, was demonising us, sort of painting us as perhaps unpatriotic.

[8386] And, therefore, when I started the website I wanted to make the statement and that's why I used the words "The Online Citizen" -- although we are online, we are still citizens of Singapore. So, we are all here and we are not hiding. But when you engage, you bring people in, and people see the other side of the story, the other side of the issue, and people understand better. And perhaps then, they might not be so critical or so one-sided.

[8387] Ms Chia Yong Yong: I think, indeed, your stepping forward shows that you care enough to talk about all these issues openly. Of course, I'm not a journalist myself. As a lawyer typically, if we have only partial information or a partial and we would qualify any opinion by saying, this is what we know, this is what we are not able to get or this is what we heard. I'm not sure how journalists do it, but I think that the fact that you started using your real names and not pseudonyms was a very, very big step.

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[8388] And here's where I would like to seek clarification from you, because I also have many people I know who are extremely critical of the Government and they post their views very openly on the websites like -- or their Facebook posts. So, I'm trying to understand what we understand by freedom of speech and where we think the constraints should be, because the fact that many of us are able to openly post views that are critical of the Government means that there is some latitude to exercise that freedom.

[8389] So, can you share with us where you think that -- I don't think you are saying there is no freedom, but basically you are saying, there are certain necessary fetters? So, is that what you are trying to say, and that we should not add on any more?

[8390] **Mr Andrew Loh:** Yes, basically that's what I'm trying to say.

[8391] **Ms Chia Yong Yong:** Basically, the point is that there is freedom of speech but it is not as boundless as we would want it to be.

[8392] **Mr Andrew Loh:** I think it's not in dispute that freedom of speech in Singapore has been curtailed and it is not as free as in many other countries.

[8393] **Ms Chia Yong Yong:** I understand. I understand that. So, I'm trying to understand what are limits that you see, because we have also heard other witnesses, who agree that freedom of speech cannot be absolute.

[8394] **Mr Andrew Loh:** Yes.

[8395] **Ms Chia Yong Yong:** And that it is always balanced against the public good. So, the exercise of my right, as one judge says, I can swing my arm as far as I want but I have to stop short of somebody's nose. So, the exercise of my rights has got to be circumscribed in that manner. Right?

[8396] **Mr Andrew Loh:** Yes.

[8397] **Ms Chia Yong Yong:** So, therefore, when it comes to -- coming back again to the issue of deliberate falsehoods, what we are trying to do is to say that those have got to be addressed and perhaps also not just a falsehood per se but looking at the consequences that those falsehoods might give rise to. So, I think many of us have agreed that when it comes to national security or religious or racial issues, there has got to be some circumspect behaviour and responsibility in those.

[8398] **Mr Andrew Loh:** Yes.

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[8399] Ms Chia Yong Yong: So, you agree with that as well?

[8400] Mr Andrew Loh: Yes, I agree with that. But I think the real issue here is threshold. What is the threshold that the government is willing to accept, to allow people to debate? For example, I think this idea that religion or race cannot or should not be debated openly -- I'm not sure if that is the Government's position actually, but there seems to be this idea among not a few Singaporeans, I would say, that as long as it has to do with race or religion, we should not talk about it. I think that is very unfortunate because I think we should talk about it.

[8401] Ms Chia Yong Yong: Indeed, I can't speak for the rest of my panellists, but I have also openly said that we should openly discuss such issues because it helps to strengthen our social cohesion. But, again, that's not exactly what we are talking about here. I'm coming now to the point of using real names and anonymity in posting comments and writing posts, for example. Why do you think that it is no longer a cover for those with ill intent?

[8402] Mr Andrew Loh: Simply because nobody can hide. When I started TOC and throughout the years, I have always told people that you can't hide. If you do something really bad, the Government will find you. Singapore is not very big.

[8403] Ms Chia Yong Yong: I can't speak for the Government. The reason why I asked is because also there have been views that when people put their real name to it, there is a greater sense of accountability and also more moderation, in that I become more responsible for what I say. Whereas, if we don't and we allow anonymity, that there are those who will just be vitriolic or do whatever, say whatever they want to. I do want to hear your view on this because you said that it is no longer a cover.

[8404] Mr Andrew Loh: I think anonymity has a role. I'm not a big fan of it generally but I think it has a role, because I have worked with people who have to be anonymous, in order to give me information. You see? So, I know it's like this broad brush that people use and say anonymity is a bad thinking, but it is not.

[8405] Ms Chia Yong Yong: No. I think I'm using it in the context of public discourse.

[8406] Mr Andrew Loh: I think in social media nowadays, very few people are anonymous, except bots and perhaps people with ill intentions.

[8407] Ms Chia Yong Yong: Does the TOC allow anonymous comments?

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[8408] **Mr Andrew Loh:** Now?

[8409] **Ms Chia Yong Yong:** Then and now.

[8410] **Mr Andrew Loh:** In the past, yes. Comments, yes; articles, by and large, no.

[8411] **Ms Chia Yong Yong:** Now too, I think. Okay. So, essentially, do you agree that maybe -- okay, sorry -- I'll move away from that point. But now, coming back to the issue of whether we should look at consequences of what we say in the light of what you said about the importance of having intention and proving malicious intent. I'm not sure if you were here, but I asked the previous witness, what if someone said something that was racially inflammatory without any malicious intent

[8412] **Mr Andrew Loh:** I think, like I said, it's a question of threshold. I think the Government has a different threshold than perhaps people like me. For example, for me, I think if someone makes a racially inflammatory remark, it really depends on what kind of remark it is.

[8413] **Ms Chia Yong Yong:** Okay. So, let me come back to you and say that if it is inflammatory in your view, and it is false, it is false and it is inflammatory by your criteria, what would you do? Would you publish that?

[8414] **Mr Andrew Loh:** Or it's sent to me?

[8415] **Ms Chia Yong Yong:** Yes.

[8416] **Mr Andrew Loh:** No, of course not.

[8417] **Ms Chia Yong Yong:** Okay. And then, if you published it, what and you were told, confronted with evidence that this is false. What would you do and it satisfies your criteria?

[8418] **Mr Andrew Loh:** When I was with TOC, we had a process within TOC for religious and racially sensitive articles. That's why I think, if you look at the first nine years, seven to nine years that I was with them, we never had such articles, simply because there was a process. And, in later years, we ran such articles through lawyers. So, we are very careful.

[8419] But if it is something that is very inflammatory, and I would raise, for example Amos Yee -- his second offence -- or rather, it wasn't an offence at the time. But he did something on a video with a Bible. I shall not say what it is, but I found

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that utterly inflammatory and disgusting. But when I told friends about it, I was very surprised that some of them thought there's nothing wrong with it and that he should be allowed to do that and we should debate that. So, people have different thresholds, different thresholds of acceptance.

[8420] Ms Chia Yong Yong: But ultimately, someone had to decide whether it is bad for the country and the public good.

[8421] Mr Andrew Loh: Yes, of course.

[8422] Ms Chia Yong Yong: So, who do you think should decide, because I think, yesterday your former colleagues were saying that we should just let people decide, I think?

[8423] Mr Andrew Loh: I think, ultimately, it is the elected people, elected officials who are in Parliament who have to decide, I think nobody can argue with that. But the question is: how big a threshold should Parliament have on these sort of things? And I would argue, as did Dr Gillian Koh, that we should allow public debate on sensitive issues like that. If there is no immediate, to use the words of Prof Tan just now, clear and present danger, the worry is that whatever legislation that the Government might come up with will be focused on deterrence, on the pre-emptive strike, and that, to me, is most worrying, because all laws are deterrent, I suppose, but if it is specifically targeted to dissuade people from putting out falsehoods, I think that they might have consequences that I hope the Committee will consider.

[8424] Dr Janil Puthucheary: Mr Chairman, can I just clarify that? Mr Loh, I don't think there has been any statement by anybody, either during the Green Paper debate and the various public statements or members of this Committee that the Government is looking at any pre-emptive strike. Do you agree that that formulation has not been used by us and it is your presumption that it is?

[8425] Mr Andrew Loh: Actually, it was mentioned in Parliament by an NMP, I think it was NMP Mahdev Mohan. Yes, NMP Asst Prof Mahdev Mohan, he said in January 2010, during the setting up of this Select Committee. He said pre-emptive measures, which is what the Select Committee would be thinking about ---

[8426] Dr Janil Puthucheary: No. I understand. Mr Loh, but what I'm saying that he was counselling not to have it. Yes?

[8427] Mr Andrew Loh: --- should be the main focus of legal solutions that we are putting together, this is what he said.

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[8428] **Dr Janil Puthucheary:** No. But you are saying that we should not have it. I am saying that nobody has suggested that we are having it.

[8429] **Mr Andrew Loh:** Yes, of course, I'm not suggesting that the Select Committee or anyone on the Select Committee has said it.

[8430] **Dr Janil Puthucheary:** Or the Government has suggested this?

[8431] **Mr Andrew Loh:** Yes. Correct.

[8432] **Dr Janil Puthucheary:** But you are presuming that it would be so, right? But we have not said that it would be so.

[8433] **Mr Andrew Loh:** I'm saying that it has been brought up in Parliament, and therefore, I would like to seek clarification.

[8434] **Dr Janil Puthucheary:** Thank you very much. I understand. But no one has put across that that is the intent.

[8435] **Mr Andrew Loh:** Okay.

[8436] **Ms Chia Yong Yong:** I have no further questions.

[8437] **Mr Andrew Loh:** Thank you.

[8438] **The Chairman:** Mr Tong.

[8439] **Mr Edwin Tong Chun Fai:** Mr Loh, I just wanted to ask you to comment on something. In this ecosystem of DOFs, obviously, there are those who carry the content; there are those who prepare and post the content. You would agree that, really for this to work, and you said it has got to be everybody get involved approach, the people who produce the content have to be responsible. Agree?

[8440] **Mr Andrew Loh:** Yes. Of course.

[8441] **Mr Edwin Tong Chun Fai:** They have to be very clear with their facts and I think they also have to be judicious in what they put out there and what they repost. Correct?

[8442] **Mr Andrew Loh:** Yes.

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[8443] **Mr Edwin Tong Chun Fai:** And, I think, you have yourself been critical on some of these occasions. I just want to take you through some of your own posts to make the point. If I can just ask my colleague to put up some of these posts from Mr Loh, starting with the one on 1 March 2016, which shows that I do read your post.

[8444] **Mr Andrew Loh:** Sometimes, I do change my mind though.

[8445] **Mr Edwin Tong Chun Fai:** Well, let's see what he said about this one. So, on 1 March, if you go to the top, you say here, you made the point about The Straits Times' comments and you say: "Be very careful about third party claims. Check and check again, always." That can't be something that you change your mind on, right?

[8446] **Mr Andrew Loh:** Yes, of course.

[8447] **Mr Edwin Tong Chun Fai:** It must follow that this is something that online media or even the mainstream media, whatever media, has to be responsible for, because you do have a duty to the reading public to make sure your facts that are put up are correct.

[8448] **Mr Andrew Loh:** Yes, of course. And, also, I would like to say that it is not always easy nor possible to check your facts and check again.

[8449] **Mr Edwin Tong Chun Fai:** I take your point. But nonetheless, I think, at least on the occasion of this incident, you have made this point in the context of an article which you yourself believed to be misplaced criticism. Correct?

[8450] **Mr Andrew Loh:** Yes.

[8451] **Mr Edwin Tong Chun Fai:** If you go to the other one on 20 March 2016, and this is about Bukit Batok and David Ong and you say here: "This is nonsense. It's not even an article. Very disappointed with The Independent. A simple fact check would show that David Ong did in fact apologise." And that, you said about this, in the context of an article published on The Independent which suggest that there were lies, that were being purveyed about Mr Ong's apology. Correct?

[8452] **Mr Andrew Loh:** Yes.

[8453] **Mr Edwin Tong Chun Fai:** So here, at least this episode illustrates that people do get facts very wrong out there online.

[8454] **Mr Andrew Loh:** Yes, of course.

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[8455] Mr Edwin Tong Chun Fai: But you say that a very simple fact check, at least, in this case, would have cured the problem.

[8456] Mr Andrew Loh: Yes. There are some things that are easily fact checked, yes.

[8457] Mr Edwin Tong Chun Fai: So, not all facts are so difficult to check. Correct?

[8458] Mr Andrew Loh: Yes, of course. But there are also facts that are very difficult to check.

[8459] Mr Edwin Tong Chun Fai: Yes. But, if you had done a simple fact check, as in this case, I think a very serious suggestion about an MP lying would not have purveyed the Internet. Right? So, here is an example that something that can be done at very low threshold, a simple fact check, but the consequences of not checking the facts, you have a very damaging and very clickbaity kind of headline. Correct?

[8460] Mr Andrew Loh: Yes.

[8461] Mr Edwin Tong Chun Fai: And that's what this set of countermeasures should be designed to guard against. Right?

[8462] Mr Andrew Loh: Yes, but how do you do that? You don't do that through legislation.

[8463] Mr Edwin Tong Chun Fai: I agree with you that the how is not a simple issue. I think it will include legislation, speaking for myself, but obviously, all the suite of other measures that we spoke about earlier will come into play. Another one, 7 June. And here you say: "Sorry but you deserve to be slammed if you publish things without checking simple facts. Saying a Minister gets free hospitalisation without providing any proof is just plain laziness. Sigh. Please don't anyhow publish anything. You will discredit the alternative media." Again, it's not a view that you changed from as well. You still hold to that view?

[8464] Mr Andrew Loh: Yes.

[8465] Mr Edwin Tong Chun Fai: And just one more, more recently, 3 September 2017, in the context of clamping down on fake news. You posted something, and you said here: "Another reason for the Government to use to clamp down on 'fake news'. We only have ourselves to blame, to be honest. No longer can we point the finger entirely at the Government." And this, I think, reflects your view that there must be

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ownership of the veracity of the articles by the people who post them and by the people who carry them.

[8466] Mr Andrew Loh: Yes.

[8467] Mr Edwin Tong Chun Fai: And I think this also reflects your sentiment that there is, in fact, some basis for the Government to be concerned that such false news is being purveyed so easily on the Internet.

[8468] Mr Andrew Loh: I think to be fair, because I know some of these sites and how they operate, very bare, you know -- I think PN Balji once called us the flattest organisation in Singapore because everyone is doing all the work at the same time, because we don't have resources.

[8469] Mr Edwin Tong Chun Fai: But I think we agree at the onset that there is a responsibility and a duty to the public.

[8470] Mr Andrew Loh: Of course, there is.

[8471] Mr Edwin Tong Chun Fai: So, if you feel that you are bare and not able to fact check, simple fact as you say here, then don't publish. If you publish, I think, there is a corresponding duty expected of the publisher and the content provider that you verify the facts. You would accept that?

[8472] Mr Andrew Loh: I'm not sure what went on before they publish the articles here. My reaction is from seeing the article itself. There could be various reasons why they were not able to do what should have been done.

[8473] Mr Edwin Tong Chun Fai: I understand. And your comments here reflect your own view that a very simple, low threshold fact check would have cured all these problems.

[8474] Mr Andrew Loh: For this particular piece, yes.

[8475] Mr Edwin Tong Chun Fai: For this post that I have shown you. Thank you, Mr Loh.

[8476] The Chairman: If there are no further questions, Mr Loh, I would like to thank you for taking the time to participate and to contribute to our Select Committee process. In a couple of days, we will send you a transcript of today's proceedings. Do go through it and if you have any minor amendments, please make the changes and send the transcripts back to us.

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[8477] **Mr Andrew Loh:** Okay. Sure. Thank you, Mr Chairman. I appreciate the time here.

[8478] **Mr Edwin Tong Chun Fai:** Thank you, Mr Loh.

[8479] **Mr Andrew Loh:** Thank you.

(The witness withdrew.)

[8480] **The Chairman:** Are there any other matters? I think we have finished taking evidence from all the witnesses scheduled for today. There are no other further matters. I will adjourn the proceedings till tomorrow Thursday, 29 March, at 10.00 am. Thank you.

(The hearing adjourned at 5.15 pm until Thursday, 29 March 2018.)

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THURSDAY, 29 MARCH 2018
10.40 am

PRESENT:

Mr Charles Chong, Deputy Speaker (*Chairman*)

Ms Chia Yong Yong
Dr Janil Puthucheary
Mr Desmond Lee
Mr Pritam Singh

Ms Rahayu Mahzam
Mr K Shanmugam
Ms Sun Xueling
Mr Edwin Tong Chun Fai

[Mr Deputy Speaker in the Chair]

[8481] The Chairman: Good morning, I call the meeting to order. Welcome back to the final day of the public hearings by the Select Committee on Deliberate Online Falsehoods. I do apologise for the delay as the Select Committee had to deliberate on some urgent matters earlier this morning. May I invite the witnesses to come forward to the witness table?

Paper No. 51 -- Ms Er Shengtian, Rachel and Mr Joel Jaryn Yap Shen (Law undergraduates, National University of Singapore),

Paper No. 101 -- Ms Simran Kaur Sandhu and Ms Gloria Chan Hui En (students, Singapore Management University), representing Singapore Management University (2nd Year LLB students),

Paper No. 130 -- Mr Sui Yi Siong (Lawyer) and Ms Chen Lixin (undergraduate), representing Team comprising Sui Yi Siong, Choo Hao Ren Lyndon, Chen Lixin, Aaron Yoong Joon Wei, were examined under oath or on affirmation.

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[8482] The Chairman: Good morning. The evidence you will be giving today before the Committee will be taken on oath or if you so desire you can take an affirmation. For the record, please state your names and the positions that you hold in your organisation.

[8483] Ms Chen Lixin: I'm Chen Lixin from Singapore Management University.

[8484] Mr Sui Yi Siong: My name is Sui Yi Siong, I'm an associate at the firm of Eversheds Harry Elias but I'm appearing here in a personal capacity.

[8485] Ms Gloria Chan Hui En: I'm Gloria Chan, I'm from Singapore Management University.

[8486] Ms Simran Kaur Sandhu: I'm Simran Kaur, I'm from Singapore Management University.

[8487] Mr Joel Jaryn Yap Shen: I'm Joel Jaryn Yap Shen from the National University of Singapore.

[8488] Ms Er Shengtian Rachel: I'm Er Shengtian Rachel from the National University of Singapore, but Joel and I are writing in our personal capacity.

(The witnesses took oaths or made affirmations.)

[8489] The Chairman: Thank you. Please be seated. Welcome to the public hearing on the Select Committee on Deliberate Online Falsehoods. The focus for today's evidence gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully. I now call upon Ms Chia Yong Yong to begin.

[8490] Ms Chia Yong Yong: Thank you, Mr Chairman. Good morning, ladies and gentlemen, thank you for joining us and thank you also for taking the time to prepare the submissions. It was a pleasure reading them. A couple of things that we want to do today. I will be taking you through certain themes of the submissions that you have made.

[8491] Before that, to set the whole discussion in context, I thought I should share with you a summary of what has transpired before the Committee in terms of the evidence that has come before us. Primarily, we understand that we are very much concerned with issues of the fundamental liberties of individuals, but we also recognise that there are issues of sovereignty, geopolitical as well as virtual. De facto as well as de jure. In the context of that, we are going to look at some summaries of what has been done. If you look at the screen, there will be some tables.

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[8492] The first one is on national security. What we have heard so far, the evidence before us, has been on the prevalence of disinformation campaigns. Disinformation campaigns are generally conducted by state actors, and these could be conducted either directly or through proxies, and of course you understand if it is conducted through proxies, how difficult it might be for us to actually identify who the actual perpetrator is. So, it could be an individual, but behind that individual, without even the individual knowing, there could be a state actor, so that's the backdrop. Information warfare threatens a state's national security and sovereignty.

[8493] In the second column, you see the list of the experts who have given representations and evidence before us. It is an established part of the military arsenal and has become just as important as conventional kinetic warfare. What we are talking about here is disinformation campaigns not just expression of opinion, expression of falsehoods, but actually they are part of a very coordinated effort. It is persistent, permanent and it takes place all the time, even in the absence of an open conflict. We have researchers and experts who have testified before us, both publicly and privately, that Singapore has already been the subject of disinformation campaigns.

[8494] Next, why is it so attractive? Because it is kind of cheap to do it. Also, they are highly effective and it reduces the need to employ military hard power. So, you could win a war without firing a bullet. They carry a lower risk of detection, which is what we talked about, because they can do it through proxies, nobody knows who they really are. Disinformation campaigns can be so subtle and obscure that you may not even know that you are being attacked. They can also technologically reside in our system long before we detect it.

[8495] Here I want to also supplement a little bit. In the last two days, we heard from Prof Cherian George, who also talked about such issues as well. Who uses it? Any country, large country would have started developing their own capabilities, and various states have actually openly stated that they already have these capabilities as part of their arsenal. They are attractive options for smaller countries or countries without strong military capabilities because they are not expensive to acquire. If I don't have a capability, I can rent or I can buy, hire persons to do it.

[8496] There is also a proliferation of commercial entities offering expertise for sale and I'm sure you have been following the reports on Cambridge Analytica and we do not know what else has been in the market or under the market without our knowledge. The Internet, social media platforms have acknowledged that they are still in the process of trying to find out exactly what else may have happened.

[8497] What is the serious impact of disinformation campaigns? They can have real world consequences and influence events in real time. They aim to weaken and

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destabilise target societies psychologically and reduce the will to fight. How does this work? Basically, what happens is that there is an erosion of social cohesion, such as sowing discord, destruction of trust, either between communities, within communities, between communities and authorities, and also in mainstream media, as well as other forms of media.

[8498] All these exploits existing tensions within a community but they can also create tensions, where they may not have previously existed. For example, you will see that in the US, the Russian disinformation targeted both far right and far left. So, they don't necessarily have to spiel a particular ideological position, they can in fact state both extremes of their -- ideological positions and just get the people to fight among themselves. Let's move on. You see this in Ukraine and also what I have stated before. We move on again, Texas, fake accounts used to get both sides to fight each other, Pizzagate is also mentioned in some of the papers. You see that it is not just a falsehood being addressed but even after it is addressed, the pizzeria continues to be targeted. So, the effect does not end when a truth has been disclosed.

[8499] Singapore's vulnerability -- we can be a sandbox for subversion, it is a mistake to assume that these attacks are not already happening. We shouldn't fear monger but we must also take a very realistic position of where we are. Sources and drivers for information are deeply embedded in our regional security conflicts. I don't need to elaborate more, you know the historical and the geopolitical conflicts and issues that we have had. We are an attractive target in the region as well.

[8500] Let's move on. Means and tools for cyber warfare are readily available and they can be readily turned against Singapore. There are also examples given of cyber crimes in Malaysia and Indonesia. I want to, at the expense of boring you, take you to the next slide, which is from Dr Carol Soon. She talks about how we process information. I need to set the stage, the context, for all these, because we will then move into how we are going to discuss the legal implications that you have raised in your papers.

[8501] How do people process and absorb information? We would like to think that we are very rational people and that when something comes to us, we are able to reason, critique, argue, debate and then come to a reasonable conclusion, albeit the conclusion could be different amongst us and we all know, as lawyers, that happens a lot. Strangely, we knowingly use mental shortcuts to process information, because we have so much information, there is no way we can process every piece, analyse every piece, debate every piece, so we use mental shortcuts and we call these heuristic tendencies. The mental shortcuts are actually broken up into various categories, confirmation bias, where we accept the information without checking because it conforms to what we believe, it confirms what we believe, and we reject something that is against what we believe. It is common.

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[8502] Next, finding information that affirms our existing beliefs, that is motivated reasoning. We look for information that fits with our own existing beliefs, such as religious, racial, political and the illusory truth effect, where hearing falsehoods many, many times makes it true. This is where sometimes, even when we are told that something is not true, there is a reinforcement of that falsehood in our subconsciousness. Negativity bias, conformity cascades, informational cascades, optimism bias, we think we can detect falsehoods and we can debunk. Also, that the truth is weak and does not travel as easily as falsehoods, because studies have shown that somehow we are more inclined and more open to falsehoods than we are to the truth. Somehow, falsehoods are more palatable. Falsehoods travel faster than truth.

[8503] Fact checks often repeat the misinformation. How do I debunk a piece of misinformation? I have to repeat it and I have to say, well, that's not true. So, you keep hearing it and every time I debunk, you hear it all the time and beliefs are hard to change. I think that sets for us the psychological response to what we hear.

[8504] The third chart relates to the impact of DOFs. I know that in your papers you have acknowledged that DOFs can have severe and very serious consequences, but I think it is good for us to go through what other experts have come before us to say. They aim to weaken, and these are basically the same points that were raised earlier, real life consequences, they weaken us and reduce our will to fight.

[8505] Next, troops can march in and annex part of a country and thousands of lives can be lost and communities are pitted one against the other. We see a lot of that in Europe, in Ukraine, and they have given evidence before us as well. In Europe, migration issues have become difficult issues because of disinformation campaigns. It appeared that the Czech Republic had their migration and foreign policy influenced as a result.

[8506] Next, Mafindo from Indonesia shared with us a few instances. Everybody knows about Ahok but this is a very sad instance of how disinformation can cause serious violence. A simple case of a father delivering food to his children, he gets killed because there was a rumour that child kidnappers are on the prowl. Trust in truths can be eroded through deliberate online falsehoods. Black Lives Matter, Google it, we will not spend too much time on this. We move on. Then also how public debate can be affected.

[8507] You know about Ahok, you know about the videos of Obama, so we will not go into this. I have talked about refugee debates in Czechoslovakia and now in Germany, so you find that people are just pushed and polarised. I think that tells us some things that are very important, that we are not just dealing here with an issue

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of whether or not I have a right to speak, I have a right to circulate what information I want, but also essentially the whole bundle of the rights of the persons within our community.

[8508] As lawyers and lawyers to be, you study Constitutional law, you made references to our Constitution. There is reference to the freedom of speech, a lot of that, and I think we are also very concerned as panellists of the Select Committee members. We are very concerned as well. I want to also just very quickly say, for the record, that the Constitution does not only protect the liberty of speech, it protects the liberty of the person, where no person shall be deprived of his life or personal liberty, save in accordance with law. It provides for equality of all persons before the law and the entitlement to the equal protection of the law. It provides for the freedom of movement and the right to reside in any part of Singapore, subject to any law governing security, public order or public health and punishment of offenders. Even freedom of speech, you acknowledge, is qualified.

[8509] The Constitution also enshrines the freedom of religion and that there should not be any discrimination in education on the ground only of religion, race, or descent or birth. All these fundamental liberties are very important to us and not just one. It would be a mistake if we took one and placed one above the other. Would you agree? I also want to highlight that we are dealing with serious issues within our community and these issues have come before us. Sometimes to the face, right in your face, and you find it immediately offensive and we will immediately recoil and repudiate.

[8510] But sometimes it comes to us very, very subtly. For example, Prof Cherian George shared that you could have a very innocuous statement, like, “Look at the people of our own faith being treated in this way, like they have always been historically.” Nothing really wrong with that, sometimes, but when you take a bunch of innocuous statements and you put them altogether, you know that the impact can be quite serious. I just want to acknowledge that you have acknowledged the validity of the concerns. Can you say “yes” for the record, so that we have it?

[8511] **Mr Sui Yi Siong:** Yes.

[8512] **Ms Chia Yong Yong:** Thank you. We will do it this way: one person says “yes”, if the rest of you are silent, it means all of you agree. But if any of you disagree, we don’t have to have six yeses. Thank you. You also acknowledge that the unfettered exercise of the freedom of debate and discourse could potentially undermine general other fundamental liberties and public good as well.

[8513] **Mr Sui Yi Siong:** To the extent that it is unfettered, yes.

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[8514] **Ms Chia Yong Yong:** In general, what we are looking at here, if we could focus on the freedom of speech, would be the qualifications, such as national security, friendly relations with other countries, public order, public morality, parliamentary privileges, contempt of court, defamation and incitement to offence. These are the Constitutional exceptions to the freedom of speech. Here, in Article 14, which would you say is the constitutionally appointed body to pass laws to restrict the freedom of speech, Article 14?

[8515] **Mr Sui Yi Siong:** Yes.

[8516] **Ms Chia Yong Yong:** Parliament, right, parliament is the constitutionally appointed body.

[8517] **Mr Sui Yi Siong:** Parliament is the relevant body, yes.

[8518] **Ms Chia Yong Yong:** Also, you highlighted, I think Joel and Rachel, also highlighted that the free speech issues concern Singapore citizens only under the Constitution. Would you want to elaborate on that, why it applied only to Singapore citizens?

[8519] **Ms Er Shengtian Rachel:** Ms Chia, with regard to your question, essentially the simple answer is that because the courts have held it to be so. The Court of Appeal in *Review Publishing*. So, that case essentially involved non-Singaporeans. If I may just quote from our submission, at page 1: “As a preliminary point, the free speech issues discussed in this part concern only Singapore citizens. They have no relevance to non-citizens “because the makers of our Constitution did not think it proper or wise to confer constitutional free speech on non-citizens, who have no stake in our country.” I’m quoting directly from our Court of Appeal in *Review Publishing Co. Ltd v Lee Hsien Loong*, 2010 Court of Appeal case, at paragraph 268. What the rights that non-citizens have would only be a common law level of free speech. The practical implication for us legally speaking is because the same court in *Review Publishing* held that the Singaporean constitutional right to free speech in Article 14 is a higher legal order, so we have a hierarchy of rights and because Singaporeans have a constitutional right to free speech, the balancing process and the calibrated approach should be conducted more, I would say, stringently because it is a higher legal order right.

[8520] **Ms Chia Yong Yong:** We will come to the calibrated approach later. What we want to establish first is who enjoys these rights. When we talk about the freedom of speech, we are actually talking about two different sets of rights, the constitutional right that applies only to Singapore citizens and a common law right that applies to non-citizens. Is that correct?

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[8521] Ms Er Shengtian Rachel: Yes, by quoting directly from the Court of Appeal.

[8522] Ms Chia Yong Yong: Indeed, being the highest court in our land and interpreting the highest law in our land. What is the distinction between the constitutional freedom of speech as opposed to a common law freedom of speech? Are you able to share with us, anyone on the panel, what is the difference? If you are not comfortable to answer -- Rachel, I think you have an answer?

[8523] Ms Er Shengtian Rachel: Yes. I would like to offer our apologies because we didn't exactly examine the difference between the two. But I mean ---

[8524] The Chairman: Ms Er, if you know the answer, please tell us.

[8525] Ms Er Shengtian Rachel: Just basically, reasoning from first principles: Singapore citizens are accorded the constitutional right to free speech and if you reason from first principles, this means that their right being a higher legal order, they deserve basically greater protection and the fundamental assumption is that the constitutional right to free speech, constitutional liberty should as far as possible be promoted, we should take a rights-oriented approach as compared to the common law.

[8526] Ms Chia Yong Yong: Being a higher order right, let's take it for the time being there is that distinction between a constitutional right and a common law right. A common law right is merely a freedom to speak, subject to the laws of the land as well as other common laws, such as the law of defamation, which is what you have also stated and quoted from the judgment. Therefore, if I look at it from that perspective, it is possible in principle -- laying aside practicalities of enforceability, which are separate issues, it is in principle possible that non-citizens are subject to a more circumscribed freedom of speech than Singaporeans, in principle, they could be subject to greater regulatory restraints than Singaporeans.

[8527] Ms Er Shengtian Rachel: Yes. Ms Chia, we would agree with the response. Because the common law essentially may be overridden by statutes enacted by Parliament. In contrast, if you are talking about constitutional rights, Article 4 of the Constitution is the supreme law of the land, so any statutes enacted by Parliament would be deemed null and void, even though the courts have not held any statutes to be so if they are inconsistent with the Constitution, which includes Part IV liberties. If I may just add a small point to what Ms Chia has asked us: another difference that we can consider when we compare constitutional rights and common law free speech rights is basically the permitted ground of derogation of these rights.

[8528] If we are talking about Article 14, free speech liberty, there are only eight express grounds in the Constitution from which Parliament has to consider, should it

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enact legislation to limit free speech. And the interpretation of these eight express ground, for example, public order and national security of Singapore, have to be considered in light of Singapore courts' constitutional jurisprudence on this area. However, if we want to limit common law free speech, we would have to look at what the common law has set out as permitted grounds of limitation of the common law free speech.

[8529] Ms Chia Yong Yong: I do agree. My point is that conceptually and in principle the extent of protection could then be different. Do you agree?

[8530] Mr Sui Yi Siong: Yes.

[8531] Ms Chia Yong Yong: I raise this distinction because again we are looking at local and foreign players. I want us to be very clear in our mind when we talk about freedom of speech, because we tend to use just a single brush stroke across the board. We want to now focus on falsehoods. In relation to falsehoods, I would like to hear from the SMU folks your views on whether falsehoods should be protected at law. Are falsehoods an antithesis of freedom of speech or are they an extension of the exercise of that right?

[8532] Mr Sui Yi Siong: Ms Chia, I think paragraph 9 of our written submissions does make clear that we agree that there is no place for falsehoods, but that's to the extent that we have limited it to deliberate falsehoods. So, in that context, yes, we would agree it is the antithesis of free speech. I don't think there is any basis for protecting it, if we just limit it to deliberate falsehoods.

[8533] Ms Chia Yong Yong: If I don't limit that to deliberate falsehoods, but just to falsehoods?

[8534] Mr Sui Yi Siong: That is a bit more of a nuanced question. It would depend on, I suppose, what the context is and what the intent is. I think this has been discussed across the last few days of hearings as to what is the extent, what a falsehood is, and I think there are very different definitions. I think that even a few witnesses have offered a continuum of what sort of falsehoods can and should not be protected. I think it is a bit of a complex question here. That is perhaps something that Parliament is best placed to legislate. I'm afraid I think that's as far as I can go with assisting the Committee.

[8535] Ms Chia Yong Yong: Any comments from anyone else?

[8536] Ms Er Shengtian Rachel: Sorry, to be very legalistic here, but I think the courts have actually answered this question because in the recent case of *Ting Choon Meng v Attorney General*, specifically Chief Justice Suresh Menon has dealt with

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Section 15 of the Protection of Harassment Act which deals with false statements of fact. He quoted extensively from the earlier Court of Appeal decision of *Review Publishing* ---

[8537] Ms Chia Yong Yong: May I interrupt you there. The statement by the Chief Justice, confining the judgment to false statements of fact, is also circumscribed by legislation, isn't it?

[8538] Ms Er Shengtian Rachel: Yes, of course. He actually delved into free speech rationale as to why false statements in general are not constitutionally protected speech. From the two speech rationale, arguments from truth and argument from democracy.

[8539] Ms Chia Yong Yong: He is not alone. You have also quoted the House of Lords speech. I want to read this, although this is in the submissions and therefore in public record but I want this to be open here. Lord Hobhouse in *Reynolds v Times Newspapers Ltd* said: "It is always important to remember that it is the communication of information and not misinformation which is the subject of liberty" -- which is what all of you agree -- "there is no human rights to disseminate information that is not true." I repeat, "no human rights to disseminate information that is not true." No public interest is served by publishing or communicating misinformation. The working of a democratic society depends on the members of that society. There is no duty to publish what is not true. There is no interest in being misinformed. These are general propositions going far beyond mere protection of reputation." I think we can safely say that not only in Singapore and in certain countries but even in western democracies, where freedom of speech is so highly valued, there is a recognition that there is no human rights to disseminate false information.

[8540] Now we come to the issue of whether it is deliberate or not deliberate. Insofar as deliberate online falsehoods or falsehoods are concerned, would you think that, other than looking at content, the consequences would also be important? What is your view on strict liability offences, where the mental element is not relevant?

[8541] Ms Er Shengtian Rachel: Sorry, it's me again. I think Joel and I mentioned this in our submissions. Prima facie, looking at the mandate of the Select Committee to investigate deliberate online falsehoods, the word "deliberate" signals that the purported regulation will not be a strict liability offence, because we are looking at intentional fabrications of false statements of fact.

[8542] Ms Chia Yong Yong: Deliberate could be at different layers as well. It could be deliberate malice, it could just simply be a deliberate act. I could argue that when I click send, that was a deliberate act, it didn't happen involuntarily. Right? Any other views from anyone?

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[8543] Ms Gloria Chan Hui En: I think in our submission we also wrote that the intention behind the information is very important because oftentimes we have to discern between what is a fact and what is an opinion, and that's where we feel that the intention behind the news is something that we could look at to discern between the two. It is very important in the sense that the line is often blurred but in order to ensure that citizens and people are aware of their consequences, we can look behind the intention in sending out the message.

[8544] Mr Sui Yi Siong: I would agree with what the rest of the panel has offered. I would also like to point out that in my opinion consequence is an important indicia. Not all falsehoods, even though they might be deliberate, are so serious as to require some sort of legislative or regulatory action. If I may quote one example from recent times, making the round on Facebook a few weeks ago was a certain rumour that if you typed in the acronym "BFF" and it appeared green, your account would be secured. It has been making the rounds for a while. That is patently false, patently a falsehood, but honestly the consequences of that are minor, if at all. In such a situation, and there are a few other similar situations of falsehoods which perhaps are deliberately spread but the consequence is so minimal that perhaps it is not worth taking any sort of regulatory action.

[8545] Ms Chia Yong Yong: Indeed, yes.

[8546] Mr Sui Yi Siong: Everything has to be seen in context. I think Dr Carol Soon has proposed some sort of model as to when legislative intent should be -- I apologise, when regulatory intervention is justified and I would agree completely with those factors.

[8547] Ms Chia Yong Yong: Many of us do agree we should take a nuanced approach in determining content, determining consequences, as well as intent. This being mainly a law panel, I think it is important for us to drill down to just pure legal principles. Let me again say that we are not looking at law alone, being an answer. We acknowledge that cannot be a good solution on its own, but that we need to have a whole suite of weapons within our arsenal.

[8548] You remember I spoke earlier about a coordinated effort against us, we need also a coordinated arsenal to address all those issues. Let's just talk about law for today, or at least for this session. I want to talk about intention because I think it would be a mistake if we all think that in every case the element of mens rea must be satisfied. We would have to concede that in certain circumstances where issues of national security are involved, and I always use, for example, if someone were to pass around a racially or religiously inflammatory messages, you wouldn't necessarily want to argue that intention is important. It is just to put us in that light. I also then want to -- having said that -- move on to the issue of the marketplace of ideas.

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[8549] We have also heard before us that arguments must be freely allowed to be expressed. I think that is true. What do you think of the role that falsehoods play in an ideal marketplace of ideas? Does it have a place, does it disrupt the marketplace?

[8550] Mr Sui Yi Siong: I think in an ideal situation, the marketplace of ideas will be able to neutralise the falsehood. But as we pointed out in our written submissions, the effect of social media is such that the marketplace of ideas, what it is premised on, no longer works, therefore a more strict approach is needed. We can't just rely on citizens countering falsehoods with their own views to neutralise that threat. I would agree with a few views made by several witnesses over the last few days that the marketplace of ideas concept is not so relevant when we talk about social media and Internet intermediaries.

[8551] Ms Chia Yong Yong: Prof Thio Li-ann said that the marketplace of ideas is undermined by deliberate falsehoods. So, for that reason I think that we can safely conclude, unless you have other views to the contrary, that when we talk about the freedom of speech, we may not want to delve too much into the marketplace of ideas in relation to falsehoods. Could we get an agreement on that?

[8552] Ms Er Shengtian Rachel: Thank you. We largely agree, however I think the key question really comes to -- I think defining falsehoods. The courts have put forward that false statements of fact which can be ascertained by a court of law are not constitutionally protected free speech pursuant to the two free speech rationales that we have discussed. If we work from this premise, it means that false statements of fact that can be objectively determined to be false are not constitutionally protected free speech, according to those two rationales. But if we are talking about ideas which I understand is not within the remit of this debate, but the marketplace of ideas would not apply.

[8553] Ms Chia Yong Yong: I don't necessarily agree that that statement is true without exception. I think we will not go beyond what the remit is. I don't think I have further questions. Thank you very much.

[8554] The Chairman: Minister Desmond Lee.

[8555] Mr Desmond Lee: Good morning to all of you. I know there are six of you here but behind your submissions are a team of people, no doubt supporting you spiritually from behind. Thank you for taking the effort to write in. I was tempted to launch into a moot kind of question and answer session, but I would like to hold back for now and ask all six of you to respond in turn to four questions that I have. Please respond in this order. First, take off your hat as a young lawyer or young law

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student. I know your submissions are largely legal in nature to the extent of including legislation, which we could adopt.

[8556] First, as a young Singaporean, can you share with us what your concerns are about deliberate online falsehoods which you have written about? What are your personal concerns and fears? Because you were born into and live in a digital age, you are fish in digital waters. That's first. Second, what are your hopes, your wishes and your aspirations about the nature of our online space, social media space and online discourse? That's the second question. Third, what are your expectations of the work of this Select Committee? Fourth, why did you put in these written representations? I hope it's not because it is a gradable submission. If it is, you are sworn to say it is so, because you have taken an oath or affirmation, but if it is not, please amplify. Perhaps we can hear from Lixin first, because you have been very quiet.

[8557] Ms Chen Lixin: Thank you. I guess I will answer the easiest question first, as to why I put in these written submissions. To be truthful, I am actually involved in one of the media law competitions that will be happening at Oxford, which is very concerned with freedom of expression issues. So, of course this is something that many other states are concerned with in this day and age. Given that we have actually looked into some of the other legislations and how other countries have dealt with it and this in particular as a Singaporean citizen we are very concerned with how we will actually legislate or come up with new legislation.

[8558] The real concern for us really lies in what sort of legislation we will push out, whether, for example, there will be a new legislation in addition to what we really have, for example the Sedition Act or the Maintenance of Religious Harmony Act, or whether we will be looking at moving away from individual parties to look at social media intermediaries, which in our submissions, we will say that it is kind of like the lacuna in law that we need to look into these intermediaries.

[8559] Having said that, we understand it is a balancing act between freedom of expression and the other parties' rights. So, we are hoping that the legislations will be clear, so that intermediaries know exactly what to do as well as the different parties involved. So, that is the reason why we have a stake in these representations. Of course, that brings me to the expectations of the work of the Select Committee. We really appreciate that everyone has taken the time to listen to our different concerns. We are hoping that really at the end of the day there are clear laws that will take into account the different concerns of the different parties involved but also take into account the context of Singapore. That is one of the expectations that I have.

[8560] As to my concerns about deliberate online falsehoods, really lies in the fact that it is online on a social media platform and it is a little bit different from the

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old age, where information spreads very slowly. As users of social media, we know precisely how fast information can flow, so that really lies in our concerns for today. Our wishes and aspirations about social media space, as to that, we would say that to a certain extent, falsehoods, if it's not as harmful, it can spur some kind of public debate, people can discuss.

[8561] So, it's really about your own opinions and people can disagree, but therein lies the problem where you put it as a factual statement, it is meant to mislead somebody, or for example it is intended to harm a particular community. So, that is when the online space is misused and becomes something very dangerous. It is really putting different considerations together the parties involved in a Singapore context. Thank you.

[8562] **Mr Sui Yi Siong:** Mr Lee, I will answer your questions in turn. I share the concern as a young Singaporean about online falsehoods and the speed of dissemination. As a young person raised in social media, I understand how quickly information can pass and how damaging it can be in that very short period of time it is disseminated. I understand that even though a damaging falsehoods may be retracted or taken down later, the damage has been done, it might be very hard to undo the consequences.

[8563] My answer to the second question is somewhat linked to my concern. I hope that the online space discourse can be more polite and discerning. There is a certain trend in certain quarters for a debate to be very inflammatory, not based on fact but focusing purely on opinion, and there is a certain lack of critical thinking in certain online spaces. I hope we never end up the way of certain countries where the alternative and far extreme corners of the media or party lines take over. My concern is this, because I think we are still getting used to social media and I hope we never end up like them.

[8564] Next, my expectations for the Select Committee is that whatever solution is proffered at the end of this hearing would be a nuanced and balanced one and I think I'm very grateful that the Select Committee has listened to various participants and witnesses from across the entire spectrum. We have heard from non-mainstream representatives, mainstream representatives and the fact that everyone has had their fair say before Parliament is commendable, so I'm very grateful for that.

[8565] Finally, why I put in these written representations, for the record I'm actually a moot coach at SMU and I indeed coach the moot that my colleague Lixin took part in. The rest of my contributors in these representations are or were my students and I must say I'm very proud of all of them. Putting in these representations I feel is a way of showing them that academic work actually has some practical use, so that is why we put this in.

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[8566] Ms Gloria Chan Hui En: Thank you, Mr Lee. I would like to start off with the first question. As a young Singaporean, I'm very heartened to see that the Select Committee is taking time to hear from what we have to think about this issue. I think the digital age means that technology is very pervasive. If you ask any young person, how do you get your information, the first reaction would be, we would Google if we want to find out about the information. I think it is very important that online deliberate falsehoods do not pervade whatever we do in school, even in our research and through education as well, it is very important that we remain aware of this issue. It is imperative that we are very instructive with what the definition of falsehoods is, as we have put in our submission as well, that it consists of two main elements, one of which is that it lacks veracity and there is no facticity in it and the intention behind it is to deliberately spread that falsehood.

[8567] Pertaining to our second point, the second question, what are my hopes for the online community, I would say that I would be happy if there would be a safe environment for information to be shared and for people to express their opinions, especially on social media. For the third question, what are my expectations for this Select Committee? I would say legislation is just but one of the very various measures that we can take, but I would say we should use a multifaceted approach toward it and education in the long run is one of the aspects that we could look at. As a young person, we should not just focus on education for the young as well as education for all various ages, especially the elderly, who could be susceptible to such online falsehoods.

[8568] A more important note would be that you don't want to just use legislation as a blanket approach but the main point would be to enable somebody to discern information for themselves. In the long run, that would enable us to combat online falsehoods. For the fourth question, about why I submitted the written representations, as a second year law student we take constitutional law as one of our modules in school. So, our professor has encouraged us to research about the project and think about some of the issues we would like to share with the Select Committee. I think, as young lawyers, it is more than appropriate for us to share our views with the Select Committee. Thank you.

[8569] Ms Simran Kaur Sandhu: Thank you, Mr Lee. I will answer the first question. As a young Singaporean, my concern about DOFs is basically that they are spread very quickly and everyone of every single age group is susceptible to them. What I have observed before we took on this project was that the spread of DOFs can be seen in every single form of media, such as WhatsApp, Facebook and other various forms of communication channels. The problem here is that the speed that people share these links and these pieces of news is at a very rapid speed, so I think that concerns me the most because what's important is that we are able to stop the spread at an early stage, before irreversible damage has been done.

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[8570] For the second question, I hope that the online space in general becomes much more accepting of various opinions, no matter what your personal belief is, and in turn I think that media literacy is very important, so that people of Singapore can discern for DOFs and general falsehoods for themselves instead of expecting the government to step in for them. For the third question, my expectation of the Select Committee is that I just hope that after listening to so many groups of people, such as students and professors, et cetera, I hope that the solution that the Select Committee comes up with will be effectively able to tackle DOFs. I think that, same as Gloria, we need to focus both on the short run and the long run, education in that sense of Singaporeans in that aspect.

[8571] Same as Gloria, why we put in our submissions was because of Prof Eugene Tan, so this was initially a project for us, like to present in class, but he encouraged us to submit it to the Select Committee as well as a written submission and we felt that we had learned a lot from this project, so we thought, why not. Thank you.

[8572] Mr Joel Jaryn Yap Shen: Firstly, thank you for the opportunity to be able to speak today and to represent the views and the views of young people particularly. As a young Singaporean, I think all of us have a lot of access to various social media websites, whether it's Facebook, Twitter, Instagram or even through WhatsApp. Interestingly enough, there was a WhatsApp that I received last year in a family group chat. What it mentioned was that, I quote: "Writing or forwarding any message on any political and religious debate is an offence now. Arrest without warrant." I was very shocked when I saw it, because having attended my constitutional law classes, I knew that definitely we do have freedom of speech but ultimately that it is not an absolute freedom of speech and it is tailored to these eight other concerns that are present. Even then, it is possible that these online falsehoods can spread very quickly because within that same WhatsApp conversation, it mentioned inform your friends and others too. If people were to read this and they weren't going to fact check, then this online falsehood might go around quickly and might undermine the freedom of speech we have in Singapore.

[8573] Thankfully, I had a relative that did some fact checking and posted a link that mentioned this is false. It is important for us to look at why we are posting such things and to understand that they may be falsehoods and to be careful with what we are posting ultimately. That was one of the concerns that I had coming in today.

[8574] Social media on the other hand as a young person, it has given us a voice but at the same time it has also silenced us to a certain degree, where some of us may get concerned, whether we admit it or not, based on what we see online, and we question whether if we post this opinion, whether people will like it or not. Sometimes, those are some other considerations that we have in mind.

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[8575] On the domain of Facebook, it is possibly where most of the young people get their access to news nowadays, so it is important that we have such measures that are in place to ensure that the information that we receive is representative of truth and of facts. This is also seen through how there has been a decline in the number of people who read the physical copies of newspapers nowadays. So, those are some concerns I have as a young Singaporean.

[8576] Secondly, about hopes and aspirations, as we mentioned in our paper, about how freedom of speech and freedom of religion is something that is very important, that we hold dear to our hearts. So, we would want to ensure that whatever laws are come up with, that they wouldn't contravene these articles of fundamental liberties where we look at freedom of speech and freedom of religion. I think particularly in relation to religious laws, we hope that such laws that are set in place wouldn't be undermined because it doesn't cohere with Singapore's brand of secularism, and it is our opinion that it should only applies to false facts designed to mislead but not questionable visions of religious truth.

[8577] My expectations of the work of the Select Committee: firstly, given that a lot of us obtain our information, our news, online especially through social media websites, that it should be an online domain where people are free to express their opinions. However, when it comes to fact, we should be very sensitive in relation to that point. Ultimately, it should give people a voice to air their views insofar as it doesn't contravene the fundamental liberties that we mentioned earlier.

[8578] Finally, another question, why did we put in these submissions? As a Singaporean and as someone who is also a believer in the world, I think it is an important thing to be a speaker for the truth and whether we may be speaking to it is important to stand up for truth and that is one the main reasons why we decided to write in together. Thank you.

[8579] Ms Er Shengtian Rachel: My response to Mr Lee's four questions coalesce around three things. Firstly, the Constitution; secondly, as a person of faith; and, lastly, my views about a post truth era or post truth world that we are currently in right now. Moving on to the first thing about the Constitution, I'm afraid, Mr Lee, it is very difficult for me to take off my lawyer hat because I give great credit to my constitutional law department, it is my favourite subject, and I think that knowledge about the Constitution and a deep belief that Singapore is a "rule of law" society are not values or things that should be confined just to lawyer. I do talk to my parents about the Constitution.

[8580] Ms Chia Yong Yong: Over dinner or WhatsApp?

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[8581] Ms Er Shengtian Rachel: They know that I'm appearing here today and I was running through my views with my mum. I really love the law and I love the Constitution and I really wish to uphold the Constitution of Singapore, which is the supreme law of the land and the rule of law. If I may just quote: "The rule of law is the bedrock of society ..." Paragraph 1 of Tan Seet Eng, a Court of Appeal decision, this has been drummed into our heads, to the great credit of my constitutional law teachers again, which I have really taken to heart and I really believe that the Constitution and the rule of law is basically the bedrock of Singapore society and is really what we stand for. An objective and unfettered discretion is contrary to the rule of law.

[8582] I think echoing the comments of my co-panellists, the concerns we have is that we acknowledge the various national security issues and public order issues that deliberate online falsehoods pose to society, which is not a new phenomenon. I speak personally for myself, I'm afraid that we would have to come to Article 149 of the Constitution, which allows Parliament to basically legislate against subversion. This provision of the Constitution appears to be out of the law and why do I say so? If I may quote directly from the Constitution, Article 149, section 1: "So, if an act besides that action has been taken or threatened by any substantial body or persons whether inside or outside of Singapore to inter alia excite disaffection against a person or the government, to promote feelings of ill will and hostility between difference races or other classes of the population that leads to cause violence ..." And, lastly, ground (e): "... which is prejudicial to the security of Singapore ... Any provision of that law designed to stop or prevent that action or any amendment to that law [et cetera], is valid notwithstanding that it is inconsistent with Article 9, 11, 12, 13 or 14." Article 14 being the freedom of speech.

[8583] I would like to point out that Article 15, which protects the freedom of religion, is not included in this extraordinary power given to Parliament, which accentuates the fact that Singapore is a truly multiracial society which seeks to uphold principles of secularism. This power allows parliament to enact laws that are not subject to judicial review. This is quoting Article 149(3) which says that nothing in Article 93 which rests the power in the courts to review the constitutionality of legislation, shall invalidate any law enacted pursuant to this clause. While we acknowledge the national security law concerns, we hope that this Article 149 would not be engaged, even though it is in the Constitution. So, we hope that the Select Committee will construe national security concerns reasonably and restrictively.

[8584] Moving on to my second theme, which is how -- I speak as a person of faith and I think my concerns would echo the concerns of other religious persons in Singapore, which is a very diverse multiracial and multireligious society. My main concern, under this theme, is that I wish to accentuate that the principle of secularism should be upheld. And I hope the Select Committee will take this into consideration in

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defining what deliberate online falsehoods represent and to exclude from this definition questionable propositions of religious doctrine.

[8585] Lastly, I come to my final point about how we live in a post truth era. I think Prof Thio has pointed this out in her last paragraph of her written submissions, about how the online Oxford dictionary has used this as the 2016 term of the year, and what a post truth society means is that people just don't believe that there is an objective truth any more, and everything is just relative. So, they rely a lot on their subjective emotions and views that appeal to their personal belief, which gels with the Select Committee's concern about heuristic tendencies, which Ms Chia mentioned earlier. In this regard, I come back again to the law and the Constitution.

[8586] I believe that the law represents the objective truth that if the objective truth -- not the objective truth, I beg your pardon -- that the law is objective and the law represents a neutral arbiter and I feel that to get people to believe in the truth again, the rule of law should just really be accentuated and be a parallel consideration in formulating deliberate online falsehoods regulation. I just really hope that we will start believing that there is an objective solution to this issue and that we should eschew the view that things can be relative and no one can ascertain what is the truth any more, which is also an absolute view in itself. With that I conclude.

[8587] The Chairman: Ms Er, you have answered a lot of questions which Minister Desmond Lee has not even asked yet.

[8588] Mr Desmond Lee: It is very helpful. You all spoke from the heart and I really appreciate you trying to take off your legal hat and give us a sense of your thoughts and your aspirations and that will give us a better understanding of why you wrote this and what your intentions are. If I may delve into your respective papers, I don't want to go right down to the granularity but I think it is best for you to sketch out the architecture of your proposals. Then I will give you some broad questions at the end, because we don't just need to look at Singapore, we need to look at the wider world out there.

[8589] I would break you up in SMU Team 1, SMU Team 2 and NUS team. I propose to take the SMU combined team's proposal first. To the extent that you either disagree with each other or you don't feel in a position to comment on the proposal of the other team because you have not had the opportunity to research on it, please feel free to say so. As I talk about the SMU Team's proposals, the NUS team can feel free to chip in if you have any thoughts. That will be more fluid, even though this is a formal process. My understanding of your proposals. SMU Team 1, including coach, you have an unfair advantage, principally you say that deliberate online falsehoods -- this is what

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we are talking about, DOFs, all three teams focused on deliberate online falsehoods and not differences in opinion, there are no shades of grey here, it is deliberate and it is online and it is false and provable to be false. Team 1 says that in your view DOFs are chiefly motivated by political and financial objectives. Correct?

[8590] Mr Sui Yi Siong: That's correct.

[8591] Mr Desmond Lee: You see that existing laws may be sufficient to deal with the authors and promulgators of DOFs but this may not always be practical, could you sketch out why you take that perspective?

[8592] Mr Sui Yi Siong: In the sense that I alluded to just now, the damage caused by the instantaneous spread of a falsehood sometimes has very immediate consequences. By the time the court process is engaged to prosecute and bring the perpetrator to trial, the damage would have been done. Sometimes, if the perpetrator is located in a different country, it might be impossible to get him, so to speak. The crux of our views here is that the more practical solution is to target the intermediary, the platform in which the falsehood is promulgated, rather than just focusing on the author of the falsehood, although we definitely agree the author should be held responsible.

[8593] Mr Desmond Lee: Do you think that extradition laws and laws on mutual legal assistance are helpful to extend the reach of national legislation and target promulgators of DOFs?

[8594] Mr Sui Yi Siong: Definitely those are helpful, but if we really want to stop the problem at the source, to prevent it from being disseminated, we would have to get intermediaries to take down the falsehood as soon as possible or within a practical period of time.

[8595] Mr Desmond Lee: What if the promulgators of DOFs are state actors or aren't subject to the traditional notions of sovereign or state immunity, to what extent should national legislation against DOF authors cover such actors? To what extent should we continue to respect international law expectations of sovereignty?

[8596] Mr Sui Yi Siong: When you talk about state actors, that illustrates the limits of domestic regulation. We do have to respect their sovereignty, but this is where focusing on intermediary liability would offer us a solution. We can't directly prosecute that state actor, but what we can do within our shores is to ensure that the intermediary takes down that offending post so that our citizens are not subject to it and hopefully that minimises the impact.

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[8597] **Mr Desmond Lee:** You say that the gap in the regulating tools in our arsenal, that gap is in relation to what you have identified, if I may quote, “the chief mischief or the real danger” of DOFs, which is near instantaneous dissemination and access. So, you are not just talking about the content, you are talking about the virality. Am I right?

[8598] **Mr Sui Yi Siong:** That’s correct.

[8599] **Mr Desmond Lee:** “You say that a lie can travel halfway around the world before the truth can get its shoes on.” That stuck in my mind as I was putting on my shoes this morning. Could you expand more on that? You have certainly done a lot of thinking about our regulatory arsenal to deal with speed and virality. Why do you think it is inadequate?

[8600] **Mr Sui Yi Siong:** The damage is done basically by that piece of news being disseminated to people and the effect that it has on consumers of that falsehood. I think I have also cited the example of the Pizzagate incident and the point really is that no matter how -- by the time you engage the court process and try to take it down or try to go through a fact-checking process, it might have reached the really extreme fringes of society, who in that case decide to take up arms and cause a threat to society. For example, showing up to the restaurant armed with a rifle. The point that I have made repeatedly through the submissions is that stopping the spread, the dissemination, is a key part of the solution and the virality is really the issue facing us today because I think many witnesses have agreed that falsehoods, deliberate falsehoods, are not a new problem. The real issue here is the means of it spreading, which is online, as this Select Committee has recognised.

[8601] **Mr Desmond Lee:** Legislation around falsehoods in the real world, versus the online space, has defined concepts of falsehood and there are commentators and contributors to the Select Committee over the last week and a half who have taken the position that it is not possible for the law to sensibly define what a deliberate online falsehood is. Insofar as your paper purports to argue that you are able to wrap your hands around the problem and deal with the virality of DOFs, you first need to be able to define that. How would you respond to that criticism of your proposal?

[8602] **Mr Sui Yi Siong:** I would fully agree that it is very hard to define what falsehoods are. I think one possible solution as reflected in the German Network Enforcement Act, is to carve out a certain category of manifestly unlawful acts which should be subject to such immediate or expeditious takedown. I am in full agreement with the witnesses who have explained how there are different types of misinformation. Sometimes, a piece of satire itself is a deliberate falsehood but the intent is quite

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different from something more malicious. To that extent, and I did make this point in our written submissions, some sort of fake news legislation that attempts to create a substantive offence of fake news is probably very difficult and not desirable. What we should do is perhaps tap on our existing pieces of legislation, which are flexible enough to deal with this situation and perhaps allow the relevant regulatory body the power to order a takedown in suitable circumstances.

[8603] Mr Desmond Lee: I understand. The pillar of your proposal revolves around placing legal responsibility and not just corporate, social responsibility on the intermediaries of the social media space. These are very large companies that are, if I may quote some of the other speakers, “the information super-highways of the Internet”. They are not just here to serve Singapore and Singaporeans, they serve the world. Whether as a search engine, whether as a social media connector. They have given submissions on the hundreds of hours of videos that are uploaded every hour and the millions or billions of posts that are made in the course of a month or a year. Many of these entities will argue that they are not content providers, they, hence, should not be held legally responsible for what appears on their platforms or on their search results. They are mere conduits or highways of information, they cannot be responsible for what cars people drive, how fast they drive, how recklessly or carefully they do so, in fact which direction they head, what passengers they carry or what good are on their vehicles on their super-highways, even if it is explicitly illegal.

[8604] Some others have pointed out that algorithms shepherd what people can or cannot see, do or do not see, read or do not read. So, on the one hand entities will say, we can’t possibly be held responsible, your legislation that requires us to arbitrate a truth from falsehood is something that is not possible to be done, they do not want to do it, and what they do is as a matter of corporate social responsibility which they take very seriously, but don’t legislate, don’t make it our responsibility. They can’t be held responsible or so they said. On the other hand, there are very eminent professors and researchers who say that they have been able to do it, child pornography, they have been able to do it for hate speech and it is not just purely on request but they actually had active mechanisms to discern and they will take down. In a way, they seem to be able to do what you say they should be doing. But the difference is here it is on falsehoods. How would you respond to that? How would your proposal face up against the protestations of companies whose annual revenue may exceed the GDP of some countries?

[8605] Mr Sui Yi Siong: The immediate response is that nations around the world have in fact taken a stand against all these large entities. Europe is a good example. In the European Court of Justice, if I’m not wrong, certain actions have been taken against Google and Facebook for copyright infringement. The point really

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is that there is an international recognition that intermediaries have to be taken to task for certain breaches, certain breaches of norms, and that they owe a certain degree of responsibility, although the extent of their responsibility, I suppose, is for each individual state to decide. As to these intermediaries saying that they are not content providers and mere conduits, I think it is clear that certain social media platforms by the fact of presentation they do in fact create some sort of content, they are some sort of content provider as it were.

[8606] But the more important point is that they do owe a certain duty by hosting that content, because of the effect it has, and by dint of that power, they do owe a corresponding responsibility to take it down when there are certain, adverse consequences. I think the algorithms in which certain information is presented to users is an example of how intermediaries are not mere conduits. They do, in a sense, select the kind of information that is presented to consumers and that in and of itself can sometimes create what is referred to as an echo chamber effect, or it can lead to falsehoods being propagated endlessly, simply because that consumer is inclined toward a certain type of news perhaps.

[8607] So, the point really is that there should be some sort of regulation of intermediaries and intermediary liability is actually a well established concept across various jurisdictions. While acknowledging that perhaps it is used in the context of copyright infringement and intellectual property but that doesn't mean it can't be adapted to issues of free speech.

[8608] **Mr Desmond Lee:** I looked at your paragraphs that examine the pros and cons of strict liability, no liability, as well as your safe harbour approach, and correct me if I'm wrong, your recommendation is to use the safe harbour approach.

[8609] **Mr Sui Yi Siong:** That's correct.

[8610] **Mr Desmond Lee:** I will ask you in a while to articulate what you mean by that. But specific to your proposal, you recommend that you get the best and the worst of the notice and takedown approach with the best and the worst of the judicial notice and takedown approach. So, if you may just succinctly tell us, what you do you mean by safe harbour approach in respect of dealing with the virality of DOFs, why do you think a merger of judicial notice and takedown will be able to address the cons or both approaches? And, third, to what extent would your strategy and recommendation address and balance concerns over free speech and managing the severe harms posed by DOFs? In that order and succinctly, please.

[8611] **Mr Sui Yi Siong:** Essentially, the safe harbour regimes mean that while intermediary can be held liable for perhaps spreading falsehoods, if they adhere to a series of guidelines, they are not liable. So, safe harbour basically means, if they follow

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that series of guidelines, like expeditiously taking down false information, they're safe. As to why a merger of notice and notice and judicial takedown, we recognise that there are disadvantages to both systems. For example, the notice and judicial takedown regime offers some sort of independent assessment of what a falsehood is but at the same time it is a bit slow and cumbersome because you have to go through the court process. On the other hand, notice and takedown is fast, once the intermediary is placed on notice, they have to take it down within a certain period of time.

[8612] However, the problem is that the intermediary might not be best placed to verify or assess what a breach is, I suppose, what is sedition, to give an example. We don't want to encourage self-censorship because the concern raised in the context of Germany is that these intermediaries would end up self-censoring, they would rather take it down immediately than be liable. As to how we merge them, the proposal is how a certain category of, I suppose a broad term would be, so manifestly unlawful that it must be taken down immediately upon notice, but for speech or falsehoods which doesn't rise to that level, we can wait for an independent assessment by the courts, hence the proposed merger of "notice and takedown" and "notice and judicial takedown". This does address the concerns over free speech because it balances on the one hand the right to express your opinions. It protects the rights of intermediaries, if we follow that notice and judicial takedown process, because through that judicial process the affected party has a chance to explain why this should not be taken down or perhaps the intermediary has a chance to show why it should not be held liable. On the same hand, by carving out that category of manifestly unlawful subject to immediate notice and takedown, this does address the concerns of the consequences of unchecked falsehoods.

[8613] **Mr Desmond Lee:** This segues into SMU Team 2's proposal, which actually comes with specific provisions. I will come back to you in a short while as to whether you agree with the way they have drafted the provisions. Can I ask Simran and Gloria, I would take it you agree with Team 1's paper that the virality of DOFs is a risk and therefore you propose the takedown? But your proposal presumes an executive takedown with recourse and appeal to the President. I want to ask you to comment on your dean's proposal, you have parliamentary privilege but not academic privilege because of grade, so I leave you to answer as you wish.

[8614] As far as Parliament is concerned, you are protected. You know who your dean is, Prof Goh Yihan, it is a very important question to answer. He has proposed an executive takedown with judicial oversight as a way to balance speed as well as oversight, because your proposal is executive makes the decision and another executive, although it is the presidential office, exercises oversight. I would like you to respond to your dean's proposal vis-a-vis yours, which is better in your view in balancing the rights of speech and the concerns on abuse or misabuse, versus the risk of DOFs.

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[8615] That's one. I would like you to respond to SMU Team 1's paper, which essentially sketches out a similar approach but different in terms of mechanics, which is combining notice and takedown, which is members of the public write in, and there is a legal obligation on the intermediary if it is manifestly unlawful, if I may quote Team 1, and then to take down. Versus the other approach that they made, which is a judicial order to be made before takedown can be effected. I'm not sure whether Team 1 has articulated what the right of recourse is but I'll come to you in a while. Team 2.

[8616] **Ms Gloria Chan Hui En:** I would like to start with giving a brief overview of what we have proposed. As you can see on page 6 of our submissions, we have come up with three various stakeholders that we would like to look at as to how they could combat online falsehoods. As to your question about executive power, we are looking at the Minister being responsible for removing online falsehoods. In that respect, we are looking at, in contrast with what our dean has said, we are of the opinion that this kind of publication for executive intervention would be those that gravely threaten Singapore's security and economic life.

[8617] In a sense, the threshold for this kind of information would be a much higher one that warrants such an immediate response from the executive. Going back to first principles of checks and balances in Singapore's Constitution, I think our dean is of the opinion of it is that the judicial oversight provides inter-branch checks as opposed to our objection against the order to the President, which is an intra-branch check.

[8618] As to who is better, I would say if you are looking at something that is a stronger check and balance, I would say the inter-branch check would be something that would be more appropriate, so I think the dean's opinion in that aspect would warrant a stronger check and balance on the Minister's decision. However, when we look at the judicial power, which is under prong 2, we see that there is also an appeal process into the judicial process of whether or not the content is false. So, I think what our group's stance is that we provide a wider avenue, so there are two avenues they can go along, the judicial and executive prong aspect.

[8619] The difference between the two would be actually whether or not the content is threatening Singapore's security and that is very important because that shows how fast we have to respond to that online falsehood, and I think, if, for example, Singapore's security is threatened, I think the Minister would be in a better position as opposed to court processes, which take up a longer time.

[8620] **Mr Desmond Lee:** Thank you. I'm concerned about the oversight, which is, yes, the Minister may take down if he is of the view that it is a grave risk, but the right to speech, to assert that what you have taken down in fact is honest and accurate, it is opinion and not fact, or it is factual and it is not falsehood, and the appeal mechanism

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is intra-branch as opposed to inter-branch. As a law student, you would know that the function of the judiciary is exclusively within the realm of the judiciary under the Constitution and the right of judicial review should be taken away in the most scarce of circumstances. Would you not agree that the appeal process intra-branch versus an appeal process inter-branch, what are the pros and cons?

[8621] Ms Gloria Chan Hui En: I would say, I think the judicial process is very important in establishing checks and balances. I would say inter-branch check would be a much appropriate solution to the problem.

[8622] Mr Desmond Lee: In respect of your prong 3, where you propose that an appeal or avenue of accountability is making an objection to the office of the President, are you saying that on top of this there is a right of judicial review?

[8623] Ms Gloria Chan Hui En: I think that is a possible avenue we could look at, yes.

[8624] Mr Desmond Lee: Back to Team 1, in respect of accountability, you do recommend in your paper that other than the two takedown approaches, instead of judicial takedown, there is also the possibility, as Prof Warren Chik articulated, and you cited him, for an executive takedown. What would be the safeguards in respect of executive takedown? Yes, it is speedy, but how do you regard free speech through the accountability provision?

[8625] Mr Sui Yi Siong: In terms of executive takedown, my only personal preference is that perhaps the Attorney-General's Chambers could take out an urgent ex parte application to take down that falsehood, using the judicial process. There are inherent safeguards within that process so the fact that a person could apply to set it aside and the usual safeguard are built in place. So, that extent I don't agree with Team 2's prong 3. The underlying concern, which is speed, can be addressed by their prong 2, which I think dovetails with our own proposal by getting another branch, the executive branch, to execute it.

[8626] Mr Desmond Lee: Thank you very much. Can I ask Team 2 now, because in addition to the concept of takedown, which deals with virality, you also have other proposals, specifically 2. One is on laws on disclosure of affiliation, disclosure of financing, and your other proposal is in relation to tax incentives or disincentives to drive intermediaries towards committing to funding research, to tackle DOFs. I deal first with disclosure. At page 9, disclosure laws. On page 10, at the top of page 10, paragraph 3, your concern is with how a disclosure law affects individual rights to free speech under Article 14(1). To what extent are your concerns valid that disclosure, getting people to disclose more, being more open, to what extent does that chill freedom of speech? I find it hard to wrap my hands around it. Perhaps you can share with us.

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[8627] Ms Gloria Chan Hui En: I think it is a very tricky issue because disclosure actually gives us more information than restricting information, so it is like a counterintuitive approach to it. On one hand it is a form of nuanced and very subtle restriction of freedom of speech because it creates some kind of a stifling environment in the sense that when you disclose your sponsor and who is behind that information. I think when it comes to advertising companies who want to sell a product, they sell information and you buy the idea. For them to disclose their sponsors, I think it will create an implication that people will not buy into their ideas. I think it might create, it remains an open question because our courts have not addressed the issue whether or not it is a restriction on our free speech, but we must be sensitive to the context that it might create a stifling environment for people who are wanting to sell an idea.

[8628] Mr Desmond Lee: There have always been concerns with people about certain motivations and then dressing up separately and therein lies the part of problem of DOFs, a person who presents himself as independent or as an eminent independent professional but actually being motivated by state objectives or by financial objectives that are extraneous to his position. You see in magazines and newspapers, including in Singapore, that when something is paid advertising, even if it seems to be objective reporting, it is upfront. Not too long ago, there was a debate over whether social media influencers who were trying to sell a product on behalf of a company should state so or whether effective advertising by dressing it up as personal preference should be permitted. Perhaps you could respond to what I have just said and maybe Team 1 could tell us whether you take the same view on disclosure laws. I know it's not in your paper. If you would like to decline to comment, I will respect that. Team 2, please.

[8629] Ms Simran Kaur Sandhu: Thank you, Mr Lee. In relation to the disclosure laws and how -- our main issue with regards to how it may stifle the party who is advertising on the platform is that because they might not be willing to open up about who sponsors them, because that opens them up to a wide variety of implications that their audience might accuse them of and if they want to avoid this then there comes a dilemma for them because they want to advertise their products but in order to do so, they need to open up about their sponsors. In that sense, that creates a very stifling effect because they are caught in between two ends where they want to sell their product but in order to do so they need to open themselves up to quite a few implications at all. Maybe accusations from their audience and because of that we feel in that sense it might be stifling in that nature and might impede on their actual freedom of speech in that sense.

[8630] Mr Desmond Lee: Thank you very much. Team 1, any comments on that?

[8631] Ms Chen Lixin: In our view, we don't think that disclosure laws are necessary at this point in time. In a sense, we find that if there is intermediary liabilities of

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legislation, it is already set out, it sets a kind of an end goal that intermediaries can work towards and they know exactly how to meet that goal, so it is a safe harbour regime. They can choose different ways that they want to regulate their own companies, whether they want to set up teams or how they want to be responsible or in front of the public. In terms of disclosure laws as to how precisely they would like to regulate any company regulation, or disclose certain policies, I don't think it is really necessary to have these laws to tackle this ultimate problem of deliberate online falsehoods here.

[8632] Mr Desmond Lee: Thank you. Can I just challenge you there a little bit? Your proposal is the safe harbour approach, to deal with and nip in the bud the problem of the virality of deliberate online falsehoods. One, whether it is an individual or an executive or a judiciary, need to get a sense of and then be sure that this is likely to be false, before you take action to nip it in the bud. Would it not be so that disclosure of who you are, who is backing you, who is instigating you or funding you, would not give you some sense as to whether there is some concern or some suspicion that one should look a little bit more carefully and that would in fact aid and supplement your safe harbour approach involving takedown?

[8633] Ms Chen Lixin: From our point of view, we think that it should be more of a case-by-case basis. For example, if there is a particular post that is clearly unlawful, and of course an intermediary fails to remove it and they do get certain prosecutions for that, we believe that in that investigation process, there will be certain types of investigations and disclosures made. As to whether the laws are required to step in to require them to really disclose these, it might, in a sense -- I'm not sure as to whether it is really necessary to that end.

[8634] Mr Desmond Lee: What you have said is that in the course of investigating the possible infringement of legislation, such as the Sedition Act and other legislation, one would uncover who one's backers are, whether it is state, non-state, organised crime or whatever. Here, I'm talking about disclosure requirements that may flag up what is or is not dubious, possibly DOFs, amidst a whole wave of information out there, so one is pre-emptive and helps you to scope, the other is investigative, which is post -- when the harm is done and you are investigating. In that respect, are you supportive of -- if you have read the honest ads legislation being proposed in the US, no doubt in the realm of electoral race, disclosure of who your backers are, the state funding this, is it a state linked corporation funding this, is it a local American company, is it from another country and who is backing it? Would you support such legislation?

[8635] Ms Chen Lixin: In that regard, for example, such disclosure is married with, for example, the safe harbour regimes, then we would think, yes, in those

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categories where speech has resulted in certain consequences and we find it necessary to reinvestigate and discover why, because what the intermediary has been doing, then yes, we do think so.

[8636] Mr Desmond Lee: Moving on to Team 2, your proposal on tax incentives and disincentives, in a bid to get social media companies to put their money where their mouth is, to put their money into research, could you sketch that for the benefit of my colleagues on the panel? In the context of the size of Singapore, the amount of revenues contributed by Singapore and Singaporeans to the revenues of these companies, vis-a-vis the large bulk of it which goes to these companies from advertising from the rest of the world, to what extent do you believe that such tax proposals will cause the social media companies to seriously invest in R&D, to tackle DOFs?

[8637] Ms Simran Kaur Sandhu: For our economic incentives proposal, our rationale was that because companies, like the bigger companies, who focus more on more on communication channels or search engine, they tend to want to maximise profit, so we are leveraging on that characteristic of these companies. Our approach has two main aspects. Firstly, we need to make sure their income, mainly their advertising revenue is taxable in Singapore and once we establish that, then the incentive system kicks in where we so-called reward them for establishing or creating algorithms or R&D projects to help identify and take down prevalent DOFs on their communicating channels. Based on the idea that these companies want to profit maximise, we reasonably have assumed that the deductions that they receive in that aspect through tax incentives and such other methods, there would be no major reason for them to object to this because in that sense they are also benefiting while helping us tackle the problems of DOFs.

[8638] Mr Desmond Lee: Thank you very much. That is very clear. I move on to NUS. Your proposal at pages 9, 10 and 11 centres around a proposal to construct a multi-factorial sanctions regime. The paragraphs that follow -- correct me if I'm wrong -- appear to be considerations that either mitigate or aggravate potential sanctions that flow from a breach of criminal provisions. The rest of your paper focuses on constitutional concerns, which no doubt, Rachel, it reflects your DNA. And very important considerations, if I may add.

[8639] We are looking at proposals. What do you think the Select Committee should be looking at in terms of concrete proposals? A couple of questions: am I right to say that implicitly your proposal is for existing laws to be used and criminal sanctions to be determined and adjudicated on by a court based on your multi-factorial sanctions regime? My second question is: what are your thoughts about the SMU Team 1 and Team 2 proposals that require legislative interventions to deal with the speed and

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virality of DOFs and the harms that can be quickly associated with such speed and virality? What are your comments and observations on their proposal? Third, what are your thoughts on disclosure laws, as we just discussed, and with the tax incentives proposal that SMU Team 2 has put up? If I may get your succinct comments on the questions I have raised.

[8640] Ms Er Shengtian Rachel: Our proposal on the multi-factorial sanctions regime does not offer any concrete proposals that Parliament can consider. We believe that the concrete solutions that Parliament comes up to practically regulate deliberate online falsehoods is for the experts to determine. What we humbly offer is a reasoning process. In terms of Parliament arriving at the concrete solutions, we believe that the process is really what matters, and what we offer is the constitutional perspective. So, all the factors that come under the multi-factorial sanctions regime are not new, they are applied by the courts in assessing damages for tort of defamation. We have quoted the Roy Ngerng case. I think the Committee has recognised in the Green Paper that deliberate online falsehoods basically occur in a myriad of circumstances, and what we propose in our submission is that these myriad situations in which deliberate online falsehoods are proliferated online be taken into account in the constitutional balancing process.

[8641] For example, let's take the example of Mrs Hillary Clinton and the paedophilia ring rumour that has circulated virally online. If we place it on the balancing scale, basically we would be evaluating the interest of that rumour as free speech. As we have discussed at length just now, there is no value in that. So, the balance would tip in favour of public order concerns. The key question is really the scale that we apply. Because the interests of whatever speech, falsehoods, and public order concerns, are incommensurable entities that we balance, so the scale that we propose is more rights oriented scale. In practical terms, this means that whatever concrete solutions that Parliament comes up with, to regulate deliberate online falsehoods, that fall under the category of Mrs Clinton's rumour, would have to be, for example, reasonable or proportionate.

[8642] Mr Desmond Lee: I understand that you are not in your paper proposing any specific architecture, but you have here on the same panel as your teams of groups that have proposed certain specific ideas. I accept or I believe that they accept that the legislation alone is not the panacea and that you have all responded to when Ms Chia Yong Yong asked you that education and other measures are equally important. But as far as legislative architecture is concerned, based on your principles, constitutional and legal principles that you have articulated, what would your views be in respect of what SMU has proposed? Are they in line with your constitutional principles as you have outlined?

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[8643] Ms Er Shengtian Rachel: I'm afraid that we are a bit out of our depth in this area. We apologise for that.

[8644] Mr Desmond Lee: Don't apologise.

[8645] Ms Er Shengtian Rachel: Thank you. We would like to emphasise that we are not trying to basically dictate or offer concrete solutions that we are not experts on. As we have already mentioned, what we can only offer is a reasoning process to getting to the final concrete solutions.

[8646] Mr Desmond Lee: Thank you. I respect that.

[8647] Mr Joel Jaryn Yap Shen: I suppose in the event that we are to offer a suggestion, then perhaps on page 9 of our submissions we do mention that if you do decide to have a counsel of peers or an adjudicatory body, then perhaps our suggestion is that it should be independent and you could include personnel from the government or other social media or tech companies and even legal representatives, and how this could be the constitution of an adjudicatory body that may help in determining whether something is a deliberate online falsehood or not. In addition to that, we have this multi-factorial sanctions regime to suggest some ideas that you might want to take into consideration. On that note, we have tried to summarise it neatly under three Cs, firstly under culpability, so you look at the state of mind, the mens rea, whether it is malice or it is done recklessly or done negligently.

[8648] In the case of recklessness, under the Goh Chok Tong case, it was mentioned that the maker of a false statement made recklessly without considering or caring whether it is true or false is treated as if he knew it to be false and has acted in malice. However, it is an open question whether gross negligence would suffice to attract liability. For instance, if you are someone who merely circulated the information and it was done negligently, then perhaps a lower level of culpability should be considered. The second C is looking at the culprit himself or herself and what is the role of the culprit. Is the person an author of the information or is the person a circulator of the information? If the person is the author of the information, it is more likely than not that it would constitute a deliberate online falsehood. However, if it is someone who has merely circulated the information, then perhaps the Select Committee should be more forgiving on the respect to that person.

[8649] In addition to the role of the culprit, you also have the identity of the culprit, where you can consider the reach of the comment about, for instance, how wide the information is spread to the person's viewership and whether the culprit has represented himself to be one who speaks the truth. Finally, whether this culprit is a first-time or

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repeat offender, that is under the second point of the culprit. Thirdly, when you are looking at consequences, we are looking at the nature and the magnitude of the harm, that is done and what engages the interests of the public may not be in the public interest. Which is what we look at earlier.

[8650] Mr Desmond Lee: On page 10, you say publishing false statements of facts online should suffice to attract liability. When we talk about DOFs, we just talk about deliberate online falsehoods and the question is what level of mens rea should suffice to fix liability, I'm not talking about extent of culpability but liability. Some people think it should be intention, deliberate intention, but your proposal is that recklessness should suffice. Can I get your view, is that your considered opinion, that it should be ROF, not DOF?

[8651] Ms Er Shengtian Rachel: The short answer to that is that -- in the whole legal framework of existing laws that already target false statements, like defamation, we quote the case of *Goh Chok Tong v Jeyaretnam Joshua Benjamin*, where the court has held that a maker of a false statement made recklessly without considering or caring whether it is false is treated as if he knew it to be false and had acted in malice. In order for the whole existing architecture to be consistent, we propose this principle should also similarly apply in the upcoming ---

[8652] Mr Desmond Lee: It's not just the reading of the law but as a matter of policy we should adopt a similar mens rea threshold; am I correct?

[8653] Ms Er Shengtian Rachel: Thank you for the question. Then we propose that for recklessness this would only technically, hypothetically be engaged when we consider the role of the purveyor of this online falsehood. As Joel mentioned just now, if the maker of the statement has represented himself to be objective and his online website is receiving basically large traffic online, a lot of people visit his website, then I think we think that it is reasonable for the law to hold him to a higher standard.

[8654] Mr Desmond Lee: I understand. Thank you very much. In your page 9, which Joel has just read or pointed to, on the rule against bias, you say: "Should the creation of an adjudicatory body be in the offing, the Select Committee should ensure that the composition of the panel does not fall foul of the rule against bias. Perhaps such body should comprise of a council of peers instead of personnel from the Government or social media/tech companies." You have heard earlier from Ms Chia Yong Yong when she brought you through some tables that, at its highest or at its worst, deliberate online falsehoods could be orchestrated by state actors as an alternative to kinetic warfare, to destroy a society and an opponent country or a target country from within.

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[8655] So, it is a national security attack either through a drip approach or through an acute attack through the online realm, to wither away another country. It is a national security issue. You know, when it is kinetic warfare, you send the armed forces, you don't delegate it to auxiliary offices from a private company. Likewise, when you have a terrorist attack or a planned attack in a country in Singapore, the police will go right at it, there is no concern about rules of bias. But when it comes to national security concerns regarding DOFs, do you think it is appropriate for the government to delegate it to an independent panel of peers and not have any representation or role or participation in dealing with the national security risk posed by DOFs?

[8656] **Ms Er Shengtian Rachel:** The way we would respond to your question is that the rule against bias and the other rule that we have written down, the fair hearing rule, it starts off from the position that these two rules are common law rules of natural justice which the High Court in *Stansfield Business* has said that these are not some arcane doctrine of law, they represent what the ordinary man expects and accepts as fair procedure for the resolution of conflicts and disputes by a decision-making body that affects its interest. That is on page 8 of our submission. We accept that there might be exceptional situations of national security that would compel executive action that deviates from these two common law rules of natural justice.

[8657] But in light of the evidence that has been presented before the sheet by several other members of the public, the main concern is really how we define falsehoods. Moving away from the theoretical justifications for free speech. To be consistent with what the High Court has said about these two rules reflecting a universal desire on the part of society, to see that even in these exceptional situations, threatening the security and possibly even survivability of Singapore, that the rule of law is still upheld and that these decisions are not made arbitrarily.

[8658] **Mr Desmond Lee:** Now we have the proposal that you have heard from SMU on how, according to them, they balance free speech with tackling the harms of DOF, I would take another perspective from the proposal, which is that the executive will act or some authority will act but you protect against infringement of the rule of bias and other principles of natural justice, that you have articulated in your participate, address through oversight, appeal, ex parte or inter parte oversight in the case of Team 2, to the Office of the President; Team 1, it is the judicial oversight. Would that take care of your natural justice concerns in these extreme national security situations?

[8659] **Ms Er Shengtian Rachel:** We agree. The court has held that judicial review is the engine of the rule of law, and regardless of whether executive action or legislative action is taken in the extreme circumstances involving national security, the courts have held that they would assess what the real question is. If it is a question involving

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policy, foreign affairs or issues not involving questions of law, the courts would not review those. Those nature of questions ---

[8660] Mr Desmond Lee: DCH.

[8661] Ms Er Shengtian Rachel: Yes.

[8662] Mr Desmond Lee: In your view, judicial review is a way to address concerns about natural justice and concerns about potential abuse of legislative powers; is that correct?

[8663] Ms Er Shengtian Rachel: Yes. If you permit me to illustrate with an example, in a case of Yong Vui Kong, that has dragged on for quite long, the court has reviewed the constitutional power of the President, the clemency power, and the court has held that how the president exercises his clemency power is something that the president himself decides, the Constitution has vested that discretion in him, which the court will not review. But in the process of arriving at that decision, which judicial review tackles, the courts review the decision-making process but not the decision itself. In the decision-making process, if let's say questions of law have been engaged, the courts, being the authoritative arbiter of what the law is, they would intervene and review those issues.

[8664] Mr Desmond Lee: Thank you very much. My last question, and I ask you to respond very briefly, you have all said a lot and presented a lot and we have had a good discussion. If you want, if each team could share with us one take-away you would like the Select Committee to have from your submissions and your oral testimony. What is that one thing that you think we should definitely bring away with us? Maybe start off with NUS first, what is that one thing, succinctly, not just as a law student or professional but as a young Singaporean in Singapore?

[8665] Mr Joel Jaryn Yap Shen: I think there are two main points that we want the Select Committee to consider. Firstly, in relation to deliberate online falsehoods and free speech, that the deliberate online falsehoods law would limit the right to free speech, the deliberate online falsehoods law would consider in the balancing approach the right to free speech and to look at it from these two perspectives and to take necessary considerations into thought. Through this, we propose the multi-factorial sanctions regime in terms of the three Cs, in terms of the culpability, the culprit and the consequence, and these are some factors that the Select Committee might want to deliberate on and consider in the future. Finally, we are also concerned that the right to religious freedom and the principle of secularism could be undermined, and should false religious beliefs fall within the ambit of deliberate online falsehoods?

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So, we propose ultimately that the Select Committee should distinguish between false facts that are designed to mislead and how those should fall under deliberate online falsehoods and, in contrast, questionable visions of religious truths should not fall under deliberate online falsehoods. Thank you.

[8666] Mr Desmond Lee: Thank you. Gloria and Simran, what is the key take-away, the most important point that you would like to drive home?

[8667] Ms Gloria Chan Hui En: One key value we would like the Select Committee to take note of is whatever legislation or whatever proposals are pushed out, there must be accountability to the people and to the various stakeholders that are involved. I think, through exploring a holistic approach towards it, that would be the best solution. Thank you.

[8668] Mr Desmond Lee: Thank you, Gloria and Simran.

[8669] Ms Chen Lixin: I echo Gloria's views, in that one take-away is that there are different parties involved here and I think the time has come for social media intermediaries to not only just take responsibility but the fact that they should be legally obligated to exercise these responsibilities. In doing so, while there are concerns as to how exactly they can exercise their obligations, we think that the clear legislation, clear laws, clear safe harbour regimes, will help to alleviate some of these concerns. So, we would say that we really urge this Committee to consider the different parties involved and also to ensure that the legislation laid out are nuanced in that respect.

[8670] Mr Desmond Lee: Thank you all for your very considered and thorough recommendations. I have no further questions.

[8671] Mr Pritam Singh: Thank you to all the witnesses for your testimony this morning. I have one question. Minister Lee spoke earlier about legislative measures and some of the representations you have made in your various papers and I want to focus very quickly on non-legislative measures. Joel, if I heard you correctly, earlier you spoke about the falling readership of newspapers. We heard testimony much earlier in the Select Committee process that, while that may be true to some extent, people subscribing to digital copies of newspapers is increasing, so there is an inverse effect also that one can't ignore. To that end, media companies before the Committee have also testified that people tend to return to mainstream news to establish facts of a particular situation. I think that position is understandable because they have got the most resources to chase up stories and so forth.

[8672] With that as a backdrop and with the points that have been made earlier about media literacy, which I believe everyone has made in some way, shape or form,

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and critical thinking, do you think there is a role that mainstream media can play to raise critical thinking in Singapore? What I'm getting at is hopefully there is a knock-on effect in the online space, given the testimony that media companies have put forward to the Committee. I would like your views on that. In no particular order, anybody can comment. If you don't have any views on that, that's fine as well.

[8673] Mr Sui Yi Siong: I think we would completely agree that the mainstream media can and should take a lead in disseminating the truth and credible sources of information. We agree with the proposals regarding media literacy and we agree that there hopefully will be a knock-on effect in educating people how to evaluate sources of information more critically. So, we completely agree.

[8674] The Chairman: Who is next? If there are no comment, it's okay.

[8675] Ms Simran Kaur Sandhu: We have one point to make with regard to how the mainstream media can compel reality. We think it is quite limited in Singapore because the channels of mainstream media are also quite limited in that sense, because you have the printed papers and then you have TV perhaps. But what we are seeing now is that the mainstream media is kind of moving towards the online sphere more. So, I would think that although the mainstream media can indeed help and propel the teaching of media literacy to everyone, we think that it is more important to focus on how we can teach the people methods and ways that they can differentiate between falsehoods and actual news on the online sphere, because that's what many of us are looking toward instead of the more mainstream media in Singapore especially. Thank you.

[8676] Mr Joel Jaryn Yap Shen: I would just add one point. Transparency is something that is key in the newspaper companies and it is something that should be expounded more, especially in Singapore. Because there was an article that I read recently, and I think there were certain facts that were portrayed in the article that weren't, I would say, factual. At the end of the day, what the article did, there was an edited version. However, unlike some newspaper companies, for instance, I think the New York Times, where they make an editorial note at the bottom to state that something has been changed and to state specifically what has been changed, I think in the Singapore newspaper article I read, they just edited it and they didn't acknowledge what was wrong with the earlier article. I think in addition to that or in conclusion, that transparency is something that is key and should be found even in the newspaper companies. In addition, from that, there would be a knock-on effect accordingly in explaining that transparency is not just important in newspaper companies but also in the life that people have.

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[8677] **Mr Pritam Singh:** A very quick follow-up for Yi Siong. This is with regard to critical thinking. Do you think there is a role -- I'll be a bit more specific -- do you think there is a role for mainstream media to carry more alternative news for issues that society discusses in the online space, including even pursuing investigative journalism to some extent?

[8678] **Mr Sui Yi Siong:** I agree. As you noted, mainstream media does possess more resources therefore they are in a better placed position to chase down alternative news stories. I would fully agree with that statement. Correct me if I'm mistaken but I believe that the editors of the mainstream media have come to this Committee and they have stated for the record that they do in fact pursue such alternatives.

[8679] **Mr Pritam Singh:** Thank you.

[8680] **The Chairman:** If there are no further questions, I would like to thank you, thank all the witnesses, including Lyndon Choo and Aaron Yoong, who are sitting at the back, for your time and your presentation here. I would like to take the opportunity to wish you all the best in your law studies, your future projects and your future competitions also. I'm absolutely confident all of you will do very well. Once again, thank you very much. In the next few days, we will send you a transcript of today's events. Please look through it carefully. If there are any errors, please correct them and send the transcripts back to us. Once again, thank you very much.

(The witnesses withdrew.)

[8681] **The Chairman:** I propose we take a lunch break now. I suspend the meeting and we will resume our proceedings at 1.35 pm.

(The hearing adjourned for a break.)

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Paper No. 83 -- Dr Thum Ping Tjin (Historian; Founder, Managing Director and Research Director of New Naratif; Research Fellow in History and Coordinator of Project Southeast Asia at the University of Oxford), was examined under oath.

[8682] Mr Chairman: Good afternoon. I call the meeting to order. May I invite the witness to come forward to the witness table?

[8683] Good afternoon. For the record, could you please state your name and the position you're occupying in your organisation?

[8684] Dr Thum Ping Tjin: Good afternoon, Mr Chong. My name is Dr Thum Ping Tjin. I am a Research Fellow in history and Coordinator of Project Southeast Asia at the University of Oxford, and I am also Managing Director of New Naratif.

[8685] Mr Chairman: Thank you. The evidence you will be giving today before the committee will be taken on oath. If you desire, you can take an affirmation. Clerk, please administer the oath.

(The witness took an oath.)

[8686] Mr Chairman: Thank you. Please be seated. Welcome to the public hearing on the Select Committee on Deliberate Online Falsehoods. The focus for today's evidence-gathering session is for us to put questions to you. You have taken a solemn obligation to answer our questions truthfully and I will now call on Minister Shanmugam to begin.

[8687] Mr K Shanmugam: Good afternoon, Dr Thum.

[8688] Dr Thum Ping Tjin: Good afternoon.

[8689] Mr K Shanmugam: In your submission, which I think you have a copy of, you assert that Operation Coldstore was conducted for political purposes. There was no evidence that the detainees of Operation Coldstore were involved in any conspiracy to subvert the Government. I think in particular your view is that the Singapore Government, and Mr Lee Kuan Yew in particular, are the sources of this major fake news; they fabricated stories to tar their political opponents as communists; Operation Coldstore had no security basis, it was merely a political exercise for Mr Lee to jail his political opponents. I think that sort of sums up the views you have set out. This is of course not a Select Committee to examine the evidence for Operation Coldstore.

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[8690] There is a transcript – I'm not asking you yet -- but there is a transcript so eventually you will have to verbalise rather than nodding your head.

[8691] **Dr Thum Ping Tjin:** Yes.

[8692] **Mr K Shanmugam:** Nor is this a Select Committee to examine the activities of the Communist Party of Malaya, CPM. But since you have put up a submission and made some recommendation based on these assertions, I think we will need to look at them.

[8693] **Dr Thum Ping Tjin:** Yes.

[8694] **Mr K Shanmugam:** Let us first confirm some background -- your own background, for the record. Your submission states that you are a Research Fellow in history and Co-ordinator of Project Southeast Asia at the University of Oxford?

[8695] **Dr Thum Ping Tjin:** Yes.

[8696] **Mr K Shanmugam:** Are you still a Research Fellow in history?

[8697] **Dr Thum Ping Tjin:** As of last year, I've actually switched to anthropology.

[8698] **Mr K Shanmugam:** So, you are a Research Fellow in anthropology?

[8699] **Dr Thum Ping Tjin:** Yes, that is correct. I am still a historian.

[8700] **Mr K Shanmugam:** Yes, understand. Just so that we understand, is that a full-time position?

[8701] **Dr Thum Ping Tjin:** It is a visiting professorship in anthropology. The co-ordinator post is the full-time position.

[8702] **Mr K Shanmugam:** So, do you hold any position in the faculty of history or any other faculty at Oxford?

[8703] **Dr Thum Ping Tjin:** Oh, in history, no, no.

[8704] **Mr K Shanmugam:** Thank you. So, you are coordinator of this Project Southeast Asia?

[8705] **Dr Thum Ping Tjin:** Yes.

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[8706] Mr K Shanmugam: Right. So, as I understand from what you say, you do not have any tenured academic position at Oxford?

[8707] Dr Thum Ping Tjin: No, not tenured, no. Goodness, no.

[8708] Mr K Shanmugam: Right. Now, let's then come back to what you say about the CPM in Malaya and Singapore. You refer -- I summarised for you the views you have set out, in both your submissions and other writings which are referred to in the footnotes to the submissions.

[8709] Dr Thum Ping Tjin: Yes.

[8710] Mr K Shanmugam: So, the political opponents that Mr Lee sought to tar, I think if we can pick up your ARI paper, which is referred to in footnote 4 of your representations -- this is ARI working paper number 211. Can I go to page 3? A copy will be flashed on the screen so you can look at that.

[8711] Page 3, the third paragraph: "The rapid growth and increasing strength of Singapore's progressive left-wing movement alarmed the British colonial authorities, political rivals, and the leaders of the Federation of Malaya. By 1961, the left-wing had coalesced into the opposition Barisan Sosialis party and were on the verge of taking power in Singapore. Formerly part of the ruling PAP, they had been expelled or resigned from the party when it decisively moved away from the left-wing platform it had been elected on. The PAP still claimed to be a left-wing party, so to distinguish themselves, Barisan referred to their movement as the 'progressive left'." You say that.

[8712] Then, in page 4, you say, in the second paragraph, or first full paragraph: "In order to overcome the Federation government's reluctance to take in Singapore, the British and Singapore governments marketed the Barisan as communist-controlled."

[8713] And just to get a sort of broader frame on the political opponents who were tarred as communists by Mr Lee, I think you have to go to Mr Lee's own speeches which I think you refer to.

[8714] First is the speech by Mr Lee Kuan Yew, 15 September 1961. It's reproduced in "The Battle for Merger". I'll just show you the relevant passage: "The most important interested party is the M.C.P. They do not want to see security in the hands of the central government. They are an illegal organisation. And with security in the hands of an anti-Communist central government, they fear they will be worse off. They are unable to make any official statements to the press or through other open channels of information. But they have proxies. They have sympathisers and secret

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party members in the lawful political parties, in the unions, cultural organisations, old boys' associations who make appropriate noises on their behalf. The Communists through their proxies are therefore trying to cloud and confuse this merger issue in order that you may come to the wrong decision."

[8715] And then, we see a second speech, 15 September, also reproduced in "The Battle for Merger": "For the foreseeable future, the Communists have no chance of capturing power in the Federation or Singapore by force of arms." You can cast your eye over the rest of what he says. "But new recruits have been found" -- and he refers to Chinese middle schools.

[8716] Then, a speech on 18 September, also reproduced in "The Battle for Merger". Here, he talks about how he acted as a lawyer on behalf of trade unions. And over the page, you can see that he refers to the ABL, Anti-British League. "A.B.L. relation to the M.C.P is like that of the volunteer force to the regular professional army."

[8717] Then, if you look at another speech, 18 September, this is reproduced in "The Battle for Merger". Here, he refers to unions, and he says they are controlled by communists.

[8718] Then, if you look at 9 October 1961: "original aim of the Communists was to call for independent Singapore" -- and he talks about "open-front workers" who "were loudly talking of... independence".

[8719] And then ---

[8720] **Dr Thum Ping Tjin:** Mr Shanmugam, I'm aware of all of this. This is in the historical record.

[8721] **Mr K Shanmugam:** I understand.

[8722] **Dr Thum Ping Tjin:** Are you getting somewhere with this question?

[8723] **Mr K Shanmugam:** I will. Let's set some ground rules. We ask the questions. We refer you to such material as we think is relevant. You try not to interrupt when the question is being asked and then you answer the question that is asked.

[8724] **Dr Thum Ping Tjin:** Golly, no one gets to answer a question when asked a question in Singapore, do they?

[8725] **Mr K Shanmugam:** Thank you. Have you been stopped from answering any questions in Singapore?

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[8726] **Dr Thum Ping Tjin:** No, I was just making a joke. Thank you.

[8727] **Mr K Shanmugam:** Thank you. I would ask that you avoid jokes here and treat the proceedings seriously. And if you do want to make a joke, try and have some truth to it.

[8728] **Dr Thum Ping Tjin:** Oh, truth is very important to me.

[8729] **Mr K Shanmugam:** Yes. We will see about that in a while.

[8730] **Dr Thum Ping Tjin:** Yes, we will.

[8731] **Mr K Shanmugam:** Speech by Mr Lee Kuan Yew on 9 October 1961, where he then refers to the Barisan Sosialis as a “main open-front Communist organisation”. And a “few cadres planted in the Workers’ Party” and the “penetration of Party Rakyat” and “trying to penetrate” the “United People’s Party”.

[8732] And then, 29 September 1961 he refers again to the Barisan Sosialis as a “communist united front group” and that they are basically a “front for the Communists”.

[8733] So, while I think one can’t be comprehensive, trying to put a list to the people that you call the “progressive left” based on what you say, who were falsely tarred as communists by Mr Lee, will include, I suppose, Barisan Sosialis certainly, the ABL, a significant part of the trade unions, various elements in the Chinese middle schools, some cultural associations, some old boys’ associations. Would you agree?

[8734] **Dr Thum Ping Tjin:** Yes.

[8735] **Mr K Shanmugam:** Thank you. And your position set out in the ARI paper, I think if we look at page 5, at the top: you say “the historiography is clear on the lack of evidence of communism”. That’s lack of evidence of communism on the part of the “progressive left”. Correct?

[8736] **Dr Thum Ping Tjin:** On the progressive ---

[8737] **Mr K Shanmugam:** By reference to what you say at page 4?

[8738] **Dr Thum Ping Tjin:** Yes, that’s what I wrote. Yes.

[8739] **Mr K Shanmugam:** And then, page 7, if you look at the third and fourth paragraphs, you can cast your eye over it, you talk about the anti-colonial movement, the working class, the reference to Singapore factory and shop workers’ union and

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other unions, which were broken up, and the way the unions worked in 1955, 1956. So, just to look at those, now since you referred to 1955 and 1956, I suppose that would include the Hock Lee bus strikes which ---

[8740] Dr Thum Ping Tjin: Yes.

[8741] Mr K Shanmugam: --- where they were exploited by exploitative employers. Correct?

[8742] Dr Thum Ping Tjin: Yes.

[8743] Mr K Shanmugam: And the strikes were led by the “progressive left”? You heard the question?

[8744] Dr Thum Ping Tjin: Yes, I said yes.

[8745] Mr K Shanmugam: Thank you. And in your view, as you have set out here, the strikes, amongst other things, were not influenced and no active participation of the communists. This was all the “progressive left”?

[8746] Dr Thum Ping Tjin: Yes.

[8747] Mr K Shanmugam: Okay. Let’s go back to something else that is actually quite, I think, shouldn’t be controversial.

[8748] The post Second World War period, if you look at it over a period of years, if you look at the region, you had the Partai Komunis Indonesia pre-1965, the largest Communist Party in the world with about maybe up to 3 million members. Maybe the largest Communist Party outside of the then USSR and China. Correct?

[8749] Dr Thum Ping Tjin: Yes.

[8750] Mr K Shanmugam: Thailand, you had a Communist Party which was active. Correct?

[8751] Dr Thum Ping Tjin: Yes.

[8752] Mr K Shanmugam: Philippines, you had the Huk rebellion supported by the peasantry.

[8753] Dr Thum Ping Tjin: “Huk”. Yes.

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[8754] Mr K Shanmugam: “Huk”. Thank you. And Vietnam, you had the Communist Party of Vietnam and of course, the Vietnam War. Correct?

[8755] Dr Thum Ping Tjin: Yes.

[8756] Mr K Shanmugam: Laos and Cambodia also had active communist parties, correct?

[8757] Dr Thum Ping Tjin: Yes.

[8758] Mr K Shanmugam: And in Malaya, again not controversial, you had the Emergency between 1948 and 1960, a serious armed insurrection. Correct?

[8759] Dr Thum Ping Tjin: Yes.

[8760] Mr K Shanmugam: It was for all intents and purposes, an all-out war between the CPM and the British colonial government in Malaya. Correct?

[8761] Dr Thum Ping Tjin: Yes.

[8762] Mr K Shanmugam: If we put some numbers to it, at the height of the fighting between 1951 and 1952, there were probably at least 10,000 communist guerrillas involved in the fight. I will just give you some figures, you tell me whether they make sense to you. Casualties during the Emergency for the communists: about 6,700 killed, 1,200 captured, 2,700 surrendered, makes about 10,000-odd. Police and army: about 1,800 killed, civilians about 3,200 killed or missing. And if you take the police, army and civilians: about 4,000 wounded. So, that gives you a total about 9,000. These figures sort make sense to you?

[8763] Dr Thum Ping Tjin: They make sense, yes. I don't know the exact figures off the top of my head.

[8764] Mr K Shanmugam: They are based on various records that you have seen. And in terms of the forces involved: 40,000 regular troops, 70,000 police, 350,000 home guards, 21,000 incidents, 8,700 contacts between the CPM guerrillas and the forces. Correct? Around there?

[8765] Dr Thum Ping Tjin: Around there.

[8766] Mr K Shanmugam: And I'm sure you have come across this, that in dollar terms of that period probably it cost more than 5 billion Malaysian dollars, right? The fight?

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[8767] **Dr Thum Ping Tjin:** The cost, I don't know. Sounds about right. Possibly.

[8768] **Mr K Shanmugam:** Thank you. And you know that in 1951, of course, the High Commissioner Gurney was assassinated.

[8769] **Dr Thum Ping Tjin:** Yes.

[8770] **Mr K Shanmugam:** That's a broad picture between 1945 and 1960. Now, something else which again should be non-controversial in terms of the Marxist theory -- it was to create a revolution led by the new fourth estate of industrial workers, right? You would agree with that?

[8771] **Dr Thum Ping Tjin:** Yes.

[8772] **Mr K Shanmugam:** It's not the complete theory, but it's part of the theory.

[8773] **Dr Thum Ping Tjin:** It's part of the theory, sure.

[8774] **Mr K Shanmugam:** Also, if you need the reference, I can give it to you but if you look at what Lenin says: one part of his thinking when he started looking at the countries which had recently become independent or were still colonies. His analysis was that Europe was getting wealth from the colonies; that was being distributed to the European workers; this reduced their revolutionary potential; thus there was a need to agitate people in the colonies to overturn colonial rule. And so he directed the setting up of Comintern to spread communism throughout the world, including Asia. That you know, right?

[8775] **Dr Thum Ping Tjin:** Yes, it's from "Imperialism, the Highest Stage of Colonialism".

[8776] **Mr K Shanmugam:** Yes. And Comintern brought communism to Malaysia and Singapore. I think the date, there is some question, but some people will say 1925, some people will say 1930.

[8777] **Dr Thum Ping Tjin:** About there, yes.

[8778] **Mr K Shanmugam:** Thank you. Another -- Lenin's views on how communists should behave -- this is from the "Guidelines on the Organisational Structure of Communist Parties, Methods and Contents of their Work", 24th Session of the Third Congress of the Communist International, July 1921. And he urged acolytes to know "how to combine the strictest loyalty to the ideas of communism with an ability to make all the necessary practical compromises -- to track, make agreements, zig-zags, retreats and so on". That sounds right to you?

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[8779] Dr Thum Ping Tjin: Sounds about right, yes.

[8780] Mr K Shanmugam: Yes, thank you. And in communist theory, the united front strategy took two forms: “united front from above” in which the communists “establish(ed) contact with the masses by collaborating with leaders... of non-communist organisations” and “united front from below” which meant “appealing to the rank-and-file members of such organisations over the heads of their leaders. That is fairly standard theory. Correct?

[8781] Dr Thum Ping Tjin: Yes.

[8782] Mr K Shanmugam: And significantly Lenin added that “Communists must be able to agree to sacrifices” and I’m quoting, “even if need be to resort to all sorts of stratagems, manoeuvres, illegal methods, evasions, subterfuges in order to achieve their end.” Correct?

[8783] Dr Thum Ping Tjin: Yes.

[8784] Mr K Shanmugam: Let’s look at CPM’s united front strategy. The activities, CPM’s activities spanned the entire spectrum from armed rebellion and terrorist methods at one end to the use of legal entities like political parties and trade unions in constitutional struggle at the other. Would you agree with that?

[8785] Dr Thum Ping Tjin: Yes.

[8786] Mr K Shanmugam: Let’s look at what senior CPM cadres like Chin Peng and Fong Chong Pik have acknowledged. Basically, CPM’s focus shifted back and forth along this spectrum depending on the external circumstances. Correct?

[8787] Dr Thum Ping Tjin: Yes.

[8788] Mr K Shanmugam: For example, as the armed rebellion in Peninsula Malaya waned in the early 1950s, the CPM shifted its focus to open front struggle. And this was a period when CPM cadres were active in the so-called Middle Road unions and political parties, including the PAP. Would you agree with that?

[8789] Dr Thum Ping Tjin: What are the dates?

[8790] Mr K Shanmugam: Maybe you can tell me whether there was any period when CPM cadres were active in the so-called Middle Road unions and political parties, including the PAP?

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[8791] **Dr Thum Ping Tjin:** There is no evidence in the Special Branch files of influence by the MCP in the higher echelons of the Middle Road unions past, I would say, past 1955, or late 1954.

[8792] **Mr K Shanmugam:** Okay. Let's for accuracy refer to CPM. You say MCP, I think we are referring to the same.

[8793] **Dr Thum Ping Tjin:** Yes, CPM. Sorry.

[8794] **Mr K Shanmugam:** Thank you. From the earliest times, Comintern has advised, and I quote: "There can be no absolutely correct, immutable organisational form for communist parties. The conditions of the proletarian class struggle are subject to changes in an unceasing process of transformation; the organisation or the vanguard of the proletariat must also constantly seek appropriate forms corresponding to those changes." You know that, right?

[8795] **Dr Thum Ping Tjin:** Yes.

[8796] **Mr K Shanmugam:** Thank you. Again, this is Douglas Hyde. The title of the book is "Peaceful Assault". "The United Front" -- this is not specific to CPM, this is general theory -- "is the means by which a small minority of communists can influence and use large masses of people and so come to power with the support of people who have no real sympathy for their aims and beliefs. Essence of the tactic consists in discovering popular slogans and genuine grievances around which joint activity may be developed and then, in due course, using this activity to strengthen the Communist Party and to destroy its rivals." Really quite standard and trite. Agree?

[8797] **Dr Thum Ping Tjin:** This is true for all political parties, not just the Communist Party.

[8798] **Mr K Shanmugam:** Right. I'm not necessarily agreeing with you that it is true for all political parties, but let's at least agree that, specific to communist parties, you don't have a problem with the statement?

[8799] **Dr Thum Ping Tjin:** Well, every communist party has its own local domestic context.

[8800] **Mr K Shanmugam:** Right.

[8801] **Dr Thum Ping Tjin:** As a general rule, I suppose it is an effective means of political mobilisation.

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[8802] **Mr K Shanmugam:** Thank you. Let's look at CPM. You know that originally, initial operations centred on Singapore. I refer you to page 57 of the book by Chin Peng. That would be well known to you. Correct?

[8803] **Dr Thum Ping Tjin:** Yes.

[8804] **Mr K Shanmugam:** Thank you. And in the 1930s there were two Town Committees, one of which was in Singapore, correct? Page 58 of Chin Peng.

[8805] **Dr Thum Ping Tjin:** In the 1930s, yes.

[8806] **Mr K Shanmugam:** Thank you. In 1934, 1935, police directed 400-plus raids against CPM. You are aware of that, correct?

[8807] **Dr Thum Ping Tjin:** Yes. My work doesn't cover that period, though.

[8808] **Mr K Shanmugam:** And if you look at page 59, about 226 suspected members were arrested. You won't dispute that?

[8809] **Dr Thum Ping Tjin:** Well, the text says that. Like I said, my work is primarily post, as I said my work is post World War II.

[8810] **Mr K Shanmugam:** Okay. So, post World War II, at the end of the war, Chin Peng says 4,000 weapons were handed over to the British and 5,000 were hidden in the jungle. That you are aware of?

[8811] **Dr Thum Ping Tjin:** I beg your pardon?

[8812] **Mr K Shanmugam:** 4,000 weapons were handed over to the British, 5,000 ---

[8813] **Dr Thum Ping Tjin:** Are you referring to the text?

[8814] **Mr K Shanmugam:** I'm referring to page 138 of Chin Peng. This is post World War II ---

[8815] **Dr Thum Ping Tjin:** Yes, he says that.

[8816] **Mr K Shanmugam:** Yes, but your research shows that too?

[8817] **Dr Thum Ping Tjin:** This is north of the Causeway. My work is on Singapore.

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[8818] **Mr K Shanmugam:** Thank you. Now January 1946, the general labour union controlled by the CPM organised a two day strike, with 150,000 workers called out for the strike. You are aware of that?

[8819] **Dr Thum Ping Tjin:** Yes, the Hartal, yes, that was to protest the Malayan union proposals and Singapore's separation from the rest of Malaya.

[8820] **Mr K Shanmugam:** Thank you. 20 October 1947, a general strike was called which involved the Chinese Chamber of Commerce, Federation of Trade Unions, All Malayan Council of Joint Action to protest against Constitution of Malayan Federation and Singapore.

[8821] **Dr Thum Ping Tjin:** Malayan union.

[8822] **Mr K Shanmugam:** Yes, that's page 197 of Chin Peng. He says the Communist Party of Malaya gives strong support to this. You are aware of that?

[8823] **Dr Thum Ping Tjin:** Yes, yes.

[8824] **Mr K Shanmugam:** Thank you. And it brought commercial life in Singapore to a standstill; you are aware of that too?

[8825] **Dr Thum Ping Tjin:** Yes.

[8826] **Mr K Shanmugam:** Likewise, it brought commercial life in many Malayan cities and towns to a standstill. Are you aware of that too?

[8827] **Dr Thum Ping Tjin:** That's the point of a strike. Yes.

[8828] **Mr K Shanmugam:** And AMJCA was a key promoter of the protest and was under CPM's influence. You are aware of that?

[8829] **Dr Thum Ping Tjin:** Yes.

[8830] **Mr K Shanmugam:** Thank you. Then, March 1948, the CPM decided to wage war against the British armed struggle. You are well aware of that? Correct?

[8831] **Dr Thum Ping Tjin:** Yes.

[8832] **Mr K Shanmugam:** The meeting to decide on the armed struggle took place in Queen Street, CPM's office. Chin Peng refers to it at page 202 and 206, but I think you should be aware of it, correct?

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[8833] **Dr Thum Ping Tjin:** Yes.

[8834] **Mr K Shanmugam:** Thank you. And CPM had open front organisations in population centres, page 207 of Chin Peng, yes?

[8835] **Dr Thum Ping Tjin:** Yes.

[8836] **Mr K Shanmugam:** 1951, page 278 of Chin Peng, Singapore police conducted a series of raids against CPM's infrastructure in Singapore. Correct?

[8837] **Dr Thum Ping Tjin:** Yes.

[8838] **Mr K Shanmugam:** And some CPM members were evacuated, including Eu Chooi Yip, page 279 of Chin Peng, correct?

[8839] **Dr Thum Ping Tjin:** Yes. He says that, yes.

[8840] **Mr K Shanmugam:** You are not aware?

[8841] **Dr Thum Ping Tjin:** I'm just agreeing that he says that.

[8842] **Mr K Shanmugam:** I know. I'm asking you if you are aware of Eu Chooi Yip ---

[8843] **Dr Thum Ping Tjin:** Yes, of course.

[8844] **Mr K Shanmugam:** --- and you are aware that he went over to the Riau Islands to escape the arrests.

[8845] **Dr Thum Ping Tjin:** Yes.

[8846] **Mr K Shanmugam:** Thank you. And you are aware that Eu Chooi Yip ran Freedom News which was the Singapore underground, newspaper, correct?

[8847] **Dr Thum Ping Tjin:** Yes.

[8848] **Mr K Shanmugam:** 1955, of course, you had the Baling Talks and it went on for some time, but in essence the CPM said they will never give up their ideology and Marshall said the Governments of Federation and Singapore will never recognise the CPM. You must be aware of that? 380 of Chin ---

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[8849] **Dr Thum Ping Tjin:** Yes, I'm aware of the Baling Talks.

[8850] **Mr K Shanmugam:** Thanks. Not just aware of the Baling Talks, but you are aware of what I am saying?

[8851] **Dr Thum Ping Tjin:** Yes, yes.

[8852] **Mr K Shanmugam:** Thank you. Now, let's look at your submission. I think your position by reference in your submission as well as the underlying papers that you have put up, which are referred to in your submission, is basically that this Communist United Front didn't exist and was an invention. Correct?

[8853] **Dr Thum Ping Tjin:** My central contention is that there is no evidence that the detainees of Operation Coldstore were involved in any violent communist conspiracy to subvert and overthrow the Singapore Government.

[8854] **Mr K Shanmugam:** Do you -- have you said that the Communist United Front was an invention?

[8855] **Dr Thum Ping Tjin:** No, I have not said it was an invention. I have said it was irrelevant to mainline politics, anti-colonial politics in Singapore past 1954 or so.

[8856] **Mr K Shanmugam:** Let's get this down very accurately. Is it your position that there was a Communist United Front in Singapore?

[8857] **Dr Thum Ping Tjin:** Yes.

[8858] **Mr K Shanmugam:** Yes. In 1959, 1960, 1961, 1962, you accept that there was a Communist United Front in Singapore?

[8859] **Dr Thum Ping Tjin:** Well, that's a very interesting academic question.

[8860] **Mr K Shanmugam:** No, I'm asking a question. I would like an answer without comments on the question.

[8861] **Dr Thum Ping Tjin:** There is no evidence in the Special Branch files for the existence of a Communist United Front in Singapore in the late 1950s.

[8862] **Mr K Shanmugam:** Let me be clear. You are a historian?

[8863] **Dr Thum Ping Tjin:** Yes.

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[8864] **Mr K Shanmugam:** Based on your assessment of the records, is it your position that there is evidence or there is no evidence -- and we are not just referring to Special Branch files -- is it your position that there is evidence, or there is no evidence of a Communist United Front between say, 1957 and 1963?

[8865] **Dr Thum Ping Tjin:** Hmmm. I think you would have to define "Communist United Front" because if you define it extremely broadly, then you could say -- it depends on how you define it, yes. So, in the sense that, was there an active conspiracy, an underground conspiracy led by the CPM in the late 1950s? No. Were there people who believed in communism? Yes.

[8866] **Mr K Shanmugam:** That's not quite my question.

[8867] **Dr Thum Ping Tjin:** Yes, well, you will have to elaborate your question because we want to be accurate.

[8868] **Mr K Shanmugam:** Yes, I'm asking you for your position, I think you understand the question. We went through the Marxist theories; we went through how united front operations work.

[8869] **Dr Thum Ping Tjin:** Yes.

[8870] **Mr K Shanmugam:** And I showed you what Lenin has said and what others have said. I've defined for you the fact that communist parties would use a variety of front organisations, including trade unions, and other front organisations to achieve their aims. So, in that sense, was there, in your view, between 1957 and 1963, a Communist United Front? Leave out for the time being what their aims were.

[8871] **Dr Thum Ping Tjin:** Well, I'm asking what the definition of Communist United Front is, right?

[8872] **Mr K Shanmugam:** Okay.

[8873] **Dr Thum Ping Tjin:** Because, for example, if you ---

[8874] **Mr K Shanmugam:** Dr Thum, I will give you a definition.

[8875] **Dr Thum Ping Tjin:** Okay.

[8876] **Mr K Shanmugam:** We will unfortunately have to go back to some of the theory we have both been learning on communism. Let's look at what we saw, Mr

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Lee's speech, 15 September 1961. "They", meaning the CPM, "are unable to make any official statements to the press or through other open channels of information. But they have proxies, they have sympathisers, secret party members and the lawful political parties, in the unions, cultural organisations, old boys' associations who make appropriate noises on their behalf."

[8877] **So**, for the time being, leave out the part about them making appropriate noises, just refer to political parties, unions, cultural organisations, old boys' associations. Was there a Communist United Front involving all of these organisations?

[8878] **Dr Thum Ping Tjin:** If the definition includes Mr Lee Kuan Yew, then yes there was a Communist United Front and he was part of it.

[8879] **Mr K Shanmugam:** Right. So, including Mr Lee, there was a Communist United Front. Correct?

[8880] **Dr Thum Ping Tjin:** Again ---

[8881] **Mr K Shanmugam:** You just said so.

[8882] **Dr Thum Ping Tjin:** Yes, and I would like to clarify that that doesn't mean they were in an active conspiracy, but it ---

[8883] **Mr K Shanmugam:** Well, I know you like to qualify.

[8884] **Dr Thum Ping Tjin:** I'm an academic, Mr Shanmugam. Nuance is very important to the truth ---

[8885] **Mr K Shanmugam:** But my questions are very narrow.

[8886] **Dr Thum Ping Tjin:** Yes. But academia does not lend itself to narrow questions.

[8887] **Mr K Shanmugam:** You can explain by all means but don't worry we will explore all of these other issues.

[8888] **Dr Thum Ping Tjin:** Thank you, I will explain.

[8889] **Mr K Shanmugam:** So, we can move a bit faster if you can put a marker to say you will explain and then we will come back to it.

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[8890] Dr Thum Ping Tjin: So, we will explain the meaning of a Communist United Front?

[8891] Mr K Shanmugam: Well, I thought we just went through and we have concluded that part of the exercise.

[8892] Dr Thum Ping Tjin: No, no. Again, it really depends on the definition and if the definition is broad enough that you include Mr Lee Kuan Yew ---

[8893] Mr K Shanmugam: I just said, yes, assuming we include Mr Lee Kuan Yew and the PAP.

[8894] Dr Thum Ping Tjin: Will I get a chance to explain that definition that includes Mr Lee Kuan Yew and why I defined it that way?

[8895] Mr K Shanmugam: Well, perhaps when we go through other questions, if you wish, we can come back to this, but maybe not right now.

[8896] Dr Thum Ping Tjin: Okay.

[8897] Mr K Shanmugam: Thank you. Just to go back to this point, 15 September 1961, Chinese middle schools he refers to in his speeches. He refers to ABL, he refers to unions, all of these I read to you just now, Barisan Sosialis, Party Rakyat. Let's put the PAP in there and Mr Lee Kuan Yew. All of this you would agree were part of the Communist United Front?

[8898] Dr Thum Ping Tjin: That's impossible to say. There are no historical records regarding who is and isn't part of the Communist United Front.

[8899] Mr K Shanmugam: Okay. Let's just be clear.

[8900] Dr Thum Ping Tjin: Yes.

[8901] Mr K Shanmugam: I'm asking you for your views.

[8902] Dr Thum Ping Tjin: Yes.

[8903] Mr K Shanmugam: Is it your view that based on everything you have reviewed, you have no basis to say that the Barisan Sosialis, the ABL, the trade unions, and the middle schools were part of the Communist United Front?

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[8904] **Dr Thum Ping Tjin:** I'm saying ---

[8905] **Mr K Shanmugam:** I'm asking for a yes or no answer and then you can explain.

[8906] **Dr Thum Ping Tjin:** Sorry, then could you repeat the question?

[8907] **Mr K Shanmugam:** Yes. Is it your view that based on everything you have reviewed, you have no basis to say that the Barisan Sosialis, the ABL, the trade unions, the middle schools ---

[8908] **Dr Thum Ping Tjin:** Well, you can't lump all of those together. Some may be part, some may not be part ---

[8909] **Mr K Shanmugam:** I'm lumping all of them together ---

[8910] **Dr Thum Ping Tjin:** Well, then, I can't answer the question.

[8911] **Mr K Shanmugam:** You can say no and then explain. You have no basis for saying that they were all part of the Communist United Front?

[8912] **Dr Thum Ping Tjin:** So, I have no basis for saying that all these organisations are part of the Communist United Front?

[8913] **Mr K Shanmugam:** Thank you. Now, do you have any basis for saying ---

[8914] **Dr Thum Ping Tjin:** No, that was a question. I still don't understand your question. I have no basis for saying that the Barisan, the ABL, and the other organisations you ---

[8915] **Mr K Shanmugam:** I think you understand the question.

[8916] **Dr Thum Ping Tjin:** No, I don't.

[8917] **Mr K Shanmugam:** Let me try again.

[8918] **Dr Thum Ping Tjin:** Yes, please.

[8919] **Mr K Shanmugam:** You said earlier that you have come across no historical evidence that they were part of the Communist United Front. So, let's come back to that.

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[8920] I'm asking you for your views based on whatever you have reviewed and, of course, if there is no historical record or there are no historical records, then there is no evidence. So, that is by way of background.

[8921] Based on everything you have reviewed, as a historian, do you have any basis to conclude that the Barisan Sosialis, the ABL, the middle schools, a number of trade unions were part of the Communist United Front?

[8922] **Dr Thum Ping Tjin:** I have a basis to conclude that the Barisan Sosialis was not part of the Communist United Front.

[8923] **Mr K Shanmugam:** Right. What about the ABL?

[8924] **Dr Thum Ping Tjin:** The ABL, according to Special Branch, was basically defunct by 1954. So, are we talking about before that or after?

[8925] **Mr K Shanmugam:** We are talking about after.

[8926] **Dr Thum Ping Tjin:** Then, the evidence indicates that the ABL was defunct by that time.

[8927] **Mr K Shanmugam:** So, you have no basis to conclude they were part of the Communist United Front (CUF) after 1954?

[8928] **Dr Thum Ping Tjin:** I'm sorry, your question is very confusing. I have no basis to conclude ---

[8929] **Mr K Shanmugam:** Do you have any basis to conclude that after 1954, ABL was part of the CUF?

[8930] **Dr Thum Ping Tjin:** If there is no evidence, I can't conclude. I can only conclude that there is no evidence and, therefore, the probability is that they ---

[8931] **Mr K Shanmugam:** What about before 1954?

[8932] **Dr Thum Ping Tjin:** The evidence indicates that -- there is a report in Special Branch that the ABL was never very active. It was more of an -- it existed more in the imagination of the public. That there was not very much of any underground organisation, which is not to say that people did not attempt to join it or join it, or believe very strongly in it, but it was not by any means an effective organisation or have any major influence on Singapore politics.

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[8933] **Mr K Shanmugam:** Right. What about before 1954?

[8934] **Dr Thum Ping Tjin:** Before 1954, during the Malayan Emergency, it did not have any significant influence on Singapore.

[8935] **Mr K Shanmugam:** Okay. That wasn't the question.

[8936] **Dr Thum Ping Tjin:** Well, the Malayan Emergency ---

[8937] **Mr K Shanmugam:** Was it a part of the CUF before 1954?

[8938] **Dr Thum Ping Tjin:** There is no evidence for that.

[8939] **Mr K Shanmugam:** Okay. Earlier on, we talked about the CUF. Your position is that the CUF was an invention on the part of various people, including Mr Lee. Is that your position, or is that not your position, that Mr Lee invented the idea of a CUF?

[8940] **Dr Thum Ping Tjin:** He didn't invent the idea of CUF. He invented the idea of CUF to suit his purposes.

[8941] **Mr K Shanmugam:** Can you explain that?

[8942] **Dr Thum Ping Tjin:** Yes.

[8943] **Mr K Shanmugam:** Please be brief in three, four sentences.

[8944] **Dr Thum Ping Tjin:** This is years of historical research and you want me to summarise?

[8945] **Mr K Shanmugam:** I'm sure you will be able to.

[8946] **Dr Thum Ping Tjin:** There is no evidence in the Special Branch documents, or as you call it today, the Internal Security Department documents that the detainees of Operation Coldstore were involved in any communist conspiracy to subvert and overthrow the Government. That's ---

[8947] **Mr K Shanmugam:** So, your position is that it was his invention that the detainees were part of a Communist United Front?

[8948] **Dr Thum Ping Tjin:** Of a communist conspiracy, which he labelled among other things, a united front.

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[8949] **Mr K Shanmugam:** I understand. You know of “The Plen”, Fong Chong Pik, correct?

[8950] **Dr Thum Ping Tjin:** Yes.

[8951] **Mr K Shanmugam:** He was a very senior CPM leader. You are also aware of Zhang Taiyong, former ABL and CPM member?

[8952] **Dr Thum Ping Tjin:** Zhang Taiyong, I’m not familiar with that name. There are a lot of names. You have to be aware. They are in my files. I can’t recall every single name off the top of my head if ---

[8953] **Mr K Shanmugam:** In terms of your review of documents, is it your position that all of your conclusions are based simply on the Special Branch records declassified by Britain?

[8954] **Dr Thum Ping Tjin:** Also, documents in the US, in Australia, plus newspaper reports from the period, plus memoirs and autobiographies, including Mr Lee Kuan Yew’s and others.

[8955] **Mr K Shanmugam:** Can you tell us which others?

[8956] **Dr Thum Ping Tjin:** If you look at the bibliography of this article, there is a list. I don’t know if you would like me to read every single one.

[8957] **Mr K Shanmugam:** It’s okay. So, it is the people mentioned in the bibliography?

[8958] **Dr Thum Ping Tjin:** Yes, and others. And also Chinese newspapers and newspapers in general.

[8959] **Mr K Shanmugam:** Now, could you help me by telling me whether Zhang Taiyong is referred to in your bibliography?

[8960] **Dr Thum Ping Tjin:** I don’t see a Zhang Taiyong in this article.

[8961] **Mr K Shanmugam:** All right. Let me tell you who he is. He was a former ABL and CPM member. Okay?

[8962] **Dr Thum Ping Tjin:** Yes.

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[8963] **Mr K Shanmugam:** Now, let's look at some documents. Fong Chong Pik, I'm sure you are aware of his book, "The Memoirs of a Malayan Communist Revolutionary", 2008 at page 122. I'm going to quote to you: "As Old Eu informed me, at the time, the entire organization in Singapore had been smashed. In the early 1950s, the original Town Committee had been dissolved and no longer in existence ... The other district level organizations had also suffered attacks and collapsed. Over the years, the spectacular mass movements were in the main led by the basic level cadres of the Student Committee." What do you understand by this paragraph?

[8964] **Dr Thum Ping Tjin:** Well, it says that in the early 1950s, the CPM's Town Committee had been dissolved and was no longer in existence and he uses the word "smashed". So, the CPM, it suggests the CPM was smashed in Singapore by the early 1950s.

[8965] **Mr K Shanmugam:** Read on: "Over the years, the spectacular mass movements were in the main led by the basic level cadres of the Student Committee." What do you understand by that? It's a fairly simple sentence.

[8966] **Dr Thum Ping Tjin:** I'm processing, please. Mr Fong Chong Pik wrote this, yes, and that he believes that the spectacular mass movements were led by members of the basic level cadres of the Student Committee.

[8967] **Mr K Shanmugam:** Cadres of the CPM.

[8968] **Dr Thum Ping Tjin:** Of the Student Committee. That's what it says. So, what this tells me is it's what he believes.

[8969] **Mr K Shanmugam:** I understand. In law, we do have the concept of hearsay.

[8970] **Dr Thum Ping Tjin:** Yes.

[8971] **Mr K Shanmugam:** So, I understand that this is what he says.

[8972] **Dr Thum Ping Tjin:** Yes.

[8973] **Mr K Shanmugam:** So, let's accept it at that level. Just like the Special Branch records that you have reviewed of what the Special Branch officers have said. So, these are the historical records one has. Now, clearly, he is referring to basic level cadres of the Student Committee in relation to the CPM. Correct? And if you disagree with that, please disagree.

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[8974] **Dr Thum Ping Tjin:** I assume he is referring to the basic levels of cadres of the Student Committee.

[8975] **Mr K Shanmugam:** And not by reference to the CPM?

[8976] **Dr Thum Ping Tjin:** Oh, you are saying Student Committee of the CPM. Is that your question?

[8977] **Mr K Shanmugam:** Yes.

[8978] **Dr Thum Ping Tjin:** Yes, yes. The Student Committee that he refers to is the Student Committee of the ---

[8979] **Mr K Shanmugam:** Thank you. Let's now look at what Zhang Taiyong says. You don't seem to be aware of him. I will read to you, this is from a book, "Memories of a Hero in the Singapore Underground Organisation in the 1950s & 1960s" and it's published in the "Mainstays of the Anti-Colonial Movement: The Legendary Figures of the Singapore People's Anti-British League". Are you aware of this book?

[8980] **Dr Thum Ping Tjin:** Is it published in Chinese or English?

[8981] **Mr K Shanmugam:** It's in Chinese.

[8982] **Dr Thum Ping Tjin:** Yes, I believe I am aware of the existence of the book, but I don't think I've read it.

[8983] **Mr K Shanmugam:** Thank you. Let me quote to you, this is page 53 by reference to footnote 14. Can we have it up, please? The translation is by a certified translator so you can take it that it is an accurate translation. We will go to the English version: "In the two books, 'A Pioneer Leader's Dream: Oral History Recordings of Eu Chooi Yip' and the 'Memoirs of Fong Chong Pik' compiled by Chen Jian, there was no mention at all that the series of events from the destruction of the CPM Singapore Committee in 1950 to the flourishing movement against colonialism and imperialism, and for independence in Singapore in 1957 was actually brought about by the efforts of the student committee led mainly by Ng Meng Chiang and Chiam Chong Chian, with the enthusiastic participation of all the underground cadres and the revolutionary masses at large. These events included the 13 May struggle against national service by Chinese middle school students, the establishment of the Singapore Chinese Middle School Students' Union, the Hock Lee bus workers' strike, the anti-yellow culture movement, the publications of the various arts groups, the preparations to found the Nanyang University, the founding of the PAP with Lee Kuan Yew to carry out constitutional struggle."

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[8984] Now, I can ask you to tell me what you understand by these paragraphs, but I think it will be far easier if we just summarised. Based on what Zhang Taiyong says and he is, as I told you, a former ABL and CPM member ---

[8985] **Dr Thum Ping Tjin:** Do we have proof that he is a former ABL and CPM member?

[8986] **Mr K Shanmugam:** Well, assume that for the time being.

[8987] **Dr Thum Ping Tjin:** We never assume in history.

[8988] **Mr K Shanmugam:** For the purposes of this question, I'm asking you to assume for the time being. You have no idea who he is, right?

[8989] **Dr Thum Ping Tjin:** No.

[8990] **Mr K Shanmugam:** Thank you. Zhang Taiyong says on the face of it that after the destruction of the Singapore Town Committee which we talked about, there was a flourishing movement against colonialism and imperialism that was actually brought about by the efforts of the Student Committee, which is consistent with what Fong Chong Pik said and you agreed with that earlier. That was with the enthusiastic participation of all the underground cadres which is similar to what Fong Chong Pik had said and you agreed with that earlier. Then, he goes on to describe what those events were, including the Singapore Chinese middle schools Students' Union, the Hock Lee bus workers' strike, the anti-yellow culture movement and so on. So, he identifies a series of events which were the result of the efforts by the communist party cadres.

[8991] Would you consider this to be evidence that, for example, the CPM was involved in the Chinese middle schools' union, the Hock Lee bus workers' strike and the various other events he talks about?

[8992] **Dr Thum Ping Tjin:** Well, there are serious problems with this. First of all, if you scroll back up to the first page, up to the title at the very top. If you see there, it says "Hong Kong Footprints Publishing Company".

[8993] **Mr K Shanmugam:** Yes.

[8994] **Dr Thum Ping Tjin:** Now, my understanding of Footprints is that it has been publishing a lot of propaganda by the surviving members of the MCP in order to promote their role in Malayan history. So, that is something that we need to think about. This book and its agenda and what it is trying to achieve.

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[8995] Mr K Shanmugam: Right.

[8996] Dr Thum Ping Tjin: Second of all, if you scroll down, and if you go further down, it lists two names, Ng Meng Chiang and Chiam Chong Chian. Now, it's not possible that they were involved because they were arrested by Special Branch and banished around 1957, 1958. So, I ---

[8997] Mr K Shanmugam: Right. 1957, 1958, I think if you read the paragraph, he says after the smashing of the Town Committee in 1950. So, the fact that they disappeared in 1957, 1958 is not inconsistent with what he says.

[8998] Dr Thum Ping Tjin: Special Branch also records that Comrade D, that's Ng Meng Chiang, was completely incompetent and his leadership actually destroyed the party mainly due to his misuse of party funds and his habit of hooking up with his comrades' girlfriends. So, the Special Branch evidence actually would indicate Ng Meng Chiang was highly incompetent and would indicate that he had very low role in trying to promote ---

[8999] Mr K Shanmugam: Now, you have not reviewed this particular book and you have not read this particular passage. Right?

[9000] Dr Thum Ping Tjin: No. I'm reading it for the first time now. This is my five-second opinion.

[9001] Mr K Shanmugam: Would you agree that your task as a historian commenting on this period should have involved reading relevant material, particularly if they are from communist party cadres who set out their version of what has happened?

[9002] Dr Thum Ping Tjin: Of course. I will take a look at this after this. Yes.

[9003] Mr K Shanmugam: Thank you. Let's go back to the passage. We agreed that the first part of what he says, that the "flourishing movement against colonialism, imperialism and for independence in Singapore in 1957 was actually brought about by the efforts of the Student Committee". I'm not asking you a question; I think we agreed earlier on that is similar to what Fong Chong Pik had said. Secondly, that the underground cadres were participating in all of these, is also similar to what Fong Chong Pik had said, and which you were good enough to agree.

[9004] Now, the last point is, are you in any position to disagree with what Zhang Taiyong says about, for example, the communist cadres being involved in the Hock Lee bus workers' strike?

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[9005] **Dr Thum Ping Tjin:** Yes, I'm in a position to disagree.

[9006] **Mr K Shanmugam:** And you disagree on the basis of?

[9007] **Dr Thum Ping Tjin:** Special Branch documents. In ---

[9008] **Mr K Shanmugam:** Do they say that the communist party cadres were not involved?

[9009] **Dr Thum Ping Tjin:** Yes. These documents were communist party internal documents that Special Branch seized shortly after Hock Lee bus riots which showed that the bus riots had taken the cadres on the ground completely by surprise.

[9010] **Mr K Shanmugam:** Right.

[9011] **Dr Thum Ping Tjin:** Yes.

[9012] **Mr K Shanmugam:** Now, that is quite different from the question I asked. The question I asked was: do you have any evidence that the communist party cadres were not involved in the Hock Lee bus workers' strike? Any clear evidence?

[9013] **Dr Thum Ping Tjin:** Well, I feel I have answered that question with my answer, the Special -- internal party documents seized by Special Branch indicate that it took them by surprise.

[9014] **Mr K Shanmugam:** Now, you would be able to show us the precise passage?

[9015] **Dr Thum Ping Tjin:** Yes, if you would like I can go dig it out.

[9016] **Mr K Shanmugam:** Yes, please.

[9017] **Dr Thum Ping Tjin:** Okay.

[9018] **Mr K Shanmugam:** You can do that later. But please come back to that. If what Zhang Taiyong says is correct ---

[9019] **Dr Thum Ping Tjin:** He is not.

[9020] **Mr K Shanmugam:** Now, let me ask you by phrasing it. If what Zhang Taiyong is correct, then your evidence given much earlier today, in the beginning: that there is no involvement by communist party cadres in the Hock Lee bus workers' strike, would be inaccurate. Agree? If Zhang Taiyong is correct.

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[9021] **Dr Thum Ping Tjin:** “If”? Well, sure. “If”. He’s a very unreliable source, as I pointed out.

[9022] **Mr K Shanmugam:** Well, I think you need to be careful about characterising sources when you haven’t even read the book. And you don’t know who he is.

[9023] **Dr Thum Ping Tjin:** I am just reflecting on what you have given me here. It seems he said things which clearly are already untrue. So, how do we know the rest of it is true? We need to understand it in the context.

[9024] **Mr K Shanmugam:** What is it that has said which is clearly untrue?

[9025] **Dr Thum Ping Tjin:** The leadership of Ng Meng Chiang, Comrade D, the historical records show he was highly incompetent. There is no way he could have led. Could you bring it back up, please? I can point it out. And also, the involvement of ---

[9026] **Mr K Shanmugam:** So, you disagree with him that Ng Meng Chiang, Comrade D’s leadership could have brought about this?

[9027] **Dr Thum Ping Tjin:** Yes, because the historical records show he was highly incompetent and also the involvement in the 13 May ---

[9028] **Mr K Shanmugam:** Let’s just stop there and go back to what Eu Chooi Yip says. Eu Chooi Yip describes the mass movements as being spectacular over the years after the 1950 dissolution of the original Town Committee. You and I agree that they were led for a period by Comrade D, particularly after Eu Chooi Yip had to leave Singapore, which was by 1951.

[9029] **Dr Thum Ping Tjin:** What remained of the underground MCP was for a time ---

[9030] **Mr K Shanmugam:** I haven’t asked a question.

[9031] **Dr Thum Ping Tjin:** Oh? Okay.

[9032] **Mr K Shanmugam:** Now, those spectacular mass movements took place -- if Fong Chong Pik is correct -- under the leadership of Comrade D. Correct? Because he was the one in charge. If Fong Chong Pik is correct.

[9033] **Dr Thum Ping Tjin:** Fong Chong Pik is not saying that. He is saying they were in the main, led by the basic level cadres of the Student Committee. He is not saying they were led by Comrade D nor is he saying they were led by the CPM or in any organised manner ---

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[9034] **Mr K Shanmugam:** I think we agreed just now. Please don't try and qualify your answers ---

[9035] **Dr Thum Ping Tjin:** You do realise I am an academic. I have to qualify my answers.

[9036] **Mr K Shanmugam:** Well, academic doesn't mean that you don't tell the truth.

[9037] **Dr Thum Ping Tjin:** I am telling the truth, but the truth requires explanation. That's why our papers are 10,000 words long ---

[9038] **Mr K Shanmugam:** Dr Thum, I am referring to your answer earlier. We both agreed that the basic level cadres of the Student Committee there refers to -- and if you want, I can show you the transcript -- refers to Student Committee of the CPM, okay? So, let's not go back to that.

[9039] **Dr Thum Ping Tjin:** Yes.

[9040] **Mr K Shanmugam:** So, having established that, and Fong Chong Pik says based on what Eu Chooi Yip told him, and they are both very senior, that there were spectacular mass movements. These spectacular mass movements took place at the time when -- this is to make you feel a bit happier -- at the time when Comrade D was in charge on the ground. Correct?

[9041] **Dr Thum Ping Tjin:** These spectacular movements took place in 1957, 1958. That's the time when Comrade D was -- yes.

[9042] **Mr K Shanmugam:** Thank you. So, now we have your confirmation, go back to what Zhang Taiyong says. We have your confirmation that there were these spectacular mass movements. Another word for it would be flourishing movement or successful movement. They were brought about the efforts of the Student Committee. You don't disagree with any of that. I think what you disagree with is ---

[9043] **Dr Thum Ping Tjin:** Sorry, they were brought about by the basic level cadres of the Student Committee. That's what he says.

[9044] **Mr K Shanmugam:** I understand. We agreed that at that time Comrade D was in charge. Now, what you disagree with is that he, Comrade D's leadership brought that about. That is what you disagree with. Correct?

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[9045] **Dr Thum Ping Tjin:** I also disagree if what you are implying is that there is any other leadership to this committee, or any organised underground conspiracy.

[9046] **Mr K Shanmugam:** Right. And you will give us the seized communist party records, and the Special Branch, you will refer us to the Special Branch records in due course?

[9047] **Dr Thum Ping Tjin:** Yes, yes.

[9048] **Mr K Shanmugam:** Please put a marker on that.

[9049] **Dr Thum Ping Tjin:** Although, you are the Minister for Home Affairs and ISD is under your remit, so you have those documents already.

[9050] **Mr K Shanmugam:** Well, I would prefer that they come from you.

[9051] **Dr Thum Ping Tjin:** Well, I am honoured you trust me more than the Internal Security Department.

[9052] **Mr K Shanmugam:** No, it's not a question of trust. We are sitting here as a Select Committee, and you say you have referred to these documents. I would like to get them from you and see what you have referred to.

[9053] **Dr Thum Ping Tjin:** Okay.

[9054] **Mr K Shanmugam:** Okay. Let's look at what Fong Chong Pik says again, the earlier reference, now page 124: "We were informed that the Central Committee took a positive view of the widespread development of the open mass movement in Singapore and sent its praises. It believed that the impact of the movement could affect the direction of the political development in the whole country." And then again: "struggle in Singapore should be regarded and conducted as an integral part of the armed struggle in Malaya. The guiding principle of the mass work in Singapore was to bring colonial rule in Singapore under British imperialism to an end by substituting illegal activities with open legal struggles and expanding and consolidating the anti-colonial united front." Are you aware of his writings in this aspect?

[9055] **Dr Thum Ping Tjin:** Yes.

[9056] **Mr K Shanmugam:** What do you understand him to be saying?

[9057] **Dr Thum Ping Tjin:** That he approves of the events in Singapore.

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[9058] **Mr K Shanmugam:** Well, can you be a bit little more explanatory as to read through what I have put out and explain to me what you understand by that?

[9059] **Dr Thum Ping Tjin:** Okay. So, it says: "We were informed that the Central Committee took a positive" ---

[9060] **Mr K Shanmugam:** I don't need you to read it out. Read it to yourself and explain it to me in your words what you understand by it.

[9061] **Dr Thum Ping Tjin:** What I understand is that he and the Central Committee took a positive view and that the struggle in Singapore, it was important to the anti-colonial struggle throughout Malaya.

[9062] **Mr K Shanmugam:** Including the armed struggle in Malaya? Correct?

[9063] **Dr Thum Ping Tjin:** The anti-colonial struggle in Malaya.

[9064] **Mr K Shanmugam:** What do you understand by reference: "struggle in Singapore should be regarded and conducted as an integral part of the struggle in Malaya", wouldn't you say that refers to the armed struggle? And if you disagree, please disagree.

[9065] **Dr Thum Ping Tjin:** I disagree. It refers to the anti-colonial struggle, not the armed struggle.

[9066] **Mr K Shanmugam:** Anti-colonial struggle, Dr Thum, could take place in a number of ways.

[9067] **Dr Thum Ping Tjin:** Yes.

[9068] **Mr K Shanmugam:** We are not talking about the ends; we are talking about the means. At that time, the Emergency was still on and there was an armed struggle going on.

[9069] **Dr Thum Ping Tjin:** Not in Singapore.

[9070] **Mr K Shanmugam:** I'm quite happy for you to disagree. That just goes to our assessment of your credibility based on all the records. So, this part, I think is quite trite. Would you not agree? I put the question again, that when he refers to the struggle in Malaya, that is a reference to the armed struggle in Malaya?

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[9071] **Dr Thum Ping Tjin:** No, I disagree.

[9072] **Mr K Shanmugam:** Thank you. And what do you understand by the reference: “The guiding principle of the mass work in Singapore under British imperialism in Singapore was to bring colonial rule in Singapore under British imperialism to an end by substituting illegal activities with open legal struggles and expanding and consolidating in the anti-colonial united front.” What do you understand by that?

[9073] **Dr Thum Ping Tjin:** The line of the MCP at the time was that armed struggle was ultimately futile and that they should focus on legal activities. And, in Singapore, in particular, because the armed struggle had never taken off, the focus of the anti-colonial movement was on legal constitutional activities such as winning elections; to basically anything that was legal. The anti-colonial struggle should be a legal one, and a constitutional one.

[9074] **Mr K Shanmugam:** So, they should stop the armed struggle and other illegal activities, and they should focus on expanding and consolidating the anti-colonial united front. Correct?

[9075] **Dr Thum Ping Tjin:** Yes.

[9076] **Mr K Shanmugam:** Thank you.

[9077] **Dr Thum Ping Tjin:** May I also point out though that Chin Peng was cut off from Singapore following the beginning of the Emergency and that the Special Branch regularly intercepted attempts by couriers in Singapore to reach the Central Committee; and that, if I remember correctly, he does say elsewhere in this book that he did not have any knowledge of what was going on in Singapore at the time and only found out much later.

[9078] **Mr K Shanmugam:** He says a lot of things in his book.

[9079] **Dr Thum Ping Tjin:** Yes.

[9080] **Mr K Shanmugam:** And if necessary, we will look at them.

[9081] **Dr Thum Ping Tjin:** Yes.

[9082] **Mr K Shanmugam:** You would accept the strikes and the students’ actions which we saw earlier were integrated part of this struggle?

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[9083] **Dr Thum Ping Tjin:** Of the anti-colonial struggle?

[9084] **Mr K Shanmugam:** Yes.

[9085] **Dr Thum Ping Tjin:** The strikes and the student movement was an integral part of the anti-colonial struggle against the British in Singapore.

[9086] **Mr K Shanmugam:** With the CPM behind it. Correct?

[9087] **Dr Thum Ping Tjin:** No.

[9088] **Mr K Shanmugam:** Well, we will go around in circles. You agreed with me that Fong Chong Pik's statement showed that the mass movement was being managed by the Student Committee of the CPM.

[9089] **Dr Thum Ping Tjin:** No, he did not say that. He said it was led in the main by low-level -- if you want to bring it up again, I can show you what he said.

[9090] **Mr K Shanmugam:** I will tell you what he says: "actually brought about by the efforts of the Student Committee of the CPM". That's what he said.

[9091] **Dr Thum Ping Tjin:** Can we bring it up again, please?

[9092] **Mr K Shanmugam:** Yes. We can deal with this point as many times as you like until we get to ---

[9093] **Dr Thum Ping Tjin:** You are showing a lot of documents. Which one are we talking about now?

[9094] **Mr K Shanmugam:** Tab 11.

[9095] **Dr Thum Ping Tjin:** No, this is ---

[9096] **Mr K Shanmugam:** The guiding principle -- sorry. Tab 11, please.

[9097] **Dr Thum Ping Tjin:** That was Chin Peng just now. Here we go, "in the main led by the basic level cadres of the Student Committee". That's what he says.

[9098] **Mr K Shanmugam:** I'm referring to tab 11. We will bring it up in a minute. Yes.

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[9099] Dr Thum Ping Tjin: This is Zhang Taiyong ---

[9100] Mr K Shanmugam: No, I am talking about Fong Chong Pik. We will bring up Fong Chong Pik. They don't expect you to qualify what you said about 10 minutes earlier so we need to get back to documents that were referred to earlier. Sorry, tab 10A. My mistake. I apologise: "As Old Eu" -- yes, you were right -- "As Old Eu informed me, at the time, the entire organization in Singapore had been smashed." Then, scroll down to the bottom of the paragraph ---

[9101] Dr Thum Ping Tjin: Yes, "led by basic level cadres of the Student Committee" which he says had almost all been wiped out and he also says he was the only remaining cadre of the office underground activities in Singapore.

[9102] Mr K Shanmugam: I asked you earlier and if you want to disagree with what you said to me earlier, please do. I said the Student Committee there is a reference to the Student Committee of the CPM. Are you now resiling from that evidence?

[9103] Dr Thum Ping Tjin: No.

[9104] Mr K Shanmugam: Thank you, that's enough. Because that was your evidence. And if you want to resile, I would like you to put that on the record and explain why you are resiling. But if you are not resiling ---

[9105] Dr Thum Ping Tjin: I'm saying you didn't seem to understand my answer. I feel as if you are putting words in my mouth and I would like to clarify. May I have the opportunity to clarify then?

[9106] Mr K Shanmugam: Give me a minute and let me tell you what I asked. "Over the years, the spectacular mass movements were in the main led by the basic level cadres of the Student Committee." I asked you if that refers to the Student Committee of the CPM, and you were good enough to say yes.

[9107] Dr Thum Ping Tjin: Yes, it refers to the Student Committee ---

[9108] Mr K Shanmugam: Thank you. That is all that I need. Okay, let's move on ---

[9109] Dr Thum Ping Tjin: This does not imply any conspiracy led by the Student ---

[9110] Mr K Shanmugam: I know you are very quick to want to qualify that. Whether you are telling it as it is, whether it is accurate, we will discuss later.

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[9111] **Dr Thum Ping Tjin:** I'm sorry. Are you saying I'm not representing the truth as I see it?

[9112] **Mr K Shanmugam:** I will tell you exactly what I am saying. I'm telling you that whether that is accurate, what you have just said, we will come to later, but for the time being, we just need to pin down ---

[9113] **Dr Thum Ping Tjin:** Right.

[9114] **Mr K Shanmugam:** --- the basic facts.

[9115] **Dr Thum Ping Tjin:** So, you do accept that I am telling you the truth as I believe it?

[9116] **Mr K Shanmugam:** I'm in no position to accept that right now because this is an inquiry. We are asking you questions. We will take a view on the evidence that you have given by reference to the documents eventually.

[9117] **Dr Thum Ping Tjin:** Okay.

[9118] **Mr K Shanmugam:** So, having given that answer, let's go to Fong Chong Pik's quote at tab 11A about the struggle, the struggle in Singapore: "the struggle in Singapore should be regarded and conducted as an integral part of the struggle in Malaya."

[9119] I think you said you don't agree that that refers to armed struggle in Malaya. Then, we were in the next sentence: "The guiding principle of the mass work in Singapore was to bring colonial rule in Singapore under British imperialism to an end by substituting illegal activities with open legal struggles, and expanding and consolidating the anti-colonial united front."

[9120] It's from pretty much the same passage as we were looking at earlier. Obviously, he's referring to the open legal struggles to be conducted and managed by the CPM. Agree or disagree?

[9121] **Dr Thum Ping Tjin:** To be conducted and managed by the CPM?

[9122] **Mr K Shanmugam:** Yes.

[9123] **Dr Thum Ping Tjin:** They attempted to do that. I agree.

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[9124] **Mr K Shanmugam:** Thank you. Now, you were aware of Fong Chong Pik's writings prior to today?

[9125] **Dr Thum Ping Tjin:** Yes.

[9126] **Mr K Shanmugam:** And you have read all of this?

[9127] **Dr Thum Ping Tjin:** Yes.

[9128] **Mr K Shanmugam:** Thank you. Do you refer to these specific passages anywhere in your writings?

[9129] **Dr Thum Ping Tjin:** In my thesis.

[9130] **Mr K Shanmugam:** In your thesis. But in your published writings here, in ARI or in your conclusions?

[9131] **Dr Thum Ping Tjin:** Let me see here. Fong Chong Pik is not cited in my ARI document, no.

[9132] **Mr K Shanmugam:** Thank you. By 1958, CPM's armed struggle was in difficulties. Correct? If you want a reference, I can give it to you.

[9133] **Dr Thum Ping Tjin:** North of the Causeway, yes.

[9134] **Mr K Shanmugam:** Yes. And the CPM had to revert to political campaign using the underground. Correct?

[9135] **Dr Thum Ping Tjin:** That was the decision, the party line, yes.

[9136] **Mr K Shanmugam:** Thank you. And guerrillas moved from Malaysia to Singapore helped by CPM's underground in Singapore. Correct?

[9137] **Dr Thum Ping Tjin:** I'm not familiar with that.

[9138] **Mr K Shanmugam:** Let me show you page 405 of Chin Peng. So, you are not aware of this, correct? That's what you just told us. I'm just refreshing your memory. But anyway, we will take your answer as no you are not aware, and move on.

[9139] **What Chin Peng** says is: "They were to reintegrate back to mainstream societies in Malaya and Singapore, these guerrillas considered reliable and capable enough to work on underground rules." But since you are not aware, I am just showing it to you and moving on.

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[9140] **Dr Thum Ping Tjin:** I accept that that is what he wrote.

[9141] **Mr K Shanmugam:** You accept that that's what he wrote, but, (a) you haven't looked at this before and (b) you are not aware of this.

[9142] **Dr Thum Ping Tjin:** I may have looked at it before. I can't remember every single thing that every single person writes ---

[9143] **Mr K Shanmugam:** Right. This is the Secretary-General of the Communist Party of Malaya.

[9144] **Dr Thum Ping Tjin:** Who had no awareness of what was going on in Singapore after ---

[9145] **Mr K Shanmugam:** This is the Secretary-General of the Communist Party of Malaya who writes about what he knows about Malaya and Singapore. I asked you whether you are aware of Communist Party guerrillas moving in from Malaysia to Singapore. Your answer was you are not aware of that. Is that an accurate answer or do you want to change it?

[9146] **Dr Thum Ping Tjin:** That's an accurate answer. Thank you for refreshing my memory about the guerrillas.

[9147] **Mr K Shanmugam:** Do you have any reason to disbelieve what Chin Peng has written?

[9148] **Dr Thum Ping Tjin:** No. I would caution against -- well, as any historian will tell you, you have to carefully interrogate the source because people's memories are not always accurate.

[9149] **Mr K Shanmugam:** Right.

[9150] **Dr Thum Ping Tjin:** There are things in there which are demonstrably wrong.

[9151] **Mr K Shanmugam:** I presume that you have not interrogated this source because it didn't even register when I asked ---

[9152] **Dr Thum Ping Tjin:** I don't feel this is very relevant.

[9153] **Mr K Shanmugam:** That's not the question I asked. The point is, you hadn't sought to interrogate or apply your mind to this particular passage in Chin Peng? Correct?

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[9154] Dr Thum Ping Tjin: No.

[9155] Mr K Shanmugam: Thank you. Now, through 1959, senior CPM political cadres in Singapore received directions from Siao Chang in Beijing. Correct? Again, if you are not aware, please say so.

[9156] Dr Thum Ping Tjin: Are you referring again to what Chin Peng wrote?

[9157] Mr K Shanmugam: Before you interrogate me, I asked the question are you aware of this. I'm asking you because you are a historian of this period.

[9158] Dr Thum Ping Tjin: Yes, I don't think it happened.

[9159] Mr K Shanmugam: You don't think that they received directions from Siao Chang in Beijing?

[9160] Dr Thum Ping Tjin: No.

[9161] Mr K Shanmugam: Okay.

[9162] Dr Thum Ping Tjin: No. There is no evidence in the Special Branch documents for that for one.

[9163] Mr K Shanmugam: Let me show you page 408 of Chin Peng. "Throughout the meetings, Siao Chang in Peking was kept up to date with our deliberations through radio link. He was able to participate" ---

[9164] Dr Thum Ping Tjin: There is no mention of Singapore in that passage.

[9165] Mr K Shanmugam: Let me tell you that there is such a passage and I will refer to it. I think I have got the page number wrong. But when I find it, I will give it to you.

[9166] Dr Thum Ping Tjin: Okay. Thank you.

[9167] Mr K Shanmugam: Now, let's now look at page 409. Sorry, there it is: "As CPM Central Committee grappled with the problem of phasing out its army through 1959, we were forced to leave our senior political cadres in both Malaya and Singapore very much to their own devices. What little party direction they received came from Siao Chang in Peking who was able to maintain an effective, albeit slow, message dispatching and receiving system." Stopping there. Again, you did not put much attention to this and you have not interrogated this source. Correct?

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[9168] Dr Thum Ping Tjin: There is no evidence that communist or any cadres in Singapore, as might have existed, were receiving direction from Beijing from Siao Chang.

[9169] Mr K Shanmugam: No evidence apart from what the Secretary-General of the CPM says. Correct?

[9170] Dr Thum Ping Tjin: Yes.

[9171] Mr K Shanmugam: Thank you. And, at page 409, let's go through this quite carefully: "In Singapore, 1959 was a crucial election year. Historically, our Town Committee there had always functioned with a high level of autonomy. Throughout the Emergency, I had been unable to exert any reasonable degree of control over the CPM's operations on the island. One committee grouping after another had been smashed by British-directed police action in early stages. Thereafter, our island-wide political network was continually being compromised by betrayals and defections. Still, the Party had been able to amass and maintain a huge following among the working classes. Historians and self-appointed political pundits have frequently claimed that we in the Central Committee were dismissive of the Singapore Town Committee and regarded them as a bogus operation. Such claims are groundless.

[9172] From our Sadao headquarters we naturally observed the run-up to the Singapore polls in May 1959 with considerable interest. We had concurred with our Town Committee on the island that the CPM should solidly throw its support behind lawyer Lee Kuan Yew and his PAP. A leading PAP election agent who worked closely with Lee was our man. He was a card-carrying member and reported regularly to his Town Committee. I am sure Lee didn't realise the electoral agent was a hard-core communist at the time. He certainly knew the man had close and useful communist contacts. I always felt that Lee's attitude towards our underground activist in his camp was purely pragmatic. The young PAP leader would use him as much as he could and use his 'contacts with the devil'. We regarded the arrangement in very much the same light.

[9173] I cannot, with any degree of accuracy, place a public figure on the numbers of people we controlled among the Singapore voting public in 1959. But I can certainly say that most of the island's workers sympathised with the left-wing trade unions and members of these unions well appreciated they were under the control of the CPM." Would you agree with these statements?

[9174] Dr Thum Ping Tjin: They do contradict each other.

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[9175] **Mr K Shanmugam:** Right. So, which parts do you disagree?

[9176] **Dr Thum Ping Tjin:** If you scroll back to the top ---

[9177] **Mr K Shanmugam:** Go through and tell me which parts you disagree with.

[9178] **Dr Thum Ping Tjin:** It says he was unable to exert any reasonable degree of control and that the party-wide -- sorry, the island-wide political network was continually compromised by betrayals and defections. He doesn't mention arrests and banishments and so on. Then, he goes on to suggest that he was observing -- he was observing the run-up to the Singapore polls with considerable interest. And so the suggestion that -- if you are saying -- that he had a hand in what was going on in Singapore at the time, it is quite clear that he hadn't.

[9179] **Mr K Shanmugam:** Dr Thum.

[9180] **Dr Thum Ping Tjin:** On the other hand, he is saying that ---

[9181] **Mr K Shanmugam:** Dr Thum, please stop there. Please stop there. My question, just in case you didn't hear it, is this: I read to you from the top and I stopped up to the point when "I can certainly say that most of the island's workers sympathised with the left-wing trade unions and the members of these unions well appreciated they were under the control of the CPM". I stopped there and I asked you if you agree. You said you might have some comments. So, I'm asking you which part, which statement do you disagree with. If there is anything that you disagree with, please tell us.

[9182] **Dr Thum Ping Tjin:** Yes. Scroll down.

[9183] **Mr K Shanmugam:** I'm not asking you for a general commentary.

[9184] **Dr Thum Ping Tjin:** So, I think the first two paragraphs, I guess, are reasonably uncontroversial. Lee Kuan Yew's collaboration with the underground CPM, that is well-known. Then, if you go down: "I cannot with any degree of accuracy place a figure on the numbers of people we controlled." But then, he says "but I can certainly say that most of the island's workers sympathised... and members... well appreciated...". If he is unable to with any degree of accuracy place a figure, how does he know that the workers sympathised -- that the members of the unions appreciated they were under the control of the CPM?

[9185] **Mr K Shanmugam:** First, can I take it, again, that this is a page that you haven't carefully interrogated yourself.

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- [9186] **Dr Thum Ping Tjin:** I have seen this. I have read his autobiography.
- [9187] **Mr K Shanmugam:** I'm talking about your role as an historian. Did you carefully go through and interrogate, using your words, this particular page?
- [9188] **Dr Thum Ping Tjin:** The book? Yes, I've been through the book.
- [9189] **Mr K Shanmugam:** I didn't ask you that question.
- [9190] **Dr Thum Ping Tjin:** This page is part of the book, so yes.
- [9191] **Mr K Shanmugam:** You carefully interrogated the various things that have been said in the book? Because that is contradictory to what you said earlier.
- [9192] **Dr Thum Ping Tjin:** If I don't remember specific passages from the book, it doesn't mean I didn't read the book.
- [9193] **Mr K Shanmugam:** I didn't say that. Please, Dr Thum.
- [9194] **Dr Thum Ping Tjin:** And my thesis was in 2007.
- [9195] **Mr K Shanmugam:** Please, let's be quite precise here.
- [9196] **Dr Thum Ping Tjin:** Yes, let's be very precise.
- [9197] **Mr K Shanmugam:** I'm not suggesting to you that you didn't read the book. Please don't tell me that.
- [9198] **Dr Thum Ping Tjin:** Okay.
- [9199] **Mr K Shanmugam:** We have gone through various passages, some of them didn't strike a bell or the facts stated there didn't strike a bell. You were good enough to agree that you didn't pay much attention to them and you didn't "interrogate them". So, I'm asking you, this page, the facts stated here, what the Secretary-General of the CPM says, did you carefully look at it and analyse it and come to a view or you also pretty much disregarded it?
- [9200] **Dr Thum Ping Tjin:** Now, given that this page ---
- [9201] **Mr K Shanmugam:** Please answer. I want the answer.

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[9202] **Dr Thum Ping Tjin:** Yes, I looked at this page and I definitely took it into account.

[9203] **Mr K Shanmugam:** Right. The facts stated here, do they appear anywhere in the submission and the references in the submission and your ARI paper?

[9204] **Dr Thum Ping Tjin:** My submission says that there is no evidence that detainees of Operation Coldstore were involved in any communist conspiracy to overthrow the Government.

[9205] **Mr K Shanmugam:** I have asked you a simple question. Dr Thum, please listen to the question and answer the question that is asked.

[9206] **Dr Thum Ping Tjin:** I just answered the question.

[9207] **Mr Chairman:** Could the witness please respond directly to the questions?

[9208] **Dr Thum Ping Tjin:** He asked me what is in my submission.

[9209] **Mr K Shanmugam:** No, I didn't ask what is in your submission.

[9210] **Dr Thum Ping Tjin:** I just gave you what's in my submissions.

[9211] **Mr K Shanmugam:** I will tell you again what I asked. Your submission refers, for example, to the ARI paper. The ARI paper in turn has a bibliography.

[9212] **Dr Thum Ping Tjin:** Yes.

[9213] **Mr K Shanmugam:** I'm asking you whether the ARI paper, or anything else that you have published refers to ---

[9214] **Dr Thum Ping Tjin:** Or anything else that ---

[9215] **Mr K Shanmugam:** Other than your thesis, other than your PhD thesis, anything else that you have published, does it refer to Chin Peng's views on these points?

[9216] **Dr Thum Ping Tjin:** I will need to check ---

[9217] **Mr K Shanmugam:** But you can check the ARI paper straight away.

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[9218] **Dr Thum Ping Tjin:** The ARI paper I don't believe refers to Chin Peng. I'm pretty sure my thesis refers to Chin Peng and to Fong Chong Pik and Eu Chooi Yip.

[9219] **Mr K Shanmugam:** Right. Let's come back, you agree with the first, second paragraphs. The last paragraph which I stopped at, your point is looking at it, you are now telling me it sounds odd and contradictory because if he doesn't know: "the public figure on the numbers of people we controlled among the Singapore voting public...", how can he then know that most of the island's workers sympathised with the left-wing trade unions? Now, here ---

[9220] **Dr Thum Ping Tjin:** No, no, no. That's not why I disagree with. I disagree that he believes -- that he can say -- that members of these unions well appreciated they were under the control of the CPM. The fact that most of the island's workers sympathised with left-wing trade unions is well known, that's not controversial. It's the next line.

[9221] **Mr K Shanmugam:** How is that contradictory to the earlier sentence?

[9222] **Dr Thum Ping Tjin:** Well, if he doesn't know what was going on in Singapore and at the top he says ---

[9223] **Mr K Shanmugam:** He doesn't say that. He says: "I cannot with any degree of accuracy place a public figure on the numbers of people we controlled among the voting public." How is that contradictory to his statement that members of these unions appreciated they were under the control of the CPM? He is talking about two different things.

[9224] **Dr Thum Ping Tjin:** In addition to this page, we have plenty of evidence from Special Branch that he did not ---

[9225] **Mr K Shanmugam:** Dr Thum, please answer the question that I've asked.

[9226] **Dr Thum Ping Tjin:** Well, you are asking me: how do we know that he ---

[9227] **Mr K Shanmugam:** No, no. That wasn't the question. You said you disagree because -- and I notice you are very quick to try and change your answer, so please, you said that you cannot -- he says he "cannot with any degree of accuracy, place a public figure on the numbers of people we controlled among the Singapore voting public" and that contradicts his statement that "members of these unions well appreciated they were under the control of the CPM". Can I suggest to you that there is no contradiction between those two statements?

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[9228] **Dr Thum Ping Tjin:** You can suggest that, I wouldn't agree with it.

[9229] **Mr K Shanmugam:** Okay. So, in your view, that is a contradiction?

[9230] **Dr Thum Ping Tjin:** Yes.

[9231] **Mr K Shanmugam:** Explain the contradiction.

[9232] **Dr Thum Ping Tjin:** He does not know what is going on in Singapore so ---

[9233] **Mr K Shanmugam:** No, he doesn't say that, he says, "I do not know a precise number -- I cannot with any degree of accuracy place a public figure on the numbers of people we control among the voting public" ---

[9234] **Dr Thum Ping Tjin:** Can I clarify, am I only supposed to answer that question with reference to this one paragraph?

[9235] **Mr K Shanmugam:** Yes, first.

[9236] **Dr Thum Ping Tjin:** Well, then the question cannot be answered. We don't base our arguments on one single page.

[9237] **Mr K Shanmugam:** The question is based now, on exploring why you say there is a contradiction. If you are happy to agree that there is no contradiction, then we can move on to the broader points.

[9238] **Dr Thum Ping Tjin:** I'm saying I can't answer the question without reference to a wider set of documents and sources.

[9239] **Mr K Shanmugam:** Let me tell you why. Because I'm not asking you a wider question. I'm going ---

[9240] **Dr Thum Ping Tjin:** You are asking a specific question and I'm telling you, in order to answer that question, I need to make ---

[9241] **Mr K Shanmugam:** Let me finish, Dr Thum. I think we agreed on the ground rules.

[9242] **Dr Thum Ping Tjin:** Yes, Mr Shanmugam.

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[9243] **Mr K Shanmugam:** Thank you. We are focusing on your answer that you saw a contradiction between those two sentences. I am not talking about the wider context yet. Would you be good enough to agree -- and anybody who reads English can see this -- there is no contradiction on the face of it between those two sentences. Then, we can talk about the wider construct.

[9244] **Dr Thum Ping Tjin:** I still feel that first sentence implies he does not know what is going on in Singapore.

[9245] **Mr K Shanmugam:** So, you read, "I cannot, with any degree of accuracy, place" -- hang on a minute.

[9246] **The Chairman:** Order. Order. Serjeant-at-Arms, can you please take care of that?

(The hearing was interrupted.)

[9247] **The Chairman:** Serjeant-at-Arms, could you please request the person to leave so we can carry on our proceedings? Let me adjourn this for 10 minutes while we address that issue. We will come back here at 3.15 pm.

[9248] **Mr K Shanmugam:** Surely, we can do that in five minutes?

[9249] **The Chairman:** Okay, five minutes.

[9250] **Mr K Shanmugam:** And in that five minutes, maybe you can look for the document that you said you will show to me. Remember the Special Branch record that shows that there is ---

[9251] **Dr Thum Ping Tjin:** Is it all right that I take a toilet break?

[9252] **Mr K Shanmugam:** Sure. Remember the record about the communist party record to show they were taken by surprise by the Hock Lee bus riots.

[9253] **Dr Thum Ping Tjin:** Okay. It might take me more than five minutes. There's a lot of documents.

(The hearing adjourned for a break.)

[9254] **The Chairman:** Order. We will resume the meeting. Let me remind the witness that he is still under oath. Please proceed.

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[9255] **Mr K Shanmugam:** Dr Thum, if you haven't found that document, it doesn't matter, we will carry on. Listen to the question again. Now, Dr Thum, I'm not asking you about broader points yet. I'm referring to an answer you gave. And by reference to that answer, I'm asking you a question. Please understand that.

[9256] **Dr Thum Ping Tjin:** Yes, I understand that.

[9257] **Mr K Shanmugam:** Your initial answer, and it may have been mistaken, was that those two sentences I pointed you to were inconsistent with each other. Now that you have read it again a few times, would you agree that there is no inconsistency? On the face of it.

[9258] **Dr Thum Ping Tjin:** I disagree.

[9259] **Mr K Shanmugam:** Okay. So, you say, on the face of it, there is inconsistency?

[9260] **Dr Thum Ping Tjin:** Yes.

[9261] **Mr K Shanmugam:** Okay. Tell me what is inconsistent on the face of it, without reference to anything else.

[9262] **Dr Thum Ping Tjin:** If he, as Secretary-General of the Malayan Communist Party, does not know facts and figures of his own organisation, how would he know how people not in his organisation could possibly think?

[9263] **Mr K Shanmugam:** Can I suggest, Dr Thum, if that is the best you can say, it's very poor, and I'll explain to you why. I think you are struggling very hard to try and come up with explanations, I'm sorry to say this, which simply don't wash. Let me explain. It would be extremely astonishing if he could put a number, a figure, a number of people whom they controlled among the voting public because of the nature of the organisation. But he can make the statement, which is slightly more general, that members of the unions appreciated they were under the control of the CPM because they were controlling the CPM -- sorry -- the CPM was controlling the unions and they had their members in there. And the way it worked, he knew that the members knew. They were under the control of the CPM. I don't see any contradiction at all to that.

[9264] **Dr Thum Ping Tjin:** No, that doesn't make any sense, I'm sorry.

[9265] **Mr K Shanmugam:** That doesn't make any sense ---

[9266] **Dr Thum Ping Tjin:** You -- your statement doesn't make any sense.

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[9267] **Mr K Shanmugam:** You say these two statements are inconsistent?

[9268] **Dr Thum Ping Tjin:** Yes, I maintain that.

[9269] **Mr K Shanmugam:** Have you said that anywhere before that these two statements are inconsistent?

[9270] **Dr Thum Ping Tjin:** I don't think so, no.

[9271] **Mr K Shanmugam:** No. Is this the first time this is striking you that these two statements are inconsistent?

[9272] **Dr Thum Ping Tjin:** This is the first time anyone has asked me in public about these two statements. But, no, this page I have read before and I have looked at for my work.

[9273] **Mr K Shanmugam:** Right. You, are you able to say that this statement: "members of these unions well appreciated they were under the control of CPM". When Chin Peng says that, that is inaccurate?

[9274] **Dr Thum Ping Tjin:** Well, his statement is that he can certainly say that members of these unions well appreciated they were under the control of the CPM. I believe that to be inaccurate, yes.

[9275] **Mr K Shanmugam:** You believe that to be?

[9276] **Dr Thum Ping Tjin:** Inaccurate.

[9277] **Mr K Shanmugam:** Inaccurate?

[9278] **Dr Thum Ping Tjin:** Yes.

[9279] **Mr K Shanmugam:** And your reasons for saying that, that you believe that what Chin Peng is saying is inaccurate?

[9280] **Dr Thum Ping Tjin:** We come back -- can I bring in the broader context now?

[9281] **Mr K Shanmugam:** We will come back to that later, but in your view, it's inaccurate. But you will tell us whether you have referred to his statements in this context in any public statement of yours. Correct? Whether you have referred to his statements in any published journal or any of the journals that are referred to in the bibliography? Presumably you haven't, correct?

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[9282] **Dr Thum Ping Tjin:** Not to this statement, no.

[9283] **Mr K Shanmugam:** Thank you. Now, if his statements are correct -- if, that's a big "if" -- and let's accept that you disagree with him, but if his statements are correct, then the left-wing trade unions were part of the "progressive left", as you call them. Your statement that there is no evidence of communist influence in them, your statement would be inaccurate, if his statement is accurate. Correct? The two are directly contradictory?

[9284] **Dr Thum Ping Tjin:** If his statement is correct, it would overturn decades of historical consensus. So, yes, I accept, what he's saying.

[9285] **Mr K Shanmugam:** Right. Historical consensus. That is a big phrase. From what I can see, there is historical consensus the other way up to recently. Now, let's look at page 7 of the ARI paper. You say, looking at the third and fourth paragraphs, the basis of the PAP's victory in 1959 was the "progressive left" and the trade unions. Correct? The very last sentence, organisational basis for PAP election victory in 1959.

[9286] **Dr Thum Ping Tjin:** Yes.

[9287] **Mr K Shanmugam:** Thank you. Now, go back to what Chin Peng says. Then, the victory in 1959 was really because the CPM was directing the trade unions and the so-called "progressive left". Correct?

[9288] **Dr Thum Ping Tjin:** Chin Peng is wrong.

[9289] **Mr K Shanmugam:** I understand, but if he is right, then you are wrong. Correct?

[9290] **Dr Thum Ping Tjin:** Can you clarify the statement ---

[9291] **Mr K Shanmugam:** Your statement directly contradicts him.

[9292] **Dr Thum Ping Tjin:** No, that statement does not also say that they were in direct control. It says, if I remember sorry -- maybe you want to bring it up -- "members well appreciated that they were under the control" which is a slightly different thing.

[9293] **Mr K Shanmugam:** Let's look at that sentence and the sentence after that: "Our supporters, sympathisers and fellow travellers went on to provide Lee's grassroots electoral support." "Our supporters" -- that's the communist supporters -- communist sympathisers, and fellow travellers went on to provide Lee's grassroots electoral

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support. “Without them, he would have never achieved his stunning 43-seat victory in the 51 constituencies”. I think you are smart enough to know what I’m asking. His statement directly contradicts your statement. Agree or disagree?

[9294] **Dr Thum Ping Tjin:** May I elaborate?

[9295] **Mr K Shanmugam:** You can first disagree and then elaborate.

[9296] **Dr Thum Ping Tjin:** Okay, I disagree. Right.

[9297] **Mr K Shanmugam:** Thank you.

[9298] **Dr Thum Ping Tjin:** There are a number of nuances here which one must appreciate. First of all, when analysing a source, of course, we have to look at it from the source’s perspective and understand that they also are working with limited knowledge, right? And another, for example, issue with a source might be that they are writing this 50 years later and there is no citation for his ---

[9299] **Mr K Shanmugam:** Let me just get a clarification before you go on.

[9300] **Dr Thum Ping Tjin:** Yes.

[9301] **Mr K Shanmugam:** Are all these things what you have analysed before, or are these things that you are telling me now?

[9302] **Dr Thum Ping Tjin:** No, these are things I’ve analysed before.

[9303] **Mr K Shanmugam:** Is it published anywhere other than your PhD thesis?

[9304] **Dr Thum Ping Tjin:** I think I’ve argued this in several of my articles. When you say published ---

[9305] **Mr K Shanmugam:** Chin Peng specifically that why he cannot be relied upon when he says all of this.

[9306] **Dr Thum Ping Tjin:** I have not published an article explaining why Chin Peng is an unreliable witness if that’s what you mean.

[9307] **Mr K Shanmugam:** Okay. Have you applied your mind and given these reasons that you are going to give now specific to these statements of Chin Peng at any place previously?

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[9308] **Dr Thum Ping Tjin:** Well, this statement which says -- which statement? "Our supporters, sympathisers and fellow travellers went on to provide Lee's grassroots electoral support"?

[9309] **Mr K Shanmugam:** Yes.

[9310] **Dr Thum Ping Tjin:** That statement has been cited and I have interrogated that and explained the nuances of that statement.

[9311] **Mr K Shanmugam:** Right. Where have you cited it?

[9312] **Dr Thum Ping Tjin:** May I have some time to check through my published ---

[9313] **Mr K Shanmugam:** You will come back to us with that.

[9314] **Dr Thum Ping Tjin:** Okay. Add it to the list. Can I check, what page number is this?

[9315] **Mr K Shanmugam:** Page 409, Chin Peng. The question was, have you ever stated what you are now saying about this source in public?

[9316] **Dr Thum Ping Tjin:** I want to be clear: I said that statement has been published elsewhere, right? It has been cited elsewhere.

[9317] **Mr K Shanmugam:** That statement has been cited elsewhere.

[9318] **Dr Thum Ping Tjin:** And I said I interrogated other people's use of that statement.

[9319] **Mr K Shanmugam:** Sorry, the question I'm asking you is different.

[9320] **Dr Thum Ping Tjin:** Okay.

[9321] **Mr K Shanmugam:** I'm asking you whether you have referred to this statement and critiqued and analysed it in any published work.

[9322] **Dr Thum Ping Tjin:** No, I don't think so, no.

[9323] **Mr K Shanmugam:** Thank you.

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[9324] **Dr Thum Ping Tjin:** Would you still like me to critique this statement?

[9325] **Mr K Shanmugam:** Not really, because the question in my mind was have you done it before.

[9326] **Dr Thum Ping Tjin:** I have. So, -- what's the law of properties -- I have critiqued other people's use of that statement. Does that count?

[9327] **Mr K Shanmugam:** Well, you can give to us what you have critiqued about other people's use and we will look at it.

[9328] **Dr Thum Ping Tjin:** So, you don't want me to answer that right now.

[9329] **Mr K Shanmugam:** We'll come back to that maybe. We'll take a record and we can look through in terms of the time we have. Now, Chin Peng then goes on to say: "In our review of the Singapore election results, the Central Committee rightly predicted that the victorious Lee would one day move against the CPM to consolidate his power. We appraised our cadres accordingly but could do little more." Is that something that you agree with?

[9330] **Dr Thum Ping Tjin:** There is no evidence for this. He just says it. He can say anything he wants. I can't tell, unless he has a citation.

[9331] **Mr K Shanmugam:** Have you critiqued it before?

[9332] **Dr Thum Ping Tjin:** Well, there's no point critiquing something that is unprovable. How am I supposed to critique that?

[9333] **Mr K Shanmugam:** All right. Maybe since I'm going to move on to a different point, you can tell me what you have said about other people citing that earlier sentence, maybe in summary?

[9334] **Dr Thum Ping Tjin:** Okay. So, this sentence and other examples like it are often used to show the existence of a communist conspiracy. But I point out that, (a) there is no evidence of a communist conspiracy. There is no evidence that the detainees of Operation Coldstore were involved in any communist conspiracy, that this is a very broad-ranging sentence, I would ---

[9335] **Mr K Shanmugam:** Dr Thum ---

[9336] **Dr Thum Ping Tjin:** Yes?

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[9337] **Mr K Shanmugam:** Just in case you didn't understand the question, for the time being I'm not getting into Operation Coldstore. I'm simply talking about whether you have specifically critiqued other people citing this particular sentence and whether you have given your views, your own views on that critique of this sentence.

[9338] **Dr Thum Ping Tjin:** I have given my views. I thought you were asking me to give those views.

[9339] **Mr K Shanmugam:** On the critique of this sentence, not anything beyond it.

[9340] **Dr Thum Ping Tjin:** I was getting to that.

[9341] **Mr K Shanmugam:** Yes, then please get to that.

[9342] **Dr Thum Ping Tjin:** Yes, you need to set the sentence in context and understand the context in which the sentence is being said and understood. So, you need to understand the issues surrounding the source. So, to get to the sentence itself, for example, as I mentioned, it is used to show that there was some sort of widespread communist conspiracy. I had pointed out there is no evidence. "Our supporters, sympathisers and fellow travellers" also does not mean that any of these people were actually communist party members, as he's made clear elsewhere, as Eu Chooi Yip did say, "I was the only cadre left." As Chin Peng said, "The organisation had been smashed, we had no contact." It is entirely possible, and very likely, that many people in Singapore were supporters in the sense of "I believe in the Communist Party of Malaya because they were the leading anti-colonial force. They have saved -- well, not saved -- they were the main source of resistance against the Japanese in World War II."

[9343] So, to support the Malayan Communist Party was entirely possible and not illegal. The Malayan Communist Party itself was an illegal organisation but it was not illegal to believe in communism, nor was it illegal to express -- there was no thought police. Mentally, you could support the Malayan Communist Party. Likewise, sympathisers, I can sympathise with someone without being a member, without being part of a conspiracy. "Fellow travellers" is very, very broad. In this definition, anyone who is against British colonialism, according to Special Branch, well, is classified as a fellow traveller. And thus, that includes, for example, the People's Action Party. It includes the parties on the right, the conservative party, the liberal socialist party. So, that's the broader context of this sentence. So, it shows a wide level support for anti-colonialism. It doesn't show a comprehensive underground communist conspiracy and that's the point I make.

[9344] **Mr K Shanmugam:** Well, don't you think all of that falls flat if you look at one of the earlier sentences: "I can certainly say that most of the island's workers

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sympathised with the left-wing trade unions and members of these unions well appreciated they were under the control of the CPM.” We looked at that sentence. I don’t need an answer from you now. You have disagreed with that sentence. We leave that on the record. But I just suggest to you that your answer is contradicted -- all your extended analysis -- if Chin Peng is right in that sentence. But in your view, he is wrong. So, let’s move on.

[9345] Dr Thum Ping Tjin: He is wrong because -- Special Branch has no evidence.

[9346] Mr K Shanmugam: Because Special Branch has no evidence. That is the reason why he is wrong?

[9347] Dr Thum Ping Tjin: May I get into the wider context?

[9348] Mr K Shanmugam: No. You keep throwing new things. You didn’t say it just now.

[9349] Dr Thum Ping Tjin: I did. I started talking about the wider context then you said, “No, I’m just talking about this speech.” Now you ---

[9350] Mr K Shanmugam: I know you are very keen. I’m just telling you that if this sentence that I just read out is correct, which you disagree with, then all this other wider context that you’ve just told us is not accurate. But if you want to explain that, we’ll try and come back to it. Let’s look at Lee Ting Hui. You’re aware of him?

[9351] Dr Thum Ping Tjin: Yes, Lee Ting Hui, yes. 1996. His book was published in 1996.

[9352] Mr K Shanmugam: 1996. Cast your eye over this. I don’t know if we’re able to put it up. Page 84. In May 1955, let me read out to you while they are putting it up. You have read this book by the way?

[9353] Dr Thum Ping Tjin: Yes, it is cited in my ARI paper.

[9354] Mr K Shanmugam: Thank you. Yes. “In May 1955, other than the troubles in the Hock Lee Bus Company, there were disputes between employees and employers in other places.” Then, he talks about them. And he says in the end: “the number of persons involved in the sympathy strikes total 20,000.” That’s the Singapore Bus Workers’ Union. “After the battle at Hock Lee had been successfully concluded, the communists followed up with a plan to bring out more than 100,000 persons in sympathy strikes. To realise this, they aimed to make use of the conflict then going on at the Singapore Harbour Board.” And he talks about that: “140,000 of the 300,000

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labour force were unionised.” He talks about them being English speaking and that that particular union was “controlled and influenced by the PAP and non-communists”. And he talks about the quarrel and over the page, he talks about the SFS Workers’ Union headed by Chin Siong announcing that they will go on strike and what it would have done.

[9355] And the last paragraph at page 85, what the SFSWU managed to do: “16,000 persons stopped work, but the communists put the number at 60,000 or 70,000. The communists declared the strike would go on until the detained persons were released or brought to trial.” And then what Marshall announced. I assume that you disagree that whenever Mr Lee, Lee Ting Hui refers to the communist, you disagree with that?

[9356] **Dr Thum Ping Tjin:** Yes, he applies the term very loosely.

[9357] **Mr K Shanmugam:** Right. Now, would you accept that they were communist inspired?

[9358] **Dr Thum Ping Tjin:** The strikes?

[9359] **Mr K Shanmugam:** Yes. Remember your answer ---

[9360] **Dr Thum Ping Tjin:** They were inspired by genuine grievances on the part of ---

[9361] **Mr K Shanmugam:** I didn’t ask that question. I know you are very keen to answer questions which I haven’t asked.

[9362] **Dr Thum Ping Tjin:** [laughs]

[9363] **Mr K Shanmugam:** I asked you a question that is capable of an answer. Would you agree that they were communist inspired? Let me remind you of your earlier answer when I took you through the flourishing movements and strikes and so on which you were good enough to agree. Let me remind you of that answer on oath and ask you this question: would you agree these were communist inspired?

[9364] **Dr Thum Ping Tjin:** On oath, no.

[9365] **Mr K Shanmugam:** Thank you. You don’t see a contradiction between this particular answer and your earlier answer when I referred you to what Fong Chong Pik said?

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[9366] **Dr Thum Ping Tjin:** No. No.

[9367] **Mr K Shanmugam:** Would you like to explain?

[9368] **Dr Thum Ping Tjin:** Yes, very much.

[9369] **Mr K Shanmugam:** Thank you.

[9370] **Dr Thum Ping Tjin:** So, in the mid-1950s, what we see in Singapore is a widely diverse spectrum of anti-colonial activity. And these range very much from the Fabian socialists on the -- actually, anti-colonial activity extended to the right. And we have very Fabian socialist in sort of the centre, centre-left, all the way to a wide range of radicals, anarchists. This is a period where there is a wide variety of ideas that are infecting people about how to proceed. Now, the communists were one of these and that people believed in communism in Singapore is -- there is no doubt about that. But, again, my argument is that there is no evidence of an underground, after 1953, 1954, and particularly in the late 1950s and into the early 1960s with Operation Coldstore, there is no evidence of a sustained underground ---

[9371] **Mr K Shanmugam:** We haven't got to Operation Coldstore yet. We are dealing with 1950s ---

[9372] **Dr Thum Ping Tjin:** Yes, I'm just saying -- you are asking whether the strikes were communist inspired.

[9373] **Mr K Shanmugam:** Yes.

[9374] **Dr Thum Ping Tjin:** I'm saying this is a colonial ---

[9375] **Mr K Shanmugam:** So, your answer is no, and then you are explaining?

[9376] **Dr Thum Ping Tjin:** Yes. So, the reason why the strikes happened is because this is a colonial economy with fundamental inequalities. This is a time period where there were very few labour protections for the workers. The workers had genuine grievances ---

[9377] **Mr K Shanmugam:** Okay, I don't need all that. Can I stop you there? I think you have explained that they were not communist inspired and you have given some reasons.

[9378] **Dr Thum Ping Tjin:** Yes.

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[9379] **Mr K Shanmugam:** We will have that on the record. Let's go back to what Fong Chong Pik had said and your answer earlier. This is tab 10A, page 122. It will come on. We read this sentence a few times: "Over the years, the spectacular mass movements were in the main led by the basic level cadres of the Student Committee" of the CPM.

[9380] I asked you about the spectacular mass movements and you were good enough to agree that that included the various strikes in those periods. So, I ask you again, would you now agree, that based on your earlier answer by reference to this particular passage from Fong Chong Pik, the strikes that we have just referred to in this book, Mr Lee's book, Lee Ting Hui's book, were communist inspired led by the basic level cadres of the Student Committee -- agree, disagree?

[9381] **Dr Thum Ping Tjin:** Disagree.

[9382] **Mr K Shanmugam:** Thank you. Can I suggest to you that your answers are inconsistent and you can agree or disagree?

[9383] **Dr Thum Ping Tjin:** I disagree.

[9384] **Mr K Shanmugam:** Thank you.

[9385] **Dr Thum Ping Tjin:** My answers are consistent.

[9386] **Mr K Shanmugam:** Thank you. You are aware that in 1961 Chin Peng met with Deng Xiaoping, correct?

[9387] **Dr Thum Ping Tjin:** Yes, yes, yes.

[9388] **Mr K Shanmugam:** And Deng told him about the armed struggle in Burma, Thailand, Laos, Cambodia, Indonesia and Vietnam. Correct?

[9389] **Dr Thum Ping Tjin:** I'm not familiar with the exact content of what they said, but I assume they must have discussed communist struggle. Yes.

[9390] **Mr K Shanmugam:** Are you aware of writings on this matter?

[9391] **Dr Thum Ping Tjin:** I am aware that there are writings.

[9392] **Mr K Shanmugam:** Thank you. Can you mention one?

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[9393] **Dr Thum Ping Tjin:** No.

[9394] **Mr K Shanmugam:** You can't recall any?

[9395] **Dr Thum Ping Tjin:** Not off the top of my head right now, no.

[9396] **Mr K Shanmugam:** Thank you. Now, in 1959, the CPM had decided to give up armed struggle. You are aware of that?

[9397] **Dr Thum Ping Tjin:** Yes.

[9398] **Mr K Shanmugam:** In 1961, at China's request, they agreed to reverse their decision and start armed struggle again. You are aware of that?

[9399] **Dr Thum Ping Tjin:** Yes.

[9400] **Mr K Shanmugam:** Thank you. Just give me a few minutes. You will have to bear with me reading this because we don't have it on the screen. Page 430 of Chin Peng. I'll read it out to you. I'm reading from page 428: "Deng opened the deliberations." This is the meeting in 1961 between Chin Peng and Deng Xiaoping: "Southeast Asia, he informed us, was about to undergo monumental changes. We knew he was fresh from discussions with Ho Chi Minh. What he was telling us, I surmised, was based on his knowledge of Hanoi's intentions towards South Vietnam. Deng knew the minds and plans of the Burmese, Siamese, Laos, Cambodian and Indonesian comrades who all maintained important training facilities in China at this time. Strategically, the whole region, Deng insisted, would become ripe for the sort of struggle we had been pursuing in Malaya for so long. The CPM must not, he urged, switch policies at this point. We must take advantage of the opportunities that would soon be presenting themselves throughout Southeast Asia. I was momentarily taken aback. 'I can't decide this matter on the spot,' I told the Chinese leader. 'This question must be determined by our Central Committee.' Gathering my thoughts, I hastily added, 'If we were to revert back to armed struggle, what sort of assistance might we expect from China?' And then the question of money came up. He then says, 'Psychologically, we now found ourselves in an even tougher position. In Sadao, we had suffered months of mental torment before finally coming to the conclusion that our one remaining hope of survival lay in the return to political struggle, despite the immediate pain this might mean'. In private, I went over every detail of Deng's argument. For these deliberations, I brought in Siao Chang, Chen Tien, Lee An Tung..."

[9401] And he talks about it. He talks about Deng having been very persuasive, a little bit awkward about talking about money. He goes on at page 433 and he says:

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“Ironically, it was Musa Ahmad, the man we had elevated to the party chairmanship before Baling, who would ultimately betray us, who proved the most optimistic of all when it came to discussing Deng’s proposal. ‘With China’s backing we can take over Malaya in five years,’ he confidently predicted. I suggested an eight- to 10-year timeframe might be more realistic but I still harboured some doubts.” Then, he talked about some concerns, his lack of confidence that something might happen in Siam. And then, page 434, he talks about going back to the Chinese and negotiations.

[9402] **Essentially, you must be aware that the Chinese agreed to finance the restart of armed struggle. Yes?**

[9403] **Dr Thum Ping Tjin:** Yes.

[9404] **Mr K Shanmugam:** Thank you.

[9405] **Dr Thum Ping Tjin:** Very successfully, too, I guess, since Malaya was taken over by the Communist Party in five -- oh, no, wait! They weren’t, were they? I’m sorry, my mistake.

[9406] **Mr K Shanmugam:** Yes, I know that you can’t resist some jokes now and then.

[9407] **Dr Thum Ping Tjin:** Life is short.

[9408] **Mr K Shanmugam:** If I could add, the reason why they didn’t succeed was because of Operation Coldstore and perhaps that might ---

[9409] **Dr Thum Ping Tjin:** Singapore isn’t mentioned in there, remember?

[9410] **Mr K Shanmugam:** Yes.

[9411] **Dr Thum Ping Tjin:** The Malayan Communist Party did not have a significant presence below the Causeway on our side.

[9412] **Mr K Shanmugam:** You know as well as I do that CPM, when they refer to Malaya, are you disagreeing that they refer to Malaya and Singapore together?

[9413] **Dr Thum Ping Tjin:** No, they are referring to Malaya -- Malaya refers to the entire peninsula, yes, but we have also established, through Chin Peng’s own words, that they had no significant presence in Singapore.

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[9414] **Mr K Shanmugam:** No, we didn't establish that, but ---

[9415] **Dr Thum Ping Tjin:** Well, it was on the screen earlier.

[9416] **Mr K Shanmugam:** Let me ask you: your point is whenever these statements are made, they are only by reference to Peninsula Malaya and not by reference to Singapore?

[9417] **Dr Thum Ping Tjin:** Chin Peng ---

[9418] **Mr K Shanmugam:** No, I'm asking you a yes or no question and then you can explain.

[9419] **Dr Thum Ping Tjin:** Those statements you read out?

[9420] **Mr K Shanmugam:** They are not by reference to Singapore?

[9421] **Dr Thum Ping Tjin:** That's impossible to say. I don't know what Chin Peng actually means.

[9422] **Mr K Shanmugam:** Thank you. So, we should take that as the answer, and not your earlier answer, that that's not a reference to Singapore?

[9423] **Dr Thum Ping Tjin:** My earlier answer was that the MCP, as established in what Chin Peng said earlier, did not have a significant presence in Singapore. He used the word "smashed", or was it Eu Chooi Yip -- someone used the word "smashed".

[9424] **Mr K Shanmugam:** He also said, as have others, which you were good enough to agree, including Fong Chong Pik, that they had spectacular successes in organising mass movements.

[9425] **Dr Thum Ping Tjin:** The anti-colonial movement had spectacular successes.

[9426] **Mr K Shanmugam:** Spectacular successes organised through their cadres in the Student's Committee of the CPM.

[9427] **Dr Thum Ping Tjin:** No, led in the main by the low level cadres of the Student Committee. Please, let's ---

[9428] **Mr K Shanmugam:** Of the CPM?

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[9429] **Dr Thum Ping Tjin:** Yes, we accept that. Led by the student cadres, not organised by the student cadres, not organised by the Student Committee ---

[9430] **Mr K Shanmugam:** I didn't ask any of that.

[9431] **Dr Thum Ping Tjin:** --- led in the main -- no, I just want to be precise -- that's the sentence. Let's just stick to exactly what he wrote.

[9432] **Mr K Shanmugam:** By saying that you want to be precise, we all can see what you are trying to do. You are trying to create a picture which is untrue. The fact is, when you are confronted with the direct statements, you have no choice but to agree. And Fong Chong Pik has said there was ---

[9433] **Dr Thum Ping Tjin:** I have disagreed.

[9434] **Mr K Shanmugam:** No, you didn't disagree with Fong Chong Pik. You disagreed with somebody else.

[9435] **Dr Thum Ping Tjin:** Which statement? You are not giving me much room. You are just asking me yes or no questions in a field which is all about nuance.

[9436] **Mr K Shanmugam:** Dr Thum, at this stage, I'm not asking you a question, I'm just telling you something. The transcript will be available. If I'm wrong, you will be able to say I'm wrong. But I'm just telling you that you had agreed with the statement by Fong Chong Pik about the success of the work of the Student Committee of the CPM in Singapore. Let's just take it from there, we don't need to split hairs. They were having success ---

[9437] **Dr Thum Ping Tjin:** Is the transcript available right now or only after this?

[9438] **Mr K Shanmugam:** The transcript, we can scroll back later on.

[9439] **Dr Thum Ping Tjin:** Okay.

[9440] **Mr K Shanmugam:** Having agreed with that, now we are talking about Chinese funding of the CPM. You were good enough to agree that well you can't tell whether that covers Peninsula Malaya only or whether it covers Peninsula Malaya and Singapore. So, let's take it at that level.

[9441] **Dr Thum Ping Tjin:** The Federation of Malaya. Peninsula Malaya already includes Singapore. Federation of Malaya and Singapore.

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[9442] **Mr K Shanmugam:** Thank you for that clarification. May I suggest that your earlier attempt at a joke was inaccurate, because for the simple reason that the money from China was going to be used, in their mind, for armed struggle in Peninsula Malaya and Singapore, because they looked at it as one entity, and the only reason -- and you don't have to agree, I'm just telling you -- only reason, one of the reasons it didn't succeed was Operation Coldstore. I know you disagree, but since you make an attempt at a joke, I think I should say that to you.

[9443] Now, you are aware that Chin Peng discussed with Eu Chooi Yip in Beijing in 1961 about Singapore. Are you aware of that?

[9444] **Dr Thum Ping Tjin:** Yes.

[9445] **Mr K Shanmugam:** Thank you. The discussion centred on how to protect the communist underground activists in Singapore. Correct?

[9446] **Dr Thum Ping Tjin:** Yes.

[9447] **Mr K Shanmugam:** And how to preserve the communist underground in Singapore. Correct?

[9448] **Dr Thum Ping Tjin:** Yes.

[9449] **Mr K Shanmugam:** And they feared a crackdown. Correct?

[9450] **Dr Thum Ping Tjin:** Yes. You are asking me for specific details now ---

[9451] **Mr K Shanmugam:** No, I'm just asking you whether you agree ---

[9452] **Dr Thum Ping Tjin:** If I'm aware of this?

[9453] **Mr K Shanmugam:** --- they feared a crackdown, the communists.

[9454] **Dr Thum Ping Tjin:** I can't remember off the top of my head every single thing that they are recorded to have said.

[9455] **Mr K Shanmugam:** These are major developments. I'm simply asking you, as a person who says you have done detailed research in this area, whether you are aware that Chin Peng and Eu Chooi Yip were fearing a crackdown on the communist underground in Singapore when they discussed?

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[9456] **Dr Thum Ping Tjin:** Yes, of course.

[9457] **Mr K Shanmugam:** Thank you.

[9458] **Dr Thum Ping Tjin:** There had been lots of crackdowns, constant crackdowns.

[9459] **Mr K Shanmugam:** And they planned to sabotage the Malaysia plan and to keep Singapore separate. Yes?

[9460] **Dr Thum Ping Tjin:** That's an interesting question. I can't remember that statement off the top of my head. So, if you have a source for that, I'd appreciate seeing it.

[9461] **Mr K Shanmugam:** Right. Sitting there as a historian who has done detailed work in this area, you do not, off the top of your head, remember anything that suggests that Eu Chooi Yip and Chin Peng discussed and agreed to plan to sabotage the Malaysia plan?

[9462] **Dr Thum Ping Tjin:** No, not off the top of my head, but I would be very grateful for the opportunity for you to refresh my memory.

[9463] **Mr K Shanmugam:** All right. Let's look at what Chin Peng says, pages 436 and 437. If you see at the bottom: "Senior Singapore communist leader, Eu Chooi Yip, as we called him, travelled to China from his headquarters in exile in Rhiau Islands shortly after the arrival in Peking."

[9464] Over the page, let's look at the second paragraph: "Our Peking meeting also examined in detail the Malaysia Plan that was being hatched between London and Kuala Lumpur. The three of us came to the conclusion that it would be in the best interest of our Party" -- the Communist Party -- "if we plotted to sabotage this." Does that help you remember?

[9465] **Dr Thum Ping Tjin:** Yes, thank you.

[9466] **Mr K Shanmugam:** Thank you. It's quite surprising that something as important as this has escaped your memory.

[9467] **Dr Thum Ping Tjin:** Well, nobody is perfect.

[9468] **Mr K Shanmugam:** Thank you. I don't for a minute suggest that you are completely perfect but I expected you to be more perfect than most of us in this field.

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[9469] **Dr Thum Ping Tjin:** “More perfect than most” ---

[9470] **Mr K Shanmugam:** In this field.

[9471] **Dr Thum Ping Tjin:** Thank you, you have a very high opinion of me, and so I’m very grateful for that. Thank you.

[9472] **Mr K Shanmugam:** The reason for the high opinion is that you said that you are someone who has done detailed research and work in this field, and I would have thought a plan by the Communist Party of Malaya to sabotage the Malaysia Plan would have been something very significant that a historian will remember. But we will take it that you don’t and we will move on.

[9473] **Dr Thum Ping Tjin:** Can I just point out there are no citations on that page, either.

[9474] **Mr K Shanmugam:** Thank you. You expected them to keep a record and then for Chin Peng to say, “Refer to the minutes of meeting held on X date, X month in 1961, between Eu Chooi Yip and myself and here are the notes”? Do you expect that?

[9475] **Dr Thum Ping Tjin:** No, but the Special Branch did keep a record, so that’s the citation ---

[9476] **Mr K Shanmugam:** This was taking place in Peking and, as far as I know, in 1961, the Special Branch wasn’t that active in Peking.

[9477] **Dr Thum Ping Tjin:** No, I’m not saying the Special Branch was at that meeting. I’m saying there is no evidence, for example, that the detainees of Operation Coldstore were involved.

[9478] **Mr K Shanmugam:** We’ll come to that. I’m now talking about ---

[9479] **Dr Thum Ping Tjin:** So, evidence, right? We are driven by evidence. Chin Peng is one source. He says something; we take it into account in our broader consideration of all the sources, but it really helps if you have evidence for what you are saying and ---

[9480] **Mr K Shanmugam:** Dr Thum, for the time being, we are talking about the plan that was hatched and I think we have evidence from the Secretary-General of CPM. And I think, for the time being, it is enough to note that you don’t recall it. Can I take it that you haven’t interrogated this particular point either, in the way that you have talked about earlier?

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[9481] **Dr Thum Ping Tjin:** You can take it that I consider Chin Peng an unreliable source.

[9482] **Mr K Shanmugam:** Thank you. So, you will discount pretty much everything that he says?

[9483] **Dr Thum Ping Tjin:** No, I didn't say that. I said ---

[9484] **Mr K Shanmugam:** Unreliable source?

[9485] **Dr Thum Ping Tjin:** "Unreliable source" doesn't mean he's totally wrong.

[9486] **Mr K Shanmugam:** You would apply your mind to ---

[9487] **Dr Thum Ping Tjin:** It means that you have to take him in consideration with all the other sources, including Special Branch documents, for example.

[9488] **Mr K Shanmugam:** The question I asked you is: can I take it that you haven't interrogated this particular sentence and point? I mean, you didn't even remember it.

[9489] **Dr Thum Ping Tjin:** Yes, you can take that, yes.

[9490] **Mr K Shanmugam:** Thank you. Do you know that Chin Peng decided to get the Singapore underground to work on splitting the PAP? Are you aware of that?

[9491] **Dr Thum Ping Tjin:** Do I know when Chin Peng decided to ---

[9492] **Mr K Shanmugam:** No.

[9493] **Dr Thum Ping Tjin:** Sorry, I didn't hear the question.

[9494] **Mr K Shanmugam:** Whether he decided to get the Singapore communist underground to work on splitting the PAP.

[9495] **Dr Thum Ping Tjin:** I know Chin Peng made a lot of decisions that had very little impact on Singapore.

[9496] **Mr K Shanmugam:** That wasn't the question I asked, so I'll try again.

[9497] **Dr Thum Ping Tjin:** Please do.

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[9498] **Mr K Shanmugam:** Do you know whether Chin Peng decided to get the Singapore communist underground to work on splitting the PAP? Yes or no? I'm asking whether you know.

[9499] **Dr Thum Ping Tjin:** I think that -- let me think. I can't recall off the top of my head.

[9500] **Mr K Shanmugam:** You can't recall?

[9501] **Dr Thum Ping Tjin:** Yes, I can't recall.

[9502] **Mr K Shanmugam:** It's not an important enough fact in your mind?

[9503] **Dr Thum Ping Tjin:** Chin Peng is not a major player in Singapore because the MCP does not have a major presence in Singapore during this time.

[9504] **Mr K Shanmugam:** You didn't even know that the cadres from Malaya had come down to Singapore. You keep making these statements. Chin Peng's ---

[9505] **Dr Thum Ping Tjin:** Are we going to cite anything from the ISD, from Special Branch, because a lot of my work is based on their sources, their reports? And I do not recall anything in their documents saying that these 10 people, out of over a million in Singapore, had a major impact.

[9506] **Mr K Shanmugam:** The major impact we have dealt with and crossed the bridge, unless you want to re-cross again and say that what you said earlier was not true. So, let's not go back to that.

[9507] **Dr Thum Ping Tjin:** We didn't connect those 10 people with the broader mass movement.

[9508] **Mr K Shanmugam:** No, I wasn't ---

[9509] **Dr Thum Ping Tjin:** We simply accepted that 10 people came to Singapore, according to Chin Peng.

[9510] **Mr K Shanmugam:** I didn't seek to connect those 10 people.

[9511] **Dr Thum Ping Tjin:** Thank you.

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[9512] **Mr K Shanmugam:** The point on the 10 people was the fact that you didn't even know that happened and you didn't even register that. That's the only point. So, it's not being suggested that there were only 10 communists in Singapore or that they all came from Peninsula Malaya. If Chin Peng is right, the communists had an underground movement in Singapore, they infiltrated many organisations, they worked with the PAP and the CPM worked on splitting the PAP. Would you agree that if he is right, all of those things are correct, too, I mean, based on what he says?

[9513] **Dr Thum Ping Tjin:** If he is right.

[9514] **Mr K Shanmugam:** Thank you.

[9515] **Dr Thum Ping Tjin:** "If" ---

[9516] **Mr K Shanmugam:** But you disagree with him on each of those points?

[9517] **Dr Thum Ping Tjin:** On --- okay. Which points exactly now?

[9518] **Mr K Shanmugam:** You disagree with him that the communists had an underground movement in Singapore?

[9519] **Dr Thum Ping Tjin:** Wait, are we going to go through the yes/no thing again or can I nuance my answer?

[9520] **Mr K Shanmugam:** We are going to start with a yes or no and then you can give an explanation.

[9521] **Dr Thum Ping Tjin:** Okay. The communists did not have a sustained underground conspiracy in Singapore in the late ---

[9522] **Mr K Shanmugam:** I didn't ask you that. I asked you whether the communists had an underground movement in Singapore. Do you agree with Chin Peng when he says that? You can say no.

[9523] **Dr Thum Ping Tjin:** Okay, no.

[9524] **Mr K Shanmugam:** Thank you. So, the communists did not have an underground movement in Singapore.

[9525] **Dr Thum Ping Tjin:** [sighs]

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[9526] **Mr K Shanmugam:** That's your evidence as a historian sitting here?

[9527] **Dr Thum Ping Tjin:** Right. I need to clarify, to nuance the answer, because these are very complicated terms.

[9528] **Mr K Shanmugam:** Dr Thum, it's actually very simple.

[9529] **Dr Thum Ping Tjin:** No, it's not.

[9530] **Mr K Shanmugam:** The question is: did they have an underground movement in Singapore? Whether it's strong ---

[9531] **Dr Thum Ping Tjin:** We come back to my initial question, way, way back when we started ---

[9532] **Mr K Shanmugam:** Let me finish, please.

[9533] **Dr Thum Ping Tjin:** --- define the movement.

[9534] **Mr K Shanmugam:** I'm just going to put it that way and I'm going to leave it to you to say "yes" or "no", or you can say, "I don't know how to answer the question". The question is: the communists had an underground movement. You can say "yes", you can say "no", you can say "I don't know", and then, you can explain.

[9535] **Dr Thum Ping Tjin:** Okay. Then, my answer is no.

[9536] **Mr K Shanmugam:** Thank you. Now, would you agree ---

[9537] **Dr Thum Ping Tjin:** Do I get to explain? You said I could explain.

[9538] **Mr K Shanmugam:** Yes, of course.

[9539] **Dr Thum Ping Tjin:** Yes, of course. So, it really depends. As I said, on how you define "movement" and this is very complicated. According to Special Branch records, there was no -- there was no sustained communist underground conspiracy after 1953, 1954 or so, because it had been heavily smashed. Chin Peng himself agrees with that, that the Singapore Town Committee was heavily smashed, in the sense that there is -- if you are thinking about an underground movement of people, conspirators, connecting with each other, no, that does not exist. Are there individual communists? Yes. Are there people who believe in communism? Yes.

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[9540] **Mr K Shanmugam:** Dr Thum, you have said all of these things several times.

[9541] **Dr Thum Ping Tjin:** Yes.

[9542] **Mr K Shanmugam:** If this is your explanation, we don't need to go into it.

[9543] **Dr Thum Ping Tjin:** Okay.

[9544] **Mr K Shanmugam:** We went through this exchange and I suggested to you that your answers were inconsistent with what you had given a little bit earlier and we can leave it at that.

[9545] **Dr Thum Ping Tjin:** And, respectfully, I disagreed with you.

[9546] **Mr K Shanmugam:** I know.

[9547] **Dr Thum Ping Tjin:** Yes.

[9548] **Mr K Shanmugam:** The record will speak for itself.

[9549] **Dr Thum Ping Tjin:** Yes, it will. The truth will always come out.

[9550] **Mr K Shanmugam:** Can I refer you to something that Aloysius Chin has said, which I'm sure you are aware of? Page 72. I don't know that we have it on the transcript, we will try and have it out. Aloysius Chin, "The Communist Party of Malaya". In the interest of time, let me read it out to you. This is from the bottom of page 72: "The object of the CUF, Communist United Front, in Peninsular Malaya was defined in a secret CPM directive which stated: 'The progressive forces should formulate plans and make arrangements to assign cadres and Party members to infiltrate, factories, mines, villages, streets, schools and people of all strata, use all kind of ways and means to unite and organize the broad masses and assign personnel to join all kinds of public bodies, take part in them with the aim of seizing control so that the Party and the people will have extensive contact and therein press on with the efforts to recruit Party members and continuously -- continually expand Party organisation. The leading organs of progressive forces from the highest to the lowest, should mix cleverly with central parties and factions, adopt various ways and means to initiate joint action and form a united front with them on matters of common interest, furthermore, they should endeavour to join up with a commercial, cultural and student circles in waging a common struggle so as to form a powerful force to fight the reactionaries on these issues and therein strive to win over the people'." Are you aware of this secret CPM directive?

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- [9551] **Dr Thum Ping Tjin:** It's not very secret.
- [9552] **Mr K Shanmugam:** So, you are aware?
- [9553] **Dr Thum Ping Tjin:** I'm aware, yes.
- [9554] **Mr K Shanmugam:** That was their plan for Peninsula Malaya and Singapore. Agreed?
- [9555] **Dr Thum Ping Tjin:** Yes.
- [9556] **Mr K Shanmugam:** That was certainly referring to the period after 1952?
- [9557] **Dr Thum Ping Tjin:** Yes.
- [9558] **Mr K Shanmugam:** Thank you. I want you to look at some things that have been said about the Anti-British League, which we talked about very much earlier in your evidence. Let's look at Wong Soon Fong. Does his name strike a bell for you?
- [9559] **Dr Thum Ping Tjin:** Are you referring to the former secretary -- not secretary -- Wong Soon Fong? The name definitely rings a bell. Let me look him up.
- [9560] **Mr K Shanmugam:** A member of ABL and a member of the Communist Party of Malaya. Does that help you?
- [9561] **Dr Thum Ping Tjin:** That describes a lot of people. But sure, go on. Yes, yes.
- [9562] **Mr K Shanmugam:** Thank you. He was in ABL in 1953, 1954, and became a member of the Communist Party of Malaya in 1957. He was part of the PAP, elected into the Legislative Assembly as a PAP candidate in 1959.
- [9563] **Dr Thum Ping Tjin:** Yes.
- [9564] **Mr K Shanmugam:** He was one of the 13 who left the PAP in 1961 to form the Barisan Sosialis. Are you aware of that?
- [9565] **Dr Thum Ping Tjin:** Yes.
- [9566] **Mr K Shanmugam:** He escaped arrest in 1963?
- [9567] **Dr Thum Ping Tjin:** Yes.

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[9568] **Mr K Shanmugam:** He fled to Singapore -- sorry, he fled Singapore to go to Indonesia and later joined the CPM underground.

[9569] **Dr Thum Ping Tjin:** Does your record reflect what Eu Chooi Yip said to him when he arrived in Riau?

[9570] **Mr K Shanmugam:** Well, I'm just putting this to you. You can agree or disagree and then if you wish, if you think the answer needs explanation, you can suggest. So, I'm just asking you whether you are aware that he fled to Indonesia and joined the CPM underground.

[9571] **Dr Thum Ping Tjin:** Yes, yes.

[9572] **Mr K Shanmugam:** Thank you. He ended up in the Peace Village in Betong, reserved for former CPM members. Correct?

[9573] **Dr Thum Ping Tjin:** Yes. I think he's in the documentary, "To Singapore with Love".

[9574] **Mr K Shanmugam:** This is what he says in the Memoirs of Wong Soon Fong. Are you aware of these memoirs?

[9575] **Dr Thum Ping Tjin:** Yes.

[9576] **Mr K Shanmugam:** You have read them?

[9577] **Dr Thum Ping Tjin:** Yes.

[9578] **Mr K Shanmugam:** Thank you. He says: "In the 1950s, the underground organisation in Singapore was Anti-British League. This was an anti-colonial progressive organisation that we had access to." Do you agree with that statement?

[9579] **Dr Thum Ping Tjin:** The Anti-British League was an underground anti-colonial organisation.

[9580] **Mr K Shanmugam:** That we had access to?

[9581] **Dr Thum Ping Tjin:** Yes.

[9582] **Mr K Shanmugam:** You agree with that? Have you heard of Zhong Hua?

[9583] **Dr Thum Ping Tjin:** Sorry, that's -- I'm not sure ---

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[9584] **Mr K Shanmugam:** Former Malayan ABL member. Doesn't strike a bell?

[9585] **Dr Thum Ping Tjin:** Doesn't strike a bell, no.

[9586] **Mr K Shanmugam:** Thank you. Zhong Hua says in the book, "A Preliminary Study on the History of Singapore People's Anti-British League", and I quote -- it is in Chinese -- I assume you haven't read this, right?

[9587] **Dr Thum Ping Tjin:** No, not Zhong Hua's book, yes.

[9588] **Mr K Shanmugam:** "It was generally believed that as a peripheral underground organisation led by the CPM Singapore Committee lead agency, its objective and aim should be to win over and organise people from all sectors of Singapore, under the leadership of CPM, to enlarge the anti-British United Front, in coordination with the development of the armed struggle in the mainland, to overthrow the British colonial rule of Malaya, and to establish the 'People's Republic of Malaya', but not to strive for the eventual realisation of a communist socialist society. That is to say, members of the Anti-British League could qualify to be further absorbed as members of the CPM, only after they have acquired the class consciousness to fight for the liberation of all mankind and the lifelong strive for communism and upon appraisal of their strive." Are you aware of these statements? No?

[9589] **Dr Thum Ping Tjin:** No. But I am now.

[9590] **Mr K Shanmugam:** Yes. Based on what he says, which, of course, you were not aware before, if what he says is accurate, ABL was a satellite organisation of the CPM?

[9591] **Dr Thum Ping Tjin:** Could we scroll back up, please?

[9592] **Mr K Shanmugam:** Sure.

[9593] **Dr Thum Ping Tjin:** Yes, the ABL was -- sorry, what was the question?

[9594] **Mr K Shanmugam:** Based on what he says and if what he says is accurate, ABL was a satellite organisation of the CPM? It's straightforward based on what he says.

[9595] **Dr Thum Ping Tjin:** Yes, that's not controversial.

[9596] **Mr K Shanmugam:** Thank you.

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[9597] **Dr Thum Ping Tjin:** Mr Chairman, may I have a minute? I actually had a meeting at 4 o'clock. May I text the person I was supposed to meet to tell them?

[9598] **The Chairman:** Sure. Please proceed. Dr Thum, if it is very important, do you need us also to confirm to whoever it is that you are indisposed at the moment?

[9599] **Dr Thum Ping Tjin:** I did warn them in advance.

[9600] **Mr K Shanmugam:** Let's carry on.

[9601] **Mr K Shanmugam:** Let me show you another document. Zhou Guang, Comrade D, whom you're aware of. Correct?

[9602] **Dr Thum Ping Tjin:** Yes, it is Ng Meng Chiang. He has a number of aliases.

[9603] **Mr K Shanmugam:** "First Anti-British League group in Singapore Chinese High School". He's written something in "Mainstays of the Anti-Colonial Movement: The Legendary Figures of the Singapore People's Anti-British League." I assume you haven't read this either? This was in Mandarin.

[9604] **Dr Thum Ping Tjin:** It depends. I have read some articles in Mandarin, some memoirs, but not ---

[9605] **Mr K Shanmugam:** But this particular one you haven't read?

[9606] **Dr Thum Ping Tjin:** I don't think so. Do you have the title?

[9607] **Mr K Shanmugam:** Well, it is the same book as the earlier book when I referred you to -- what's his name now -- Wong Soon Fong. The title of the article, "First Anti-British League group in Singapore Chinese High School", the title of the book is "Mainstays of the Anti-Colonial Movement: The Legendary Figures of the Singapore People's Anti-British League", in Mandarin.

[9608] **Dr Thum Ping Tjin:** Okay, thank you. No, I don't believe I have read that.

[9609] **Mr K Shanmugam:** Thank you. Now, he -- Comrade D, just to get this clear -- was a member of the three-man CPM cell formed in 1957 to direct CPM activities in Singapore. You are aware of that?

[9610] **Dr Thum Ping Tjin:** Yes.

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[9611] **Mr K Shanmugam:** Thank you. Let's look at the English translation: "Under the harsh underground conditions of the time, the ABL was set up precisely to meet the demands of strengthening the anti-British independence struggle, safeguarding the core leadership of the Party, enlarging the organisation of the Party and expanding its influence. To advance from ABL member to a CPM member, potential candidates have to go through different stages of stringent tests." And he sets out how they then become members. But, essentially, the first paragraph: "the ABL was set up to meet the demands of strengthening the anti-British independence struggle, safeguarding the core leadership of the Party, enlarging the organisation of the Party and expanding its influence." If what Zhou Guang says is correct, then again, that simply confirms what Wong Soon Fong had said earlier, and ABL was a satellite organisation; correct?

[9612] **Dr Thum Ping Tjin:** Yes, the existence of the ABL is not controversial, it existed, it had members and it had many members, many of whom were not communists and others who were.

[9613] **Mr K Shanmugam:** Right. So, when I asked you earlier, and if necessary, later on, when we can, we will go back to the transcript. Remember, we started out this discussion and we referred to page 5 of your ARI paper. And I read to you your statement that there is a lack of evidence -- it is clear that there is no evidence or lack of evidence of communism in the "progressive left". And I said, by reference to what Mr Lee had said, he had referred to ABL, that you would include the ABL in your statement and you said yes. That answer is not accurate. Would you agree?

[9614] **Dr Thum Ping Tjin:** Sorry, I was looking up what you were quoting. Could you repeat the question, please?

[9615] **Mr K Shanmugam:** Look at the paragraph, the top paragraph in page 5 of your ARI paper. See, the "historiography is clear on the lack of evidence of communism..."

[9616] **Dr Thum Ping Tjin:** Yes.

[9617] **Mr K Shanmugam:** Remember I asked you some questions when we first started out, and I said, you are referring to the "progressive left" and then we went to identify which organisations were part of the "progressive left" that you were referring to.

[9618] **Dr Thum Ping Tjin:** And we had a very ---

[9619] **Mr K Shanmugam:** I know. I took you through to what Mr Lee had said, Barisan Sosialis, ABL, trade unions, student unions. And I said: so these would all be

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part of the “progressive left” that you consider, and in your view there is no evidence -- putting those questions together -- in your view, there is no evidence of communists in these organisations, based on the records you have seen.

[9620] **Dr Thum Ping Tjin:** Yes, there’s no evidence of communism in the Special Branch files, as I have said repeatedly.

[9621] **Mr K Shanmugam:** Now, you see this evidence that contradicts what you said to us earlier, and indeed ABL was a satellite organisation set up to strengthen the core of the party and carry out its activities. Would you agree?

[9622] **Dr Thum Ping Tjin:** Yes, sure, yes.

[9623] **Mr K Shanmugam:** Thank you.

[9624] **Dr Thum Ping Tjin:** But I still -- I still feel there is no evidence of communism. We are clear on that. Right?

[9625] **Mr K Shanmugam:** Well, I don’t know how you can say that in the face of what these two gentlemen have said, Wong Soon Fong and Zhou Guang. One says it was set up precisely to meet, to safeguard the core leadership of the Party and enlarging the organisation of the Party and expanding its influence, and Wong Soon Fong says underground organisation in Singapore was the ABL, which they had access to. And Zhou Guang says that it was a peripheral underground organisation led by the CPM to win over – and he says all those things. And I asked you if it was a satellite organisation of the CPM and you said yes. Of course, you haven’t seen this material before. But having looked at it, you were good enough to say it was a satellite organisation of the CPM.

[9626] **Dr Thum Ping Tjin:** Yes, that’s not controversial.

[9627] **Mr K Shanmugam:** That’s not controversial, and it’s not controversial that there were communists within the ABL.

[9628] **Dr Thum Ping Tjin:** No.

[9629] **Mr K Shanmugam:** And if so, I will just suggest to you that your -- I will get the precise transcript later on -- but your earlier answers given to me, right at the beginning of this discussion, on ABL, were inaccurate. And ---

[9630] **Dr Thum Ping Tjin:** Nope. Will I get a chance to explain or are we just going yes or no still?

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[9631] **Mr K Shanmugam:** Well, I think it's quite clear and I don't think we want to keep going back to the same thing over and over again.

[9632] **Dr Thum Ping Tjin:** Can I just point out, since we are referring to what I said earlier, I did say that the ABL, according to Special Branch, was completely pretty much useless right from the beginning. I have some quotes here from the Special Branch documents, if you would like me to read them into the record.

[9633] **Mr K Shanmugam:** You can give it to us, but that still doesn't explain your answer earlier. And rather than arguing in vacuo, I will show you the answers a bit later. Let's move on.

[9634] **Dr Thum Ping Tjin:** Okay.

[9635] **Mr K Shanmugam:** Let's look at some additional material, this is an interview given by Chin Peng to Prof Reid. Prof Reid is, as you know, a distinguished Australian scholar on Southeast Asia. You are aware of that?

[9636] **Dr Thum Ping Tjin:** Tony Reid is a friend, yes.

[9637] **Mr K Shanmugam:** Yes. I didn't ask you whether he was a friend, I asked you whether he was a distinguished scholar.

[9638] **Dr Thum Ping Tjin:** Oh yes, he's a very distinguished scholar, yes.

[9639] **Mr K Shanmugam:** Thank you. If you look at the discussion between Chin Peng and Prof Reid, "So, the so-called 'Plen' met with Lee Kuan Yew to explain", this is by reference to the 1957 attempt by the pro-communists, "was not our Party's decision, not the superior's decision. That was a spontaneous move by the rank and file. Many of them are not Party members, they are former ABL members". "Anthony Reid: So, you are saying the Party's policy right through to 1961 was to support Lee Kuan Yew? Chin Peng: Yes. Reid: Was that a mistake when looking back on it? Chin Peng: In our Party, there are still some differences so I can't give you any answer, we haven't resolved this. Reid: Can you tell us the reason why you thought it was a good policy to support Lee Kuan Yew?" And then, he gives an answer, "and he approached us" and so on, and "we sent some members..." "That's why we sent some, some of our Party members, some very close to our Party, to help them, including Samad Ismail and Indian Devan Nair." That's Chin Peng's account and I don't think that's very controversial. Correct?

[9640] **Dr Thum Ping Tjin:** No, no.

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[9641] **Mr K Shanmugam:** The PAP had communists at Mr Lee's own request, essentially.

[9642] **Dr Thum Ping Tjin:** Yes, yes.

[9643] **Mr K Shanmugam:** Yes. Mr Lee recalled this in his "The Battle for Merger" talks in 1961. But I don't need to go through everything he said. But essentially, he said that he acted for someone who was released subsequently in 1953 from detention and became friends and that was Samad Ismail. And he is still a most important communist cadre spreading propaganda on behalf of the communist cause, and then, he came to know of Devan Nair and they became comrades.

[9644] Essentially, Chin Peng's account of how the PAP came to be formed, and Chin Peng's account was given in 2004, essentially is similar to Mr Lee's account given more than 40 years earlier in 1961 on how the PAP came to be formed. Would you agree?

[9645] **Dr Thum Ping Tjin:** Similar, yes.

[9646] **Mr K Shanmugam:** Thank you. From the CPM's perspective, the PAP was another open front organisation to influence. Would you agree? It's fairly straightforward.

[9647] **Dr Thum Ping Tjin:** Another open front organisation to influence? Sure, yes.

[9648] **Mr K Shanmugam:** Thank you. Now, let's look at some British records. 28 August 1959 -- I'm sure you are aware of these. This is an Internal Security Council meeting, paragraph 29: "The Chairman said the matter was crucial to the whole of the security situation. Experts' reports which he had been seeing suggested that past events were repeating themselves -- the same leaders were at work; there was the same building up in their strength and they seemed to be getting into a position from which they could challenge the Government's authority. In the past, this trend had been met by force. It was disturbing to see circumstances repeating themselves with the horrid prospect of further force and bloodshed occurring. Would it not be wise to intervene now and crush the monster before it got too big? Why was not this right course now?" You are aware of that?

[9649] **Dr Thum Ping Tjin:** Am I aware of -- yes, of course. Can I ask the exact date of this?

[9650] **Mr K Shanmugam:** This was 28 August 1959.

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[9651] **Dr Thum Ping Tjin:** Thank you.

[9652] **Mr K Shanmugam:** Thank you. If, and this is an “if”, Chin Peng was right in what I had shown you earlier, that he could move the masses in Singapore, and the election victory in 1959 of the PAP was in a substantial measure due to the CPM’s influence over the masses, then based on what the Chairman of this Internal Security Council was saying, the threat was real, wasn’t it? If Chin Peng was right.

[9653] **Dr Thum Ping Tjin:** I’m sorry. What was the question?

[9654] **Mr K Shanmugam:** If Chin Peng was right, in what he has said in his book, that he could -- the CPM had influence over the masses in Singapore and the PAP victory of 1959 was in a significant measure due to that influence, if that is correct, then what the Chairman was saying here was a cause for concern. Would you agree?

[9655] **Dr Thum Ping Tjin:** If Chin Peng is right then -- these are very disconnected -- what the Chairman is saying here.

[9656] **Mr K Shanmugam:** It’s not disconnected. Let me explain to you.

[9657] **Dr Thum Ping Tjin:** He doesn’t use the word “communists” or “communism” in this paragraph. I’m not sure what exactly he’s referring to.

[9658] **Mr K Shanmugam:** What do you understand by that paragraph? Maybe you can tell us. You must know this like the back of your hand. You say you have read all these records. It’s fairly straightforward, isn’t it, what he says?

[9659] **Dr Thum Ping Tjin:** Not exactly.

[9660] **Mr K Shanmugam:** Not exactly. Let’s go through it sentence by sentence: “Experts’ reports which he had been seeing suggested that the past events were repeating themselves -- the same leaders were at work.” You understand that?

[9661] **Dr Thum Ping Tjin:** This is in reference to what exactly, the security situation?

[9662] **Mr K Shanmugam:** Let me ask you another question: can I take it that you haven’t applied your mind to this document?

[9663] **Dr Thum Ping Tjin:** There are thousands of documents. I can’t ---

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[9664] **Mr K Shanmugam:** The question that I'm asking, about an August 1959 document. Can I take it that you haven't applied your mind?

[9665] **Dr Thum Ping Tjin:** August 1959. Clarification. This document, is it -- it is an Internal Security Council minute -- so the Chairman is William Goode?

[9666] **Mr K Shanmugam:** Yes.

[9667] **Dr Thum Ping Tjin:** Yes. That's an interesting question, because I'm not sure -- I'm not sure they are -- or rather, I haven't seen -- there's four or five council meetings where the minutes don't seem to be available. Did you get this from the British Archives? If so, I would love to go through these. Or are they from Singapore?

[9668] **Mr K Shanmugam:** Let me ask you this question. Do you recall reading this before?

[9669] **Dr Thum Ping Tjin:** If it's ISC 1959, no, no, I don't think I have seen the minutes. I have not been able to locate the minutes for the first few Internal Security Council meetings. The declassified documents, as far as I can remember, start with Selkirk in February 1960. So, if you can give me this and it changes the story, I would definitely embrace having a look at these documents.

[9670] **Mr K Shanmugam:** Let's just read this first. Look, you know the period. You know what he's saying?

[9671] **Dr Thum Ping Tjin:** Yes.

[9672] **Mr K Shanmugam:** If you wanted the context, if you look at paragraph 28: "There was no open conflict in S.G.E.U. between the communists and the anti-M.C.P. elements, they were all brothers together in the union seeking the same ends. The conflict would not arise unless and until the MCP supporters chose to use trade unions for their political ends."

[9673] Then, he says, "matter was crucial to the whole security situation". "Experts' reports which he had been seeing suggested that past events were repeating themselves and... same leaders were at work". It is quite obvious to you, even reading it for the first time, what that means; correct?

[9674] **Dr Thum Ping Tjin:** It appears to refer to the broader anti-colonial movement and revival of the anti-colonial movement against the British.

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[9675] **Mr K Shanmugam:** “There was the same building up in their strength and they seemed to be getting into a position from which they could challenge the Government’s authority.” You can understand that; right?

[9676] **Dr Thum Ping Tjin:** Yes, the anti-colonial movement is building up its strength after the election of the PAP.

[9677] **Mr K Shanmugam:** Right. “And in the past this strength had been met by force, it was disturbing to see circumstances repeating themselves with the horrid prospect of further force and bloodshed occurring.”

[9678] **Dr Thum Ping Tjin:** Yes, the force was from the British, the colonial government, which violently suppressed the anti-colonial movement.

[9679] **Mr K Shanmugam:** Right. So, in your view, this was the anti-colonial movement which had nothing to do with the communists. Correct?

[9680] **Dr Thum Ping Tjin:** No, the communists were also anti-colonial, like the vast majority of the population was anti-colonial.

[9681] **Mr K Shanmugam:** Let’s then stick to this. Would you agree that the building up of strength that is being referred to includes the building up of strength of the communists?

[9682] **Dr Thum Ping Tjin:** It was the stated policy of the communists to build up their strength, sure. But whether he’s referring to it here, I don’t know. I will need to see the full document. If you can release these documents, I would really appreciate it.

[9683] **Mr K Shanmugam:** Let’s look at this point, which I made to you. In the context of what the Chairman was saying, Sir William Goode, if the leaders were building up, including the communists, and assuming the communists were using open front tactics, and assuming Chin Peng was right that they could move the masses ---

[9684] **Dr Thum Ping Tjin:** Sorry, I thought you were reading, you are doing hypotheticals.

[9685] **Mr K Shanmugam:** No, assuming Chin Peng was right in moving the masses, then the threat of the communists moving to challenge the government using the masses and using these build-ups was real. If Chin Peng was correct -- reading it in this context.

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[9686] **Dr Thum Ping Tjin:** Again, you are asking me “if” -- Yes.

[9687] **Mr K Shanmugam:** Thank you. But you disagree with Chin Peng?

[9688] **Dr Thum Ping Tjin:** Well, evidence of the Special Branch. We have been over this. There is no evidence that the detainees of Coldstore were involved in any communist conspiracy.

[9689] **Mr K Shanmugam:** Right.

[9690] **Dr Thum Ping Tjin:** I’m glad you accept that.

[9691] **Mr K Shanmugam:** That’s not the question. The question is about the CPM. If you want to make a separate point that those who were detained under Operation Coldstore were not communists, that’s a separate point. The point I’m focusing on was: there’s a communist underground in Singapore, their influence and their role, and if Chin Peng is right that they could move the masses, so much so to even win the elections for the PAP, then the Chairman’s concerns were serious and valid. It’s a simple question.

[9692] **Dr Thum Ping Tjin:** The CPM did not have the power to move the masses, we know this.

[9693] **Mr K Shanmugam:** I’m asking you, if Chin Peng was correct.

[9694] **Dr Thum Ping Tjin:** But he’s not.

[9695] **Mr K Shanmugam:** Okay. But if he is correct, then the Chairman’s concerns are serious.

[9696] **Dr Thum Ping Tjin:** But he’s not.

[9697] **Mr K Shanmugam:** Assume for the time being he is, would you agree, as a matter of logic?

[9698] **Dr Thum Ping Tjin:** Why assume, in particular, that Chin Peng is correct?

[9699] **Mr K Shanmugam:** I think the fact that you don’t want to assume ---

[9700] **Dr Thum Ping Tjin:** Because he’s not ---

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[9701] **Mr K Shanmugam:** --- and you don't want to answer the question, Dr Thum, says a lot.

[9702] **Dr Thum Ping Tjin:** Yes, it does, doesn't it?

[9703] **Mr K Shanmugam:** Let's move on to March 1965. "Manifesto of the Malayan National Liberation League", Central Committee. You know what the Malayan National Liberation League is. Right?

[9704] **Dr Thum Ping Tjin:** Yes.

[9705] **Mr K Shanmugam:** Right. We will put the document up. That's a political wing of the CPM, wasn't it?

[9706] **Dr Thum Ping Tjin:** The political wing of the CPM? I think it was a bit broader than that.

[9707] **Mr K Shanmugam:** What is it?

[9708] **Dr Thum Ping Tjin:** It's a collection of anti-colonial forces.

[9709] **Mr K Shanmugam:** Would it include the communist forces?

[9710] **Dr Thum Ping Tjin:** Yes, sure.

[9711] **Mr K Shanmugam:** Let's look at the language it uses.

[9712] **Dr Thum Ping Tjin:** Can I ask the date of this document?

[9713] **Mr K Shanmugam:** The date of this document, I gave it to you, 15 March 1965.

[9714] **Dr Thum Ping Tjin:** Thank you.

[9715] **Mr K Shanmugam:** Have you seen this document before?

[9716] **Dr Thum Ping Tjin:** No, I don't believe I have, no.

[9717] **Mr K Shanmugam:** All right. "During the last few years..." I'm trying to make sure you will have the paragraph I want. It's the fourth paragraph: "During the last few years, inspired by the long and persistent armed struggle of the National

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Liberation Army, our people's struggle for genuine independence, democracy, peace and the reunification of the Malay Peninsula with Singapore has made further headway, while the national liberation movement of the people of North Kalimantan has gained momentum and taken the course of armed struggle..." Would you now agree that the MNLL is the political wing of the CPM? The language is obvious.

[9718] **Dr Thum Ping Tjin:** The language of anti-colonialism was common to many left wing forces of the period. I don't think it is possible for me to conclude at this point, particularly since the document is dated March 1965, and my papers that you are referring to specifically cover 1953 to 1963.

[9719] **Mr K Shanmugam:** So, you do not know of 1965?

[9720] **Dr Thum Ping Tjin:** We can have a separate discussion.

[9721] **Mr K Shanmugam:** I'm asking you whether you know of the period after 1963.

[9722] **Dr Thum Ping Tjin:** I have worked on the period after 1963 in the context of Singapore's integration, its politics within Malaysia, because by that time the Malayan Communist Party was not much of a factor in domestic politics.

[9723] **Mr K Shanmugam:** Looking at this document, you will not agree -- have you heard of the Malayan National Liberation League?

[9724] **Dr Thum Ping Tjin:** I have heard it referred to, yes.

[9725] **Mr K Shanmugam:** Okay. Have you heard it referred to as the political wing of the CPM?

[9726] **Dr Thum Ping Tjin:** No.

[9727] **Mr K Shanmugam:** Looking at it, language ---

[9728] **Dr Thum Ping Tjin:** The language is common to anti-colonial left wing movements throughout the region, indeed throughout the world. So, it is impossible to say.

[9729] **Mr K Shanmugam:** "During the last few years, inspired by the long and persistent armed struggle of the National Liberation Army". What National Liberation Army were they referring to?

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[9730] **Dr Thum Ping Tjin:** I assume the Malayan Communist Party.

[9731] **Mr K Shanmugam:** Thank you. "During the last few years, inspired by the long and persistent armed struggle of the National Liberation Army, our people's struggle for genuine independence, democracy, peace and the reunification of the Malay Peninsula with Singapore has made further headway while the national liberation movement of the people of North Kalimantan has gained momentum and taken the course of armed struggle."

[9732] You would still deny that this is not on the face of it clear that it is a document referring to the communist liberation movement?

[9733] **Dr Thum Ping Tjin:** It is referring to the communist -- to the CPM.

[9734] **Mr K Shanmugam:** The MNLL, you would say, as far as you know, you have no reason to conclude that it is a political wing of the CPM?

[9735] **Dr Thum Ping Tjin:** I said it was more complicated than that, I think, if I recall correctly, it was a collection of anti-colonial forces.

[9736] **Mr K Shanmugam:** Let me then phrase it: do you believe that it was linked to the CPM in any way?

[9737] **Dr Thum Ping Tjin:** I think I can't comment on that -- that falls outside my area of expertise.

[9738] **Mr K Shanmugam:** So, you have no idea about MNLL?

[9739] **Dr Thum Ping Tjin:** The MNLL? I'm aware of it but it is not part of my expertise.

[9740] **Mr K Shanmugam:** Thank you. Now, let me just show you some things that some historians have said. If you look at the historians, Lee Ting Hui, Turnbull, Drysdale, Richard Clutterbuck, all of whom I assume you would be aware of, all refer to the ---

[9741] **Dr Thum Ping Tjin:** Sorry, Drysdale was not a historian.

[9742] **Mr K Shanmugam:** I stand corrected. All of them referred to the Malayan Communist party, the United Front policy in the 1950s and the influence that the United Front movement had on the ground.

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[9743] **Dr Thum Ping Tjin:** And all of them published before the declassification of British documents in 2013.

[9744] **Mr K Shanmugam:** So, you are aware of their writings. Correct?

[9745] **Dr Thum Ping Tjin:** Yes.

[9746] **Mr K Shanmugam:** Thank you. What the CPM leaders have said, that we have looked at, starting with the Secretary-General, if what they say is true, then there was a strong and powerful communist United Front in Singapore, as confirmed by several scholars who have studied the matter. Though, as you point out, they did their work before the declassification. So, put that in parentheses, we accept that their publications were before the declassification.

[9747] But if you look at what the CPM leaders, not just the Secretary-General but starting with the Secretary-General, Fong Chong Pik and others, have said, it's corroborated by what these historians as well as Drysdale says about the powerful communist united movement front in Singapore in the 1950s. Agree?

[9748] **Dr Thum Ping Tjin:** Again, Mr Shanmugam, you start with "if" and assume that if they are correct. I have already given my position on that.

[9749] **Mr K Shanmugam:** Right. So, it is impossible for you to answer a question based on certain assumptions?

[9750] **Dr Thum Ping Tjin:** The assumption, as I point out, is heavily, heavily flawed.

[9751] **Mr K Shanmugam:** But we can see that on the face of it, the published records of historians coincide with what the communist leaders have said. Would you at least agree?

[9752] **Dr Thum Ping Tjin:** Are you saying historians like Turnbull, Clutterbuck and Lee Ting Hui?

[9753] **Mr K Shanmugam:** Yes.

[9754] **Dr Thum Ping Tjin:** You have not shown Turnbull or Clutterbuck, and Lee Ting Hui. We had that discussion where I pointed out the nuances of his ---

[9755] **Mr K Shanmugam:** Let me come back. I haven't shown you, I don't think I want to show you all of it, I assume you have read it, so I'm just saying to you. You can disagree if you disagree. The works of Drysdale, Clutterbuck, Turnbull ---

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[9756] **Dr Thum Ping Tjin:** Sorry, Drysdale is not a historian.

[9757] **Mr K Shanmugam:** You did make that point. I just now said "the works".

[9758] **Dr Thum Ping Tjin:** My apologies.

[9759] **Mr K Shanmugam:** The works of Richard Clutterbuck, Drysdale, Turnbull and Lee Ting Hui corroborate -- let me not use the word corroborate -- their works, what they say is similar to what the leaders of the CPM have said, correct? Which I have shown you.

[9760] **Dr Thum Ping Tjin:** Clutterbuck works more on ---

[9761] **Mr K Shanmugam:** First, can you agree or disagree and then ---

[9762] **Dr Thum Ping Tjin:** I disagree.

[9763] **Mr K Shanmugam:** You disagree. Explain why?

[9764] **Dr Thum Ping Tjin:** Clutterbuck, I think his work focuses a lot more on the security dimensions of the MCP, including north of the Causeway, and during the height of the Emergency. He does not focus specifically on the political aspects of Singapore's anti-colonial independence struggle. Mary Turnbull ---

[9765] **Mr K Shanmugam:** I didn't talk about that either.

[9766] **Dr Thum Ping Tjin:** But you are asking me whether they agree.

[9767] **Mr K Shanmugam:** No, I didn't say that. Let me frame you this. Please. The CPM leaders that we have seen say there was a large scale -- they had influence with the masses and they could move the masses ---

[9768] **Dr Thum Ping Tjin:** But they couldn't.

[9769] **Mr K Shanmugam:** And there were -- they had influence and a number of activities were carried out with success, using their communist cadres. The simple point to you is: what these people say is similar, in that there was a mass movement which was successful in organising activities and inspired by the communists. It's a simple question, you can agree or disagree.

[9770] **Dr Thum Ping Tjin:** I disagree; that's not what Prof Turnbull says.

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[9771] **Mr K Shanmugam:** Does any of them say that, in your view, or none of them say that?

[9772] **Dr Thum Ping Tjin:** Okay, so we have to take them individually and go through exactly what they say.

[9773] **Mr K Shanmugam:** I don't need for you to go through exactly what they say. You can take them individually and tell me whether you agree or disagree.

[9774] **Dr Thum Ping Tjin:** So, your three clauses were mass movements. What was the second one? And the third one was inspired by the communists?

[9775] **Mr K Shanmugam:** Yes.

[9776] **Dr Thum Ping Tjin:** What was the second clause?

[9777] **Mr K Shanmugam:** Let's just make it easier for you: mass movement, inspired by the communists.

[9778] **Dr Thum Ping Tjin:** Mass movement, yes. Inspired by the communists -- now, what does that mean? Does that mean the communists controlled it? Does that mean the communists led it, does it mean it was organised by the communists, or does it mean that they were inspired by the example of the MCP as an anti-colonial -- as a leading anti-colonial party -- and also its resistance to the Japanese? Can I clarify "inspired"? What does that mean?

[9779] **Mr K Shanmugam:** Over the years, spectacular mass movements were in the main led by basic level cadres of the Communist Party. Take that to be the definition.

[9780] **Dr Thum Ping Tjin:** Led by cadres, so it does not include organised by the Communist Party, it does not include any sort of coordinated action by the Communist Party.

[9781] **Mr K Shanmugam:** Not yet, yes, led by the cadres.

[9782] **Dr Thum Ping Tjin:** It is possible that communists and communist sympathisers and fellow travellers -- we know that there were people in the anti-colonial movement who believed in communism, yes.

[9783] **Mr K Shanmugam:** I think again you have gotten out of answering the question.

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[9784] **Dr Thum Ping Tjin:** I'm sorry. What was the question again?

[9785] **Mr K Shanmugam:** I'm sure you are well aware of the question. Let me ask you again. The CPM leaders say the mass movements were successful, and were led by communist cadres.

[9786] **Dr Thum Ping Tjin:** And they were ---

[9787] **Mr K Shanmugam:** Would you agree ---

[9788] **Dr Thum Ping Tjin:** I disagree, as I said.

[9789] **Mr K Shanmugam:** I haven't finished the question. Would you agree that what has been written by these gentlemen -- and you can take them individually -- says something similar? Each of them. First of all, let's take Lee Ting Hui.

[9790] **Dr Thum Ping Tjin:** Yes.

[9791] **Mr K Shanmugam:** What's your answer?

[9792] **Dr Thum Ping Tjin:** Does he say that the mass movements were inspired by the communists?

[9793] **Mr K Shanmugam:** Yes.

[9794] **Dr Thum Ping Tjin:** Yes, I think that would be a fair representation. His book was published in 1996.

[9795] **Mr K Shanmugam:** Fair representation. What about Turnbull?

[9796] **Dr Thum Ping Tjin:** Turnbull, interestingly enough, backs away from that position. In her earlier work, I think she -- it depends on which edition you are reading. In her later work, in the face of new evidence, she backed significantly away ---

[9797] **Mr K Shanmugam:** 2009.

[9798] **Dr Thum Ping Tjin:** Yes, she consulted me on that.

[9799] **Mr K Shanmugam:** Among the things she says: "Malayan Communist Party revived Unite Front policy in 1954, set out to infiltrate open organisations notably Chinese schools and labour unions. ABL quickly expanded numbering more than 2,000 members by 1954." That's in summary what she says. There are many other things she says.

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[9800] **Dr Thum Ping Tjin:** They set out to do that, yes, and the ABL had significant numbers, whether they were able to do anything with them, Special Branch disagrees ---

[9801] **Mr K Shanmugam:** Let's move on to Drysdale.

[9802] **Dr Thum Ping Tjin:** Drysdale is not a historian and his work is not historically reliable.

[9803] **Mr K Shanmugam:** Okay. Let's move on. What about Clutterbuck?

[9804] **Dr Thum Ping Tjin:** Clutterbuck, as I mentioned, is a security expert, if I remember correctly. He focuses very much on ---

[9805] **Mr K Shanmugam:** He says: "Party structure under Town Committee in line with the main Front Organisations, trade unions, Women's Organisations, Democratic Youth League." Does that help you?

[9806] **Dr Thum Ping Tjin:** Sorry, repeat that?

[9807] **Mr K Shanmugam:** "Party structure under Town Committee in line with the main Front Organisations" -- this is my summary for what he says -- "trade unions, Women's Organisations, Democratic Youth League." Does that help you?

[9808] **Dr Thum Ping Tjin:** He is saying the party organisation includes all these things?

[9809] **Mr K Shanmugam:** He didn't say that.

[9810] **Dr Thum Ping Tjin:** Sorry, then I misunderstood you.

[9811] **Mr K Shanmugam:** He says that these are all infiltrated by the communists.

[9812] **Dr Thum Ping Tjin:** Infiltrated in what year?

[9813] **Mr K Shanmugam:** The 1950s.

[9814] **Dr Thum Ping Tjin:** It depends.

[9815] **Mr K Shanmugam:** You're not aware of what he says?

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[9816] **Dr Thum Ping Tjin:** I'm aware of what he says. You are summarising what he is saying, but what part of the book are you reading in reference to? There is a lot of it.

[9817] **Mr K Shanmugam:** Let's take post-1955.

[9818] **Dr Thum Ping Tjin:** Post-1955. There were communist cadres, sorry, not cadres, there were communists in these organisations. Yes, we don't deny. But they were not part of some sort of structure, party structure, reporting to anyone or as far as we know, there is no evidence in the Special Branch files of that.

[9819] **Mr K Shanmugam:** Your point is the CPM had its cadres in all these places

[9820] **Dr Thum Ping Tjin:** No, no, my point is that there were communists, not that they were CPM cadres, not that they were actively taking instructions from the CPM. You mentioned Wong Soon Fong, for example, and he actually went against CPM orders because he wasn't aware of them, which is one of the examples I use in my work, which points out that CPM issued orders and they were not followed by people that we know to be communists. So, in fact, in many instances, they went directly against the communists' instructions, including in 1961, with the PAP split, because the standing instruction at the time was ---

[9821] **Mr K Shanmugam:** Can we keep to the question?

[9822] **Dr Thum Ping Tjin:** Yes, please.

[9823] **Mr K Shanmugam:** Thank you. Let me come back. Your point is that there were communists in all these organisations. They were involved in these mass actions. However, the CPM was not organising them and there was no "conspiracy". Correct?

[9824] **Dr Thum Ping Tjin:** Yes, that seems reasonable, yes.

[9825] **Mr K Shanmugam:** Thank you.

[9826] **Dr Thum Ping Tjin:** Not to say that they were rife with communists. I'm saying there were -- I'm not saying 90 per cent of these organisations were communists. We know of specifically one, two, three people here and there, yes.

[9827] **Mr K Shanmugam:** Yes. At the same time, you are quite happy to agree to this statement: "over the years, the spectacular mass movements were in the main led by basic level cadres of the Student Committee. You were quite happy to agree to that statement.

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[9828] So, I'll just suggest to you that you are finding every which way, when you are confronted with something that you cannot disagree with, then you agree. Otherwise, you are finding every possible avenue to just stating what is obviously true, you can agree or disagree and we will move on.

[9829] **Dr Thum Ping Tjin:** Are you asking me to agree or disagree to your accusation?

[9830] **Mr K Shanmugam:** It's a statement, based on the record.

[9831] **Dr Thum Ping Tjin:** Based on the record. Sorry, then ---

[9832] **Mr K Shanmugam:** I take it that you disagree. I'm just giving you an opportunity.

[9833] **Dr Thum Ping Tjin:** Yes, I disagree. I disagree with the assumption in your statement.

[9834] **Mr K Shanmugam:** Yes, I know you do.

[9835] **Dr Thum Ping Tjin:** Yes.

[9836] **Mr K Shanmugam:** The statement that the "historiography" -- basically, academic work or body of academic work -- "is clear on the lack of... communism in the 'progressive left'". That is your fundamental statement.

[9837] **Dr Thum Ping Tjin:** Yes, I'm going to stand by that, yes.

[9838] **Mr K Shanmugam:** In order to come to that statement, to make that statement, you have ignored the first-hand accounts of the Secretary-General of the CPM.

[9839] **Dr Thum Ping Tjin:** And I have explained why.

[9840] **Mr K Shanmugam:** And you have ignored the evidence of Eu Chooi Yip, Fong Chong Pik ---

[9841] **Dr Thum Ping Tjin:** And I have explained why.

[9842] **Mr K Shanmugam:** --- as well as other ABL and CPM members. Correct?

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[9843] **Dr Thum Ping Tjin:** I have taken them into account, yes.

[9844] **Mr K Shanmugam:** Yes. It doesn't appear in any of the footnotes in your ARI paper. As far as I can tell, it doesn't appear in other published works of yours.

[9845] **Dr Thum Ping Tjin:** Yes. They are in my thesis, though. The thesis is in NUS library.

[9846] **Mr K Shanmugam:** I know. But when you make publication, when you put out publications, the fact that as a historian, you set yourself out to make certain statements and you never explain anywhere, first, that these exist and, second, why they ought not to be taken into account. Would you say -- is a trifle odd?

[9847] **Dr Thum Ping Tjin:** No. You can't possibly account for every single source that ever existed anywhere in a published work of 10,000 words, including citations. You focus on making a coherent argument and proving your arguments. You don't prove negatives, right? You don't say, "I disagree with this, this, this" -- that will spend thousands of words, doing that.

[9848] **Mr K Shanmugam:** Yes.

[9849] **Dr Thum Ping Tjin:** You make an argument about what you believe, based on the evidence that you have and you cite that evidence, and then other people, of course, then come and disagree with you, you have a discussion.

[9850] **Mr K Shanmugam:** So, that's your approach to history?

[9851] **Dr Thum Ping Tjin:** Yes. Yes, and I -- that's how I was trained.

[9852] **Mr K Shanmugam:** Right. You will, if you find a source -- various sources, CPM, Secretary-General, others -- because you disagree with them, you set them aside and you just rely on those that you think are relevant and you make your arguments. That's the approach you take.

[9853] **Dr Thum Ping Tjin:** And if people challenge me on that, as you have, I am willing to explain why I set them aside. And if you feel that it's absolutely necessary, I'm happy to provide a written account of why I set each and every one of these pieces aside in the perspectives I used ---

[9854] **Mr K Shanmugam:** Well, we know that some of them you haven't even read. You said that earlier.

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[9855] **Dr Thum Ping Tjin:** I also note you haven't shown me a single Special Branch document, which is the most coherent and largest archive of data ---

[9856] **Mr K Shanmugam:** I'm not claiming to be a historian of repute, I'm not a historian, nor have I written on this period and I'm simply asking you questions on your writings.

[9857] **Dr Thum Ping Tjin:** Yes.

[9858] **Mr K Shanmugam:** Thank you. Let's look at the standards of an objective historian, since you say you were trained in this way. You are aware of David Irving, the Holocaust denier. Correct?

[9859] **Dr Thum Ping Tjin:** Yes.

[9860] **Mr K Shanmugam:** Yes. You can see where this is going.

[9861] **Dr Thum Ping Tjin:** Yes.

[9862] **Mr K Shanmugam:** He sued Penguin Books and others for defamation on the ground that they impugned his standing as a historian. The case is *Irving v Penguin Books Ltd*. In the year 2000, it was reported. Regius Professor of Modern History of Cambridge, Prof Richard Evans, gave evidence. He set out what he considered to be generally accepted standards of historical scholarship. I'm sure none of this will be news to you.

[9863] He set out the following criteria: "...does Irving give a reasonably accurate account of the documents he uses; does he translate them in a reasonably accurate and unbiased manner; does he take into account as many other relevant documents as any professional historian could reasonably be expected to read and cite when he is using one particular source to substantiate an argument; does he apply consistent criteria of source-criticism to all of the original material he uses, examining it for its internal consistency, its consistency with other documents, its provenance, the motives of those who were responsible for it, and the audience for which it was intended; are his arguments, his statistics and his accounts of historical events consistent across time and based on reliable historical evidence; does he take into account of the arguments and interpretations of other historians who have examined the same documents; does he, in other words, advance his arguments and interpretations in a reasonably objective and unbiased manner?" Would you accept that those are the standards of a competent historian -- expected of a competent historian?

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[9864] **Dr Thum Ping Tjin:** Sure, yes.

[9865] **Mr K Shanmugam:** Thank you. The judge says, in his judgment: "An objective historian is obliged to be even-handed in his approach to historical evidence: he cannot pick and choose without adequate reason."

[9866] So, in the face of this, can I suggest to you that the fact that your historiography, you say there is no evidence -- that's what you say in the ARI paper and you repeat that in multiple other places -- you say there is no evidence of any communism in the "progressive left". And, in saying that, you ignore the first-hand accounts of the Secretary-General of the CPM ---

[9867] **Dr Thum Ping Tjin:** And I have explained why.

[9868] **Mr K Shanmugam:** --- you ignore Eu Chooi Yip ---

[9869] **Dr Thum Ping Tjin:** I have explained why.

[9870] **Mr K Shanmugam:** --- you ignore Fong Chong Pik and countless other ABL and CPM members. If you go back to what Prof Evans says, you may think them unreliable. But anyone reading your document would not even know they have said these things, because you say there is no evidence. A proper, competent historian would, when he makes such a sweeping statement, "There is no evidence", will say, "You know, the number one man in the organisation does say things which are contradicted by me, but I disagree with him for this reason. I disagree with the number one man in Singapore, who was controlling operations from Riau. I disagree with the number one man who was in Singapore directing operations and I disagree with all of them for these reasons."

[9871] Then, people can assess whether you are being accurate or not. The Regius professor says: "...does he take into account as many other relevant documents as any professional historian could reasonably be expected to read and cite..."

[9872] You haven't even read some of the documents and you haven't cited any of them. You would be expected to set them out, at least, in a footnote, but, actually, more than that, when you are dealing with the Secretary-General, and explain yourself.

[9873] **Dr Thum Ping Tjin:** May I answer?

[9874] **Mr K Shanmugam:** Yes.

[9875] **Dr Thum Ping Tjin:** If I refer you to footnote 7 of my paper, I list out the previous historiography and I conduct a very brief historiographical review. According

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to conventions of the history, of historical writing, it is assumed that you will read all those other sources and you are responding to all those other sources and you are setting yourself in the context of the broader historiography. And in many of those books, the relevant documents that you have cited, including Chin Peng, Eu Chooi Yip and Fong Chong Pik, have been cited as part of the broader historiography of which my paper is responding to.

[9876] So, there is really no need to cite things which are not part of my central argument. In citing this historiography, that is assumed. This paper, and my other papers, as I've pointed out, have been passed by juries of my peers, either my thesis, through my Thesis Committee, or this through peer review, other historians have looked through my work, historians who are familiar with the period, have read many of the sources. Some of them are cited here who have written books and they have found my work to be solid and, thus far, no historian has come out and openly -- not openly -- no historian has contradicted the central thrust of my work.

[9877] Now, one would assume, if my work was inaccurate or if I neglected to include any sources, there would be some sort of bad peer review, there would be accusations, there would be -- my professional standing would be affected, but that has not happened and this was published some years ago now -- 2013, I think it was, yes. So, ---

[9878] **Mr K Shanmugam:** Dr Thum, are you saying that no one has contradicted you, your statements?

[9879] **Dr Thum Ping Tjin:** My central argument. The subjective interpretation of facts is something which I have had vigorous debates with other historians about, but the central facts that I have put forward have not been ---

[9880] **Mr K Shanmugam:** Are you suggesting that the argument, that there is no evidence of communism in the "progressive left", is not central to your case?

[9881] **Dr Thum Ping Tjin:** The central argument that there is no evidence of communism?

[9882] **Mr K Shanmugam:** It is the central argument of your position, isn't it?

[9883] **Dr Thum Ping Tjin:** Of this? No, no, it's not central. I think I have a lot more, much more central arguments.

[9884] **Mr K Shanmugam:** No, but it is central to your point.

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[9885] **Dr Thum Ping Tjin:** It is a summary of my argument.

[9886] **Mr K Shanmugam:** Yes, it is the summary of your main point.

[9887] **Dr Thum Ping Tjin:** I disagree. It's not the summary.

[9888] **Mr K Shanmugam:** It's a foundational block, as it were because ---

[9889] **Dr Thum Ping Tjin:** Sure.

[9890] **Mr K Shanmugam:** --- you have to --- sure? Okay, that's fine. All of these that you cite in footnote 7, and somebody has done an analysis of them, are you saying that they have analysed the records that I have shown you and have critiqued them and have dismissed them?

[9891] **Dr Thum Ping Tjin:** I'm saying that historians ---

[9892] **Mr K Shanmugam:** No, please answer the question. Footnote 7, all of that that you have cited, are you saying that they have analysed the statements I put to you?

[9893] **Dr Thum Ping Tjin:** Not all the sources you've put to me. For example, the one by Footprints, I think that came out the same year as my paper, or after, so obviously, I couldn't have included that, but definitely Chin Peng, Fong Chong Pik and Eu Chooi Yip.

[9894] **Mr K Shanmugam:** And the statements I've made from their book and the different chapters, they have been critiqued by these people?

[9895] **Dr Thum Ping Tjin:** I have critiqued them. I just critiqued them and I'm sure they ---

[9896] **Mr K Shanmugam:** No, you have just critiqued them.

[9897] **Dr Thum Ping Tjin:** Yes.

[9898] **Mr K Shanmugam:** That's not the point. I am asking you whether ---

[9899] **Dr Thum Ping Tjin:** They have been critiqued by historians, yes.

[9900] **Mr K Shanmugam:** No, please. Footnote 7, these people you say, have they critiqued the different passages I have put to you from ---

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[9901] **Dr Thum Ping Tjin:** The exact passages?

[9902] **Mr K Shanmugam:** Yes.

[9903] **Dr Thum Ping Tjin:** I can't recall that. There are thousands of words there. How am I supposed to recall exact passages off the top of my head?

[9904] **Mr K Shanmugam:** You are not aware -- are you suggesting they have critiqued what Fong Chong Pik said, the passage I quoted to you?

[9905] **Dr Thum Ping Tjin:** Again, these are literally millions of words.

[9906] **Mr K Shanmugam:** Yes, except that the passages I quoted to you are directly relevant to the points you make.

[9907] **Dr Thum Ping Tjin:** Yes, but I have explained why Chin Peng and Fong Chong Pik are problematic sources.

[9908] **Mr K Shanmugam:** No, please, Dr Thum, let me finish. I have asked you why you haven't referred to them and dealt with them and your point is: "well, others have dealt with them and look at footnote 7". Now, I'm asking you whether they have dealt with these points and your answer is, "How can I know?"

[9909] **Dr Thum Ping Tjin:** I'm sure they have dealt with these points.

[9910] **Mr K Shanmugam:** But you are not sure?

[9911] **Dr Thum Ping Tjin:** I can't recall everything with 100 per cent accuracy, but it is part of the historiography, yes.

[9912] **Mr K Shanmugam:** I think that says a lot, Dr Thum.

[9913] **Dr Thum Ping Tjin:** Yes, it does, doesn't it?

[9914] **Mr K Shanmugam:** I'm suggesting to you, based on what you have said to us, what we have seen is not scholarship but sophistry. You can agree or disagree.

[9915] **Dr Thum Ping Tjin:** Not only do I disagree, I object to this allegation against my professional ability.

[9916] **Mr K Shanmugam:** We will come to a little bit more in the documents. Let's look at Mr Lim Chin Siong now. You say he was never a communist. Let me

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state this for the record: he was a man of tremendous courage, he was held in the highest regard by Mr Lee.

[9917] **Dr Thum Ping Tjin:** Sorry, did I -- are you quoting me when I said he was never a communist?

[9918] **Mr K Shanmugam:** I said you say. Your position is that he was never a communist?

[9919] **Dr Thum Ping Tjin:** I have published a whole article about Chin Siong, about what he is and there is no doubt that communism was highly influential, but I argue he is a socialist, a Malayan socialist.

[9920] **Mr K Shanmugam:** Yes. So, he was not a communist; he was not a member of the CPM. Correct?

[9921] **Dr Thum Ping Tjin:** There is no evidence that he was a member of the CPM -- beyond hearsay, of course.

[9922] **Mr K Shanmugam:** Yes. So, Mr Lim, I accept, a man of tremendous courage, he was held in the highest regard, as you know, by Mr Lee and many of his colleagues. He strongly believed in certain principles and fought with all his power for them. So, the question is: what are those beliefs and principles? Let's look at this interview with Mr Lim Chin Siong, which I'm sure you are aware of, the 1996 interview with Melanie Chew.

[9923] **Dr Thum Ping Tjin:** Yes.

[9924] **Mr K Shanmugam:** The interviewer is Melanie Chew. "And then after the war, you came to Singapore. You went to Catholic High, and then Chinese High, and according to the Special Branch report, you became involved in ABL? Was this true?" Answer: "Yes, it is true". Question: "Can you tell me how you joined the ABL?" He says: "a nationalist... must join ABL, what else was there?"

[9925] Then, you are aware, of course, of Mr Lee's "The Battle for Merger" and the handwriting documentary evidence that he put out, including the notes?

[9926] **Dr Thum Ping Tjin:** Yes.

[9927] **Mr K Shanmugam:** Mr Lee's statement that they are among several documents that Lim wrote in 1953, 1954 for the archives of the CPM and for the instruction of recruits to the Communist Party.

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[9928] Then, in 2003, Fong Chong Pik, I quote: “Lim Chin Siong and I did have a ‘definitely not normal’ association. I can never forget Lim Chin Siong’s courage and determination to be the first to stand on the frontline, knowingly doing what had seemed impossible... Of course, Lim Chin Siong was the left-wing’s most important person. After the appearance of ‘the Plen’, he remained the most important left-wing person, one with even greater influence and authority... During key moments in the struggle for independence... Lim Chin Siong and I had a relationship as fellow workers.” The “most important left-wing person”, “a person with whom I had a special acquaintance”, “fellow workers”, “standing in the frontline doing what had seemed impossible” -- let’s try and do this quickly -- it’s obvious that, based on what Fong Chong Pik says, the inference is irresistible, that he’s saying he’s a communist and a CPM member.

[9929] **Dr Thum Ping Tjin:** I don’t see that anywhere.

[9930] **Mr K Shanmugam:** Okay. Then let’s look at what Chin Peng says: “I can’t with any degree of accuracy place a figure”, and so on, we have seen that. Sorry, I think I may have gotten the wrong reference. I am sorry, I will have to come back to this. Zhang Taiyong, 2013, which I think you haven’t read ---

[9931] **Dr Thum Ping Tjin:** Prof Tan Tai Yong’s book?

[9932] **Mr K Shanmugam:** No, Zhang Taiyong, 2013, we talked about it earlier and I think you said you haven’t read it.

[9933] **Dr Thum Ping Tjin:** No.

[9934] **Mr K Shanmugam:** “After being expelled from school for participating in an examination boycott at the end of 1951, Chin Siong continued his studies at an English stream school but later accepted the organisation’s decision and devoted himself to trade union movement and constitutional struggle, becoming a shining star in the history of independence, democratic and trade union movements in Singapore.”

[9935] **Dr Thum Ping Tjin:** Yes.

[9936] **Mr K Shanmugam:** “According to Lu Yexun, Chin Siong was apprehensive about the organisation’s decision at first as he was afraid that he would not be able to take up the heavy responsibility.” Which organisation do you think he is referring to?

[9937] **Dr Thum Ping Tjin:** Is there a -- does he ---

[9938] **Mr K Shanmugam:** I’m just asking you, based on your knowledge, which organisation do you think he is referring to?

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[9939] **Dr Thum Ping Tjin:** Well, Chin Siong was an ABL member at this time so, potentially, the ABL.

[9940] **Mr K Shanmugam:** So, you think it is the ABL's position that he is referring to?

[9941] **Dr Thum Ping Tjin:** I can't say because the ABL, of course, has been shown to have been hugely ineffective. I'm not sure what source he is relying on as well.

[9942] **Mr K Shanmugam:** I told you who Zhang Taiyong was, but we will leave your answer at that.

[9943] **Dr Thum Ping Tjin:** May I point out the line "constitutional struggle"? Everything Chin Siong did was legal.

[9944] **Mr K Shanmugam:** Yes, I know ---

[9945] **Dr Thum Ping Tjin:** We accept that.

[9946] **Mr K Shanmugam:** --- you're keen to say that. Let's look at Zhang Taiyong ---

[9947] **Dr Thum Ping Tjin:** And I'm glad we agree on that.

[9948] **Mr K Shanmugam:** Pardon?

[9949] **Dr Thum Ping Tjin:** I'm glad we agree on that.

[9950] **Mr K Shanmugam:** No. I said I'm keen to say -- I know you are keen to say ---

[9951] **Dr Thum Ping Tjin:** It says "constitutional struggle", yes.

[9952] **Mr K Shanmugam:** It says a few other things, too.

[9953] **Dr Thum Ping Tjin:** Yes.

[9954] **Mr K Shanmugam:** Let's look at Aloysius Chin, 1994.

[9955] **Dr Thum Ping Tjin:** Sorry, 1994?

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[9956] **Mr K Shanmugam:** Yes.

[9957] **Dr Thum Ping Tjin:** That precedes any of the declassified British documents.

[9958] **Mr K Shanmugam:** I know, but you have read it?

[9959] **Dr Thum Ping Tjin:** I'm familiar with it, yes.

[9960] **Mr K Shanmugam:** 1994: "Lim Chin Siong's involvement in the CPM has also been confirmed by CPM leaders Siu Cheong and Ah Hoi. They cited Lim as an example of a CPM member who was deployed in open front activities in political parties. Lim Chin Siong was chosen because he was considered a very important CPM member who had excellent qualities as a CUF cadre, namely, dedication, trustworthiness and moreover he had been involved in CPM activities since his school days." You are aware of this passage?

[9961] **Dr Thum Ping Tjin:** Yes. Yes, I am.

[9962] **Mr K Shanmugam:** Correct me -- I haven't looked at everything you have written -- have you referred to this, what Aloysius says?

[9963] **Dr Thum Ping Tjin:** I have referred to a collection of passages. Rather than refer to just this passage, I have pointed out that there is no evidence that Chin Siong was ever a member of the Malayan Communist Party, nor involved in any communist conspiracy to ---

[9964] **Mr K Shanmugam:** Do you know who Aloysius Chin relies on for this?

[9965] **Dr Thum Ping Tjin:** Do refresh my memory. I don't see the citation here.

[9966] **Mr K Shanmugam:** He is referring to Siu Cheong and Ah Hoi, who are senior CPM cadres. Is that relevant?

[9967] **Dr Thum Ping Tjin:** Who are Siu Cheong and Ah Hoi? Are they in the Special Branch, ISD documents?

[9968] **Mr K Shanmugam:** Have you done any research on them?

[9969] **Dr Thum Ping Tjin:** He can say their names, but there are people with many, many aliases.

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[9970] **Mr K Shanmugam:** I have asked you a simple question: have you done any research on Siu Cheong and Ah Hoi?

[9971] **Dr Thum Ping Tjin:** It is possible I have because they are aliases. They could be any one of a number of ---

[9972] **Mr K Shanmugam:** Have you come to the conclusion that they are not telling the truth?

[9973] **Dr Thum Ping Tjin:** I don't think that this is accurate, yes.

[9974] **Mr K Shanmugam:** No, the question I asked you is: have you done any research?

[9975] **Dr Thum Ping Tjin:** It is possible that I have, yes, because they are aliases.

[9976] **Mr K Shanmugam:** But you can't be sure?

[9977] **Dr Thum Ping Tjin:** I can't be sure, yes.

[9978] **Mr K Shanmugam:** You will let us know, after checking, whether you, in fact, did any research?

[9979] **Dr Thum Ping Tjin:** I have done research.

[9980] **Mr K Shanmugam:** No, on this point.

[9981] **Dr Thum Ping Tjin:** On this point? Yes, of course I have done research on this point.

[9982] **Mr K Shanmugam:** On Siu Cheong and Ah Hoi, whether they are telling the truth? You have interrogated the passage, to use your phrase?

[9983] **Dr Thum Ping Tjin:** As I've said, I have interrogated whether Chin Siong is or isn't ---

[9984] **Mr K Shanmugam:** That wasn't the question.

[9985] **Dr Thum Ping Tjin:** --- a member of the Communist Party.

[9986] **Mr K Shanmugam:** Aloysius refers to specific names and he says they are CPM cadres.

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[9987] **Dr Thum Ping Tjin:** May I see the citation?

[9988] **Mr K Shanmugam:** I'm just going to give you this and then I leave it to you.

[9989] **Dr Thum Ping Tjin:** If there is no citation, I can't respond to it as a historian.

[9990] **Mr K Shanmugam:** I'm asking you what you have done and what you haven't done. You've said you have read this.

[9991] **Dr Thum Ping Tjin:** Yes.

[9992] **Mr K Shanmugam:** He refers to CPM leaders Siu Cheong and Ah Hoi. I'm asking you whether, first of all, you are aware of this passage.

[9993] **Dr Thum Ping Tjin:** Yes.

[9994] **Mr K Shanmugam:** The question is whether, did you follow up and check on this further?

[9995] **Dr Thum Ping Tjin:** There is no citation. It's not possible to follow up if there's no citation.

[9996] **Mr K Shanmugam:** The answer is "I didn't do so because there was no citation." Is that correct?

[9997] **Dr Thum Ping Tjin:** It's impossible to verify.

[9998] **Mr K Shanmugam:** Thank you. Do you cite this anywhere and say, "Senior CPM leaders are said to have confirmed, but it's not possible to verify"?

[9999] **Dr Thum Ping Tjin:** Rather than explain why other people are wrong, I have spent my articles ---

[10000] **Mr K Shanmugam:** No.

[10001] **Dr Thum Ping Tjin:** --- explaining my argument.

[10002] **Mr K Shanmugam:** No, it's not. You don't know whether they are right or wrong; you just can't verify.

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[10003] **Dr Thum Ping Tjin:** Yes, we can't verify, yes.

[10004] **Mr K Shanmugam:** If Aloysius had spoken with them -- and it's based on that "if" ---

[10005] **Dr Thum Ping Tjin:** "If".

[10006] **Mr K Shanmugam:** --- then would that be relevant?

[10007] **Dr Thum Ping Tjin:** I suppose if -- again, we are going into "ifs". I'd rather go into what we have facts about. Evidence.

[10008] **Mr K Shanmugam:** It didn't strike you, okay, what is Aloysius' basis for saying this? He is referring to them as "senior CPM cadres". Should I not go and try to find out a little bit more? It didn't strike you to do any of that?

[10009] **Dr Thum Ping Tjin:** I have evidence from the CPM itself, these two possibly were part of that, could be anyone. Aliases make it very difficult to trace.

[10010] **Mr K Shanmugam:** You will let us know whether you actually interrogated this passage?

[10011] **Dr Thum Ping Tjin:** I will. I will let you know.

[10012] **Mr K Shanmugam:** Thank you. Interrogated also in particular, whether you did any research or work on checking up on why Aloysius refers to Siu Cheong and Ah Hoi.

[10013] **Dr Thum Ping Tjin:** Okay.

[10014] **Mr K Shanmugam:** If you look at what Chin Siong says -- sorry -- about what Chin Peng says about Chin Siong, this was the passage that I was looking for just now, page 438, which I'm sure you are aware of.

[10015] **Dr Thum Ping Tjin:** For the record, I have been over why Chin Peng is not a reliable source.

[10016] **Mr K Shanmugam:** I understand.

[10017] **Dr Thum Ping Tjin:** Yes.

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[10018] Mr K Shanmugam: I just want to get your answer. Page 438: "The plebiscite was Lee's bid to legitimise his policy of joining Malaysia. The opposition ---

[10019] Dr Thum Ping Tjin: Sorry, we don't have this on the ---

[10020] Mr K Shanmugam: There it is. "The Barisan Sosialis party stood firm against the idea. Contrary to the countless allegations made over the years by Singapore leaders, academics and the Western press, we never controlled the Barisan Sosialis, we certainly influenced them. But neither Dr Lee Siew Choh, the Party Chief, nor, as I understand it, other prominent opposition figures, like the Puthuchearry brothers -- James and Dominic -- had ever been CPM members. Nor had we ever been able to control them. Unquestionably we tried, as we did with many other aspiring politicians of the time."

[10021] Do you think it is significant that he doesn't mention Mr Lim Chin Siong? I'm just asking you a question. If you think it is not significant, we can leave it and move on.

[10022] Dr Thum Ping Tjin: Mr Lim Chin Siong was the Secretary-General of the Barisan Sosialis ---

[10023] Mr K Shanmugam: He mentions so many other people. He doesn't mention Lim Chin Siong and he ---

[10024] Dr Thum Ping Tjin: And he says he never controlled ---

[10025] Mr K Shanmugam: --- he mentions Lee Siew Choh, James and Dominic Puthuchearry.

[10026] Dr Thum Ping Tjin: He doesn't mention Lee Kuan Yew.

[10027] Mr K Shanmugam: Yes ---

[10028] Dr Thum Ping Tjin: He doesn't mention any of us ---

[10029] Mr K Shanmugam: --- Lee Kuan Yew wasn't in the Barisan Sosialis and he mentions Lee Kuan Yew elsewhere as to what deal he did. I'm simply asking you whether you ---

[10030] Dr Thum Ping Tjin: I'm sorry, this is grasping at straws. The fact that he doesn't mention Lim Chin Siong ---

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[10031] **Mr K Shanmugam:** Dr Thum, I don't need your characterisation. Please ---

[10032] **Dr Thum Ping Tjin:** You've been characterising all my statements.

[10033] **Mr K Shanmugam:** I'm asking you a question: do you think it is significant that Chin Peng doesn't mention Lim Chin Siong, the Secretary-General, when he mentions all the others. If you think it's not significant or if you think whatever Chin Peng says is irrelevant, we will move on.

[10034] **Dr Thum Ping Tjin:** I have never said that everything that Chin Peng says is irrelevant but, yes, I don't think it's significant.

[10035] **Mr K Shanmugam:** Thank you. Let's come to the CPM and Barisan Sosialis. Let's look at what he said to Harold Crouch in an interview with Chin Peng. I think at least the first part you will agree. Crouch asks: "What sort of relationship did the people who became the Barisan Sosialis in Singapore have with the people in southern Thailand at that time? Had there been any contact at all?" And Chin Peng answers: "I think among them, there were some communists and there were some non-communists". You agree with that?

[10036] **Dr Thum Ping Tjin:** I'm sorry, you're asking me do I agree whether there are some communists?

[10037] **Mr K Shanmugam:** Yes, do you agree with that?

[10038] **Dr Thum Ping Tjin:** I'm sure there were some communists and non-communists here.

[10039] **Mr K Shanmugam:** Next question: how about the formation of the Barisan Sosialis. Who initiated it?

[10040] **Dr Thum Ping Tjin:** Sorry, are you asking me or are you reading?

[10041] **Mr K Shanmugam:** I'm reading. I'm moving on to a different document, Chen Jian, "Chasing Dreams on the Wave's Crest". This was a question ---

[10042] **Dr Thum Ping Tjin:** Can I just point out, in the previous document, there was a definitive question about whether Chin Siong had contact with the party.

[10043] **Mr K Shanmugam:** Sure. You can go back to the previous document.

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[10044] Dr Thum Ping Tjin: Tony Short asks ---

[10045] Mr K Shanmugam: “Lim Chin Siong never had any contact with the party in Southern Thailand, did he?” Now, I can give you the second page, we will find the second page and give it to you, page 191. Now, let’s look at the next document. This is something that was asked of Eu Chooi Yip. Have you read this book “Chasing Dreams on the Wave’s Crest”?

[10046] Dr Thum Ping Tjin: Yes.

[10047] Mr K Shanmugam: The English translation, the interviewer asks Eu Chooi Yip: “How about the formation of the Barisan Sosialis? Who initiated it?” Answer: “It was Fong Chong Pik. At first we thought... he made the decision to form the Barisan Sosialis on the spot.” So, Barisan Sosialis, according to Eu Chooi Yip, was formed by CPM’s lead person in Singapore. Have you known of this answer?

[10048] Dr Thum Ping Tjin: Yes, this is totally wrong.

[10049] Mr K Shanmugam: This is wrong?

[10050] Dr Thum Ping Tjin: Absolutely wrong, yes.

[10051] Mr K Shanmugam: Do you refer to this anywhere?

[10052] Dr Thum Ping Tjin: I have explained that my argument is putting together my sources to support my argument. This is just totally wrong. It’s well-established in the historiography that Fong Chong Pik had nothing to do with the formation of the Barisan and MCP policy was against the PAP split.

[10053] Mr K Shanmugam: Okay.

[10054] Dr Thum Ping Tjin: This is covered in footnote 7.

[10055] Mr K Shanmugam: This particular point is dealt with there?

[10056] Dr Thum Ping Tjin: Yes, it’s dealt with.

[10057] Mr K Shanmugam: Thank you. You are aware that at least 15 former Barisan leaders and activists are known to have lived in the CPM’s peace villages?

[10058] Dr Thum Ping Tjin: Correct.

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[10059] Mr K Shanmugam: And they include, just for the record, Wong Soon Fong and Chan Sun Wing, both were PAP assemblymen elected in 1959 who then left the PAP in 1961 to join the Barisan Sosialis. Correct?

[10060] Dr Thum Ping Tjin: Yes.

[10061] Mr K Shanmugam: Since we are speaking about Mr Lim, I've made clear what our position is. But I think we should remind you that both Mr Lee and more recently in 2015, DPM Teo, as well as our ambassador to Australia, in response to an Australian publication have said quite clearly that it was a struggle between people on both sides of the ideological divide who were prepared to die for their cause. They were men of courage and determination. And they've made various other points. I think you are aware of it.

[10062] Dr Thum Ping Tjin: Yes, I am aware of it.

[10063] Mr K Shanmugam: Now, let us now turn to Operation Coldstore. I've told you how you described it. Let's look at the evidence. Chin Peng ---

[10064] Dr Thum Ping Tjin: May I suggest the best evidence is the Special Branch archive rather than Chin Peng who was very, very far away from Singapore at this point in time.

[10065] Mr K Shanmugam: Well, you can suggest, but I will ask you the question.

[10066] Dr Thum Ping Tjin: Okay, for the record. I will just say that. I will leave it there.

[10067] Mr K Shanmugam: Let's look at the evidence that Chin Peng puts forward. Page 439, 2 February 1963: "...confident in the consolidation of his power base and with Malaysia barely seven months away, Lee lowered the boom on CPM. In a pre-dawn thrust, he launched Operation Coldstore which saw a combined force of local Malayan police conduct an island-wide round-up of alleged communist activists. Working from prepared name lists, the raiding party managed to seize 115 suspects... The Singapore crackdown we had been expecting for almost four years had, in fact, only materialised after strong pressure on Lee from both the Tunku and the British. Our deliberations with Eu Chooi Yip two years earlier had correctly forecast the event, but had failed to visualise putting in place any form of effective counter-measures. My plea to 'prepare for the worst' had been to no avail. Operation Coldstore shattered our underground network throughout the island. Those who escaped the police net went into hiding. Many fled to Indonesia." I suggest to you this is one of the most direct and relevant pieces of evidence one can get. And you can agree or disagree.

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[10068] **Dr Thum Ping Tjin:** I disagree. The Special Branch documents -- Special Branch conducted the arrest. Their documents were used ---

[10069] **Mr K Shanmugam:** So, what Chin Peng says is false?

[10070] **Dr Thum Ping Tjin:** What Chin Peng says is from his perspective.

[10071] **Mr K Shanmugam:** And it is false?

[10072] **Dr Thum Ping Tjin:** No, it's from his perspective.

[10073] **Mr K Shanmugam:** What he says is untrue, factually?

[10074] **Dr Thum Ping Tjin:** Factually, okay ---

[10075] **Mr K Shanmugam:** Just this part, Operation Coldstore shattered our underground network throughout the island. That is untrue, as a fact?

[10076] **Dr Thum Ping Tjin:** It is possible that Operation Coldstore shattered what remaining MCP network remained in Singapore. That is quite possible.

[10077] **Mr K Shanmugam:** So, what he says is true?

[10078] **Dr Thum Ping Tjin:** It could be. But, of course, he doesn't know. He's very far away.

[10079] **Mr K Shanmugam:** I'm asking you what he says, "Operation Coldstore shattered our underground network throughout the island." Is that true or is that not true?

[10080] **Dr Thum Ping Tjin:** Special Branch interrogations of the detainees of Operation Coldstore found no evidence of any underground communist network.

[10081] **Mr K Shanmugam:** Your view is that this is not true?

[10082] **Dr Thum Ping Tjin:** Yes.

[10083] **Mr K Shanmugam:** Thank you. Any reason why you think Chin Peng as the Secretary-General would be engaging in such untruths?

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[10084] Dr Thum Ping Tjin: Same reason anyone writes their memoirs. They want to put forward, as he calls it, it's "My Side of History". This may be something he genuinely believes, right. In writing this is in what the early 1990s, at that disconnect, he may genuinely believe that that's what happened. But the documents by Special Branch on the ground justifying why Coldstore happened show no evidence and the interrogations of the detainees that followed after detentions also found no evidence of any coherent communist conspiracy to subvert the Government of Singapore ---

[10085] Mr K Shanmugam: Have you explained anywhere, including in your PhD thesis, why this statement should be disregarded?

[10086] Dr Thum Ping Tjin: I've made my case based on the documents, the British Special Branch ---

[10087] Mr K Shanmugam: That's not the question. Have you explained why the statement by Chin Peng should be given no value or weight?

[10088] Dr Thum Ping Tjin: No.

[10089] Mr K Shanmugam: You didn't see the need to?

[10090] Dr Thum Ping Tjin: No.

[10091] Mr K Shanmugam: Thank you. Let us now look at the British archives. You have repeatedly referred to them.

[10092] Dr Thum Ping Tjin: Does this include the Special Branch documents?

[10093] Mr K Shanmugam: I will show you the documents that I want to refer to.

[10094] Dr Thum Ping Tjin: Okay.

[10095] Mr K Shanmugam: First, let's look at 22 September 1959. The note from DS Humphrys, tab 34. Paragraph 21: "The party is illegal and is organised on a cell basis. The Singapore Organisation is believed to embrace over 400 persons: there are, in addition, several thousand sympathisers and communist inclined members of "front" organisations. It is, however, impossible to estimate its real strength. For tactical reasons, the Communist Party is in favour of legal activity through the extreme left-wing of the PAP led by Lim Chin Siong, who is almost certainly a secret party member." Would you say this document is relevant?

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[10096] Dr Thum Ping Tjin: Yes, and I have interrogated this document and many documents like this. To explain -- may I explain?

[10097] Mr K Shanmugam: Do you say that anywhere in any of your publications?

[10098] Dr Thum Ping Tjin: I'm sure I have cited many documents because this sort of paragraph is all over the place. Maybe not this specific document but other documents which express the same sentiments have been cited and discussed.

[10099] Mr K Shanmugam: Let's just stick to this, whether you have interrogated this particular document, this particular paragraph 21, and set out your viewpoints in any of your publications?

[10100] Dr Thum Ping Tjin: This particular document?

[10101] Mr K Shanmugam: Yes.

[10102] Dr Thum Ping Tjin: You do realise there are thousands of documents, right?

[10103] Mr K Shanmugam: I do realise. I'm asking you about this particular document.

[10104] Dr Thum Ping Tjin: So, not this particular document. If you give me the file -- could you give me the file number, and I can look it up, but off the top of my head, I don't think this particular document -- but you will have to give me the file number, it starts with CO1030 probably.

[10105] Mr K Shanmugam: CO1030/656.

[10106] Dr Thum Ping Tjin: 1030/656? Thank you. I will check.

[10107] Mr K Shanmugam: Paragraph 21.

[10108] Dr Thum Ping Tjin: No, it does not appear to be cited.

[10109] Mr K Shanmugam: Thank you. Now, you know who is DS Humphrys?

[10110] Dr Thum Ping Tjin: Yes, if I remember correctly, he was the -- was Humphrys Special Branch or was he police? Maybe you could -- sorry, it's been a long day. Maybe you could refresh my memory?

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[10111] **Mr K Shanmugam:** I just want to ask you. If you don't know, it doesn't matter. We have a direct statement by Mr Humphrys, September 1959 saying that Lim Chin Siong is almost certainly a party member, and what the Communist Party of Malaya, how it is structured and what sort of strength it has.

[10112] **Dr Thum Ping Tjin:** Yes.

[10113] **Mr K Shanmugam:** You cannot recall who is Mr Humphrys and you have no record of dealing with this document anywhere in your publications?

[10114] **Dr Thum Ping Tjin:** Yes. Can I point out -- may I comment on that paragraph ---

[10115] **Mr K Shanmugam:** Let's move on. This is what I needed. Now, 1962, telegram number 582 from Lord Selkirk to the Secretary of State for the Colonies. Let's look at that.

[10116] **Dr Thum Ping Tjin:** May I have the file number, please?

[10117] **Mr K Shanmugam:** C1030/160.

[10118] **Dr Thum Ping Tjin:** 160?

[10119] **Mr K Shanmugam:** Yes. Now, I am quoting: "I said I recognised all along that a threat was presented by the communists in Singapore." Para 5: "I had not, however, previously" -- this is December 1962, 14 December 1962 ---

[10120] **Dr Thum Ping Tjin:** I think you mean 1160, not 160.

[10121] **Mr K Shanmugam:** You are right. 1160.

[10122] **Dr Thum Ping Tjin:** Thank you.

[10123] **Mr K Shanmugam:** Paragraph 5: "I said I recognised all along that a threat was presented by the communists in Singapore. I had not, however, previously been convinced that a large number of arrests was necessary to counter this threat. Recently, however, new evidence has been produced about the extent of the communist control of the Barisan Socialis and also there had been indications that the communists might resort to violence if the opportunity occurred. Recent statements by the Barisan Socialis and Party Rakyat supporting the revolt in Brunei confirmed this. Accordingly, Her Majesty's Government was prepared to see action taken in Singapore provided it was made clear publicly that all three Governments accepted joint responsibility and the action was taken very quickly."

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[10124] Now, let's look at paragraph 9. Sorry, I made a mistake here. Let me see. If you look at paragraph 2(a), he then sets out the factors in favour, sub-paragraph (b): "Recent security intelligence has shown more clearly than ever before that the Barisan Socialis are communist controlled, and that although they see at least no feasible alternative to constitutional tactics, they had weighed the merits of more direct action and would not hesitate to take it if it would pay." And then, he sets out the arguments that they had previously, which were against direct action. And at paragraph 4 he sets them out again. At paragraph 5, I think he sets out his conclusion and he talks about the steps to be taken. Now, you know that Selkirk started out sceptical about any action to be taken against what the Special Branch considered to be communists. Agree? He started out sceptical.

[10125] Dr Thum Ping Tjin: Yes.

[10126] Mr K Shanmugam: This telegram, taken on the face of it, suggests that now he was convinced that they needed to be arrested. Correct?

[10127] Dr Thum Ping Tjin: On the face of it, it does suggest that. I do interrogate this document if you would give me a chance to explain it.

[10128] Mr K Shanmugam: Well, I think what we need to do is to move on and then ---

[10129] Dr Thum Ping Tjin: Woah! Come on, you've asked me to interrogate so many documents, this is a document I have actually interrogated and I explain in great detail in my work the issues with this document and now we're not going to address it at all.

[10130] Mr K Shanmugam: We will address it, but in a while. Let me just run through the few documents.

[10131] Dr Thum Ping Tjin: Is that a promise, we will come back to this document?

[10132] Mr K Shanmugam: We can come back to it and if you want to come back to it, we will come back to this document.

[10133] Dr Thum Ping Tjin: We will? We will?

[10134] Mr K Shanmugam: We will come back to this document.

[10135] Dr Thum Ping Tjin: Thank you. I will hold you to that.

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[10136] **Mr K Shanmugam:** Let's look at -- which I'm sure you have interrogated as well. If you look at your ARI working paper, page 19, see the third and fourth paragraphs. You suggest that the main reason for the arrest -- cited by Selkirk -- was to give to the Federation the arrest they so badly wanted. Correct?

[10137] **Dr Thum Ping Tjin:** Yes.

[10138] **Mr K Shanmugam:** And in that context, you referred to two documents.

[10139] **Dr Thum Ping Tjin:** Yes.

[10140] **Mr K Shanmugam:** They are in footnotes 124 and 125. And you say at page 18, you look at the sentence to which you give footnote 124 ---

[10141] **Dr Thum Ping Tjin:** 135, sorry, not 125.

[10142] **Mr K Shanmugam:** 124 and 125. Look at page 18: "Faced with this scenario, Barisan members were deeply frustrated." I'm talking about the text, the very last paragraph at page 18.

[10143] **Dr Thum Ping Tjin:** Sorry, I thought you were referring to the -- you said the arrest they so badly craved, right, earlier? That's on page 19.

[10144] **Mr K Shanmugam:** I've moved on from there. And I'm referring to two other documents.

[10145] **Dr Thum Ping Tjin:** So, now, you're going back to page 18?

[10146] **Mr K Shanmugam:** Page 18. I'm reading to you your last paragraph: "Faced with this scenario, Barisan members were deeply frustrated. They had adhered to constitutional methods, believing that -- as in Kenya and Nyasaland -- the British would not hesitate to use violent suppression in Singapore as long as the law remained on the books. But even if the ISC was abolished, the referendum demonstrated that constitutional processes could be manipulated."

[10147] Then, you say that hostile progressive forces could -- hostile forces, which are hostile to progressive forces, could counter that and then Lim Chin Siong saying that they must carry on with the constitutional struggle.

[10148] **Dr Thum Ping Tjin:** He urged them to continue peaceful long-term constitutional struggle. And "The Party agreed that the only option was to keep using peaceful constitutional processes with the aim of winning elections to the Federal parliament and building a multi-racial progressive coalition". Yes.

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[10149] **Mr K Shanmugam:** Yes. Now that's what you say. Look at the fourth paragraph in page 19 again. The second sentence: "Barisan members had complained that the constitution was pointless if it was so easily manipulated, asking if there was another way forward." What is the "another way forward" that you are referring to?

[10150] **Dr Thum Ping Tjin:** The meetings were held to discuss strategy in the wake of the referendum ---

[10151] **Mr K Shanmugam:** I'm simply asking you what is the "another way forward" you are referring to?

[10152] **Dr Thum Ping Tjin:** What they were asking for. They were asking if there was another way.

[10153] **Mr K Shanmugam:** So, they were not having in mind any specific way?

[10154] **Dr Thum Ping Tjin:** They were considering many options.

[10155] **Mr K Shanmugam:** Can you tell us the options they were considering? The other ways? You refer to one another way, what is it?

[10156] **Dr Thum Ping Tjin:** I referred to one other way? Sorry?

[10157] **Mr K Shanmugam:** You say, "Asking if there was another way forward."

[10158] **Dr Thum Ping Tjin:** Yes, that's the question. Is there another way. If the PAP can so easily rig a referendum and if the constitutional struggle ---

[10159] **Mr K Shanmugam:** I understand all that preamble. What is the other way?

[10160] **Dr Thum Ping Tjin:** There is no specific other way. It is a discussion.

[10161] **Mr K Shanmugam:** What were the other ways they were considering?

[10162] **Dr Thum Ping Tjin:** There was a whole range of options, including I think what you are asking me ---

[10163] **Mr K Shanmugam:** And what you want to avoid answering?

[10164] **Dr Thum Ping Tjin:** Non-constitutional struggle which they then decided was off the table. They would continue to adhere to peaceful constitutional struggle.

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[10165] **Mr K Shanmugam:** Right. You imply here that Selkirk wilfully chose to interpret the evidence as calls to abandon constitutional action and basically you are saying Selkirk had no grounds whatsoever for coming to his conclusion. Correct?

[10166] **Dr Thum Ping Tjin:** For his -- which conclusion?

[10167] **Mr K Shanmugam:** For his conclusion that there were calls to abandon constitutional action?

[10168] **Dr Thum Ping Tjin:** I think if you look at the document he says he's ---

[10169] **Mr K Shanmugam:** I'm just asking you what ---

[10170] **Dr Thum Ping Tjin:** No, that's not his conclusion that is what I'm saying. His conclusion is the Barisan is communist controlled.

[10171] **Mr K Shanmugam:** Right. Now, let's look at what you say here. In six lines: "Selkirk added that the recent intelligence demonstrated communist control of the Barisan, and that Lim had never explicitly ruled out violent action." Your suggestion there is that Selkirk had no basis to come to that conclusion?

[10172] **Dr Thum Ping Tjin:** That the Barisan was communist controlled ---

[10173] **Mr K Shanmugam:** No ---

[10174] **Dr Thum Ping Tjin:** That's what I said. His recent intelligence demonstrated communist control of the Barisan. Yes, I argue that he had no way to make that link.

[10175] **Mr K Shanmugam:** And, secondly, he had no basis to conclude that they might go into violent action.

[10176] **Dr Thum Ping Tjin:** Lim never explicitly ruled out violent action. That's what I wrote there.

[10177] **Mr K Shanmugam:** I'm asking you what you are saying about Selkirk. Your point is Selkirk says Lim never explicitly ruled out violent action and recent intelligence demonstrated communist control of the Barisan.

[10178] So, you accept that Lim never explicitly ruled out violent action, but you say Selkirk was wrong that recent intelligence demonstrated communist control of the Barisan. Would that be an accurate way of reading that coupled with what you said?

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[10179] **Dr Thum Ping Tjin:** This is very confusing. So, Selkirk makes two big points: one, recent intelligence shows that the Barisan is communist controlled; two, Lim never explicitly ruled out violent action. What I'm saying is that the evidence for these two points are accounts of two post referendum Barisan meetings.

[10180] **Mr K Shanmugam:** I understand.

[10181] **Dr Thum Ping Tjin:** Yes. And?

[10182] **Mr K Shanmugam:** Do you think Selkirk was correct in his interpretations?

[10183] **Dr Thum Ping Tjin:** Well, he's incorrect in that the intelligence demonstrated communist control of the Barisan, but it is true that Lim doesn't explicitly rule out violent action. Yes.

[10184] **Mr K Shanmugam:** Thank you. Your assertion is that there was unanimous agreement among the Barisan members to keep following the constitutional agreement?

[10185] **Dr Thum Ping Tjin:** Because these are accounts of meetings, that is what was reflected in the account.

[10186] **Mr K Shanmugam:** Okay.

[10187] **Dr Thum Ping Tjin:** Yes.

[10188] **Mr K Shanmugam:** Let's look at the documents. You have referred to these notes. This is meeting at Barisan Sosialis headquarters, 23 September 1962. Let's look at paragraph 1 first: "The meeting was arranged by members of the Organising Sub-Committee... to interpret and discuss new lines of policy and tactics laid down by the Secretary-General, Lim Chin Siong, in his speech at the Barisan Sosialis." So, that is the purpose of the meeting.

[10189] Paragraph 2: "At the meeting, which lasted for most of the day, source reports that Cheok Kor-Thong, the party's CEC presided. He had recently taken over the effective control of the Organising Sub-Committee of the party from Fong Swee Suan, who now spends more time in the direction of activities in the trade union field. Fong Swee Suan, however, still retains the post of the secretary of this Sub-Committee and is still responsible for the overall control." So, that is paragraph 2.

[10190] And then over the page, paragraph 3: "The theme chosen for the discussion was the first of three main principles laid down by Lim Chin Siong. 'So, long as

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the conditions for peaceful constitutional methods of struggle remain available to us, we will persist in the peaceful constitutional method of struggle’.” Lim Chin Siong had said it in his speech and they were considering it at this meeting. Paragraph 4: “Cheok opened the discussion by reviewing the history of ‘the struggle’ in Malaya and elsewhere and said that ‘along the road for fighting for national liberation, the people of our country in different circumstances have produced different forms of struggle’. He cited the armed struggle against the Japanese during the war and against the ruling classes afterwards.” There he is referring to the period of the Emergency. Correct?

[10191] Dr Thum Ping Tjin: Yes.

[10192] Mr K Shanmugam: The armed struggle afterwards?

[10193] Dr Thum Ping Tjin: Yes.

[10194] Mr K Shanmugam: “More recently the constitutional struggle was being waged against a ‘reactionary clique in the Federation capital’ who were ‘utilising all sorts of ordinances to suppress the people’s demands’.”

[10195] Now, we go to paragraph 6. “Tan Hee Kim then spoke. One of his main points was that, ‘while some people say that in communist countries there is a so-called dictatorship of the proletariat, or people’s democratic dictatorship’, the Parliamentary system of the bourgeoisie in the colonial capitalist countries was, ‘in fact, a system of dictatorship of the bourgeoisie’.”

[10196] And then, he talks about Singapore. And, paragraph 7. This is Tan Hee Kim, he says: “it would be wrong to think that because after a century of struggle the dictatorship of the bourgeoisie still prevailed, the democratic people’s opposition was of no avail. He asserted that ‘oppression is beneficial and not harmful to us’ because in the long run it increased ‘our mass following’. Outwardly, it might appear that they had been suppressed, but each time they suffered a setback, the tide of their struggle would flow again in ever greater strength. Constitutional opposition enabled them to ‘expose the ruling class and its system’, train our masses and our cadres and educate, organise and unite the people. The political consciousness of the masses and their organisation would thereby be strengthened so that ‘when the stage of struggle arrives these masses will serve our purpose’.” Doesn’t this suggest that the constitutional struggle was a means to an end? You use the constitutional means to expose their limitations, raise political consciousness in order for the eventual stage of struggle. Agree?

[10197] Dr Thum Ping Tjin: Sorry, what was that question again. Are you saying the constitutional struggle is a means to an end?

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[10198] Mr K Shanmugam: Yes.

[10199] Dr Thum Ping Tjin: The struggle is anti-colonial. It is a means to get rid of the British.

[10200] Mr K Shanmugam: I didn't say colonial or anti-colonial.

[10201] Dr Thum Ping Tjin: Right.

[10202] Mr K Shanmugam: So, please listen to the question.

[10203] Dr Thum Ping Tjin: Yes.

[10204] Mr K Shanmugam: They will use constitutional means as a means to an end; they will expose the limitations of the reactionaries; they will raise political consciousness through this constitutional struggle until they reach the next stage of the struggle. Agree? That's what you are saying?

[10205] Dr Thum Ping Tjin: Yes, I'm not sure what your point is, but that seems to be what it is saying, yes.

[10206] Mr K Shanmugam: Thank you. Paragraph 8: "Other speakers discussed the theme of constitutional struggle on similar lines. One suggested that class contradictions in a colonial country would reach an explosive stage one day. Another claimed that in the present international situation in which two social systems of fighting for final victory 'the socialist system is on our side'. There were seven socialist countries in Europe today, while in Asia, China was a major power as well as a socialist country which could deal a blow, act or act as a curb upon the U.S.A. Progressive forces amongst the people in the Western countries were rising to oppose their governments, and the Afro-Asian countries provided a formidable opposition to colonialism. Their victory would 'help our cause'."

[10207] That is the background, but the model that they seem to be looking at are China and seven socialist countries in Europe. Correct?

[10208] Dr Thum Ping Tjin: And Afro-Asian countries. Former colonies.

[10209] Mr K Shanmugam: Yes, can you tell us, which are the seven socialist countries in Europe they were looking at?

[10210] Dr Thum Ping Tjin: No.

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[10211] **Mr K Shanmugam:** Thank you. Paragraph 9: “This speaker warned that constitutional methods of struggle would not necessarily ensure victory in the long run, as was shown by the experience of other countries which had won their independence from the Western powers by these means.” Then, he refers to India. “In different circumstances, other countries such as the U.S.S.R., China, North Korea, North Vietnam and Cuba had adopted the method of armed struggle or armed revolution. The U.S.S.R. could not have used the peaceful constitutional method of struggle at the time of the Revolution because she was surrounded by capitalist countries. The present international situation, however, was different because there now existed a bulwark of countries safeguarding world peace which provided the conditions for peaceful constitutional struggle.” So, it is contrasting with the USSR saying there is a system in place and there are some conditions for peaceful constitutional struggle.

[10212] Then, paragraph 11: “Neo’s conclusion was that it would not be possible to make a final decision as to whether the ‘revolution must be brought about by armed or constitutional struggle’, since different methods were appropriate to different environments, but in Singapore today, the constitutional method should be maintained. Good leftist organisation of the masses might, however, provide a different situation after another five years.”

[10213] So, essentially for now, we will take the constitutional method, but let’s prepare for an armed struggle if necessary in another five years. Correct?

[10214] **Dr Thum Ping Tjin:** If necessary, sure. Armed struggle against the occupying colonial power is, you know, legitimate ---

[10215] **Mr K Shanmugam:** And the established system of governance.

[10216] **Dr Thum Ping Tjin:** --- against a colonial power. That’s the established system. A colonial occupying power, Britain.

[10217] **Mr K Shanmugam:** If Malaysia came about, will there be a colonial power?

[10218] **Dr Thum Ping Tjin:** If Malaysia came about, would there be a colonial power? It depends on the structure of Malaysia. If Singapore occupied by ---

[10219] **Mr K Shanmugam:** The Malaysia that was proposed.

[10220] **Dr Thum Ping Tjin:** If it is -- the Malaysia that was proposed, well, I think there were colonial aspects to it. Singapore was underrepresented. That is what the Barisan argued -- they were underrepresented in the Dewan Rakyat.

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[10221] **Mr K Shanmugam:** We will take that as your views.

[10222] **Dr Thum Ping Tjin:** Okay.

[10223] **Mr K Shanmugam:** You say if Singapore was independent, then this reference to possible armed struggle doesn't apply. Correct?

[10224] **Dr Thum Ping Tjin:** Yes, of course, it is anti-colonial.

[10225] **Mr K Shanmugam:** Right. Now, paragraph 12: "Cheok Kor-Thong summed up the views of the various comrades under the following headings: The 'deceitful and hypocritical' system in which they were waging their constitutional struggle should be recognised so that they were under no illusions. They must themselves determine the form their struggle should take: 'basically, armed struggle is the highest form of struggle' but whether it should be adopted or not would depend on 'the entire international situation'. Experience elsewhere had shown that when the masses had reached the point where they were capable of suppressing reactionaries, it was questionable whether the peaceful constitutional struggle should still be adhered to."

[10226] So, in summary, you say carry on with the constitutional struggle, but when the masses were capable of overthrowing the reactionaries, then can go on to the armed struggle, correct?

[10227] **Dr Thum Ping Tjin:** If armed struggle is necessary against the colonial power.

[10228] **Mr K Shanmugam:** Paragraph 13. Did they say it is against the colonial power there?

[10229] **Dr Thum Ping Tjin:** Well, the struggle is an anti-colonial struggle. That's what the struggle is.

[10230] **Mr K Shanmugam:** I mean, is there anything here which says it is anti-colonial?

[10231] **Dr Thum Ping Tjin:** Much earlier on in the document, they talked about anti-colonialism and freedom. It is safe to assume they are talking about anti-colonialism.

[10232] **Mr K Shanmugam:** Isn't it safe to assume that they are talking about taking over power in the way communists will understand?

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[10233] **Dr Thum Ping Tjin:** They are not communists. There's no connection here.

[10234] **Mr K Shanmugam:** Well, that's your point.

[10235] **Dr Thum Ping Tjin:** There is no mention of communism here which is my point about Selkirk. Selkirk says it shows they are communist controlled. The word "communist" doesn't even appear.

[10236] **Mr K Shanmugam:** Dr Thum, communism and communists appear all over this document. If you look at USSR, China, North Korea, North Vietnam, Cuba ---

[10237] **Dr Thum Ping Tjin:** Anti-colonials.

[10238] **Mr K Shanmugam:** --- those were the models they were looking at one stage ---

[10239] **Dr Thum Ping Tjin:** And they are also looking at socialist countries in Europe and Afro-Asia and all of that ---

[10240] **Mr K Shanmugam:** That's why I asked you which socialist countries. You said you don't know.

[10241] **Dr Thum Ping Tjin:** I don't know.

[10242] **Mr K Shanmugam:** Right. Isn't it clear that they were referring to those which were part of the Soviet bloc?

[10243] **Dr Thum Ping Tjin:** Possibly, and they were also referring to Afro-Asia.

[10244] **Mr K Shanmugam:** Were there any other socialist countries in Europe -- other than those -- in 1961, other than those in the Soviet bloc?

[10245] **Dr Thum Ping Tjin:** Depends how you define socialism. But based on my understanding of your question, no.

[10246] **Mr K Shanmugam:** Therefore, clearly, all the examples you see they refer to are what we would understand as communist countries. Right?

[10247] **Dr Thum Ping Tjin:** Afro-Asia?

[10248] **Mr K Shanmugam:** Leave out Afro-Asia for the time being ---

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[10249] Dr Thum Ping Tjin: But the Afro-Asia is in there as well, we can't selectively leave out ---

[10250] Mr K Shanmugam: Europe and Asia, they are all communist countries.

[10251] Dr Thum Ping Tjin: Europe and Asia ---

[10252] Mr K Shanmugam: China, North Korea, North Vietnam.

[10253] Dr Thum Ping Tjin: Yes, sure.

[10254] Mr K Shanmugam: Thank you. Doesn't that make it quite clear that they are talking about regardless of whether there is a colonial power or not, in five years after we have worked with the masses, we use them, and we use armed struggle if necessary, to take over power? Yes?

[10255] Dr Thum Ping Tjin: No. It's about gaining independence and the anti-colonial struggle.

[10256] Mr K Shanmugam: All right. Now, let's define it and keep it to anti-colonial struggle for the time being. Let's look at paragraph 13: "Experience elsewhere showed that there was no country in the world which had 'attained a thorough success in revolution through constitutional processes' and that throughout Southeast Asia, including Malaya, the 'ruling classes would not lightly hand over political power to the leftists'." What do you think that means?

[10257] Dr Thum Ping Tjin: Exactly what it says, "the ruling classes would not lightly hand over political power to the leftists".

[10258] Mr K Shanmugam: Yes. So, even if the country is independent, they do not believe that the ruling classes will hand over power to the leftists. Correct?

[10259] Dr Thum Ping Tjin: The ruling classes refer to the colonial classes in this case. This is 1962.

[10260] Mr K Shanmugam: This is 1962.

[10261] Dr Thum Ping Tjin: It goes on to say: "Nevertheless, everyone disliked bloodshed and the use of arms and question of whether it would be necessary to" ---

[10262] Mr K Shanmugam: Doesn't it say since we are arguing this ---

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[10263] **Dr Thum Ping Tjin:** --- “resort to them would not depend on the people but on the reactionary government of the bourgeoisie.” Which is their position that if the colonial government use force of arms against them, they must pick up arms to resist the colonial government and win independence.

[10264] **Mr K Shanmugam:** Let me remind you of a few things. Go back to paragraph 6: “One of his main points was that, ‘while some people say that in communist countries, there is a so-called dictatorship of the proletariat or people’s democratic dictatorship’...” so he is referring to the communist model there. Correct?

[10265] **Dr Thum Ping Tjin:** Yes.

[10266] **Mr K Shanmugam:** Go back to paragraph 5.

[10267] **Dr Thum Ping Tjin:** There is a lot more in that paragraph, may I just point out.

[10268] **Mr K Shanmugam:** There is a lot more, but let’s go back to paragraph 5: “Cheok Kor-Thong proceeded to cite the constitutional and armed struggle of the leftists against the reactionaries in other parts of Southeast Asia. In every quarter, the strength of the people finally prevailed over that of the reactionary forces. However, this experience, for instance, of the” -- CPI -- “Communist Party of India in Kerala showed that the reactionary cliques would not lightly hand over political power to the genuine leftist political party.” India, at that time, was independent, about 1947, it’s about 14/15 years. Correct?

[10269] **Dr Thum Ping Tjin:** Yes.

[10270] **Mr K Shanmugam:** They are saying that the reactionary forces in India will not hand over power to the leftist forces even if constitutional means were used. Correct?

[10271] **Dr Thum Ping Tjin:** He is saying that the example of the Communist Party of India in Kerala showed that the reactionary cliques would not lightly hand over political power to ---

[10272] **Mr K Shanmugam:** We are not talking about an anti-colonial struggle there. Correct?

[10273] **Dr Thum Ping Tjin:** Yes.

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[10274] **Mr K Shanmugam:** Thank you. Does that inform you that what they are saying is that when -- even if the colonials leave, they will leave behind structures and reactionaries, who will not lightly hand over power to the leftist forces. Correct?

[10275] **Dr Thum Ping Tjin:** You are referring to neo-colonialism?

[10276] **Mr K Shanmugam:** I'm referring to a country that becomes independent and I'm referring to, for example, by reference to what they are saying, the analogy of India and, in fact, he expressly says: "From the analogy he drew the lesson for their own 'genuine leftist political party' in Singapore", that is in paragraph 5. Their point is, even if Singapore were to become independent, and there is no more anti-colonial struggle, the structures that will be left behind will be reactionary and these reactionary structures will never hand over power willingly to the left. And that is the lesson for Singapore. Agree?

[10277] **Dr Thum Ping Tjin:** It is entirely possible. The point I made with this document was: (a) that there is no evidence of communist control, and (b) that they do agree at the end, to continue following peaceful constitutional struggle.

[10278] **Mr K Shanmugam:** We will come to all of that.

[10279] **Dr Thum Ping Tjin:** Yes.

[10280] **Mr K Shanmugam:** But the point is now by reference ---

[10281] **Dr Thum Ping Tjin:** Your argument was not used by Special Branch to justify Coldstore, if that is what you are wondering.

[10282] **Mr K Shanmugam:** I'm just referring to what you have said.

[10283] **Dr Thum Ping Tjin:** No, you are referring to what he has said.

[10284] **Mr K Shanmugam:** I'm referring to what you have said, I am taking you through the document which you have relied upon and putting it to you.

[10285] **Dr Thum Ping Tjin:** Yes.

[10286] **Mr K Shanmugam:** Therefore, the references, for example, in paragraph 11, in the context of everything else that has been said, is not restricted to an anti-colonial struggle, but even if Singapore became independent, good leftist organisation or the masses might however provide for a different situation, including an armed struggle, because these people who take over from the colonials, even in an independence

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situation, will probably not give us power. That's clear. Based on what I've taken you through. Agree?

[10287] Dr Thum Ping Tjin: I have not addressed that in my work, but, sure, hypothetically ---

[10288] Mr K Shanmugam: I'm not talking about hypothetical. I'm talking about what they are saying.

[10289] Dr Thum Ping Tjin: You are trying to read very much into what they are saying. I don't know whether your interpretation is correct.

[10290] Mr K Shanmugam: No, you read anti-colonial struggle into what they are saying. I'm pointing out to you, reading it, on the face of it, the reference to Kerala is very important -- the reference to colonial masters leaving behind structures and reactionaries in power ---

[10291] Dr Thum Ping Tjin: Yes.

[10292] Mr K Shanmugam: --- who will prevent leftists from taking over. That means, in a situation where the country becomes independent, you will still not get power ---

[10293] Dr Thum Ping Tjin: And not democratic. Because if you look at paragraph 5 he does point out that constitutional processes -- if we can go back to paragraph 5, for example, they do make reference to manipulation of constitutional processes by the PAP.

[10294] Mr K Shanmugam: Right. So, for those reasons, even if -- it is fairly obvious -- even if there was a -- independence, they go on with the constitutional processes for a few years and then be prepared to move into armed struggle if necessary. That's obvious.

[10295] Dr Thum Ping Tjin: I wouldn't say that is obvious. It is a possibility. But my argument, as I've said before is that this document does not demonstrate communist control of the Barisan and it shows they agreed to peaceful constitutional struggle.

[10296] Mr K Shanmugam: We will come to that. We don't need to deal with the issues that I haven't yet asked. Now, would you say that since they talk in positive terms as a possible model, USSR, China, North Korea, North Vietnam and Cuba, and obviously the seven socialist countries in the Soviet bloc ---

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[10297] Dr Thum Ping Tjin: And Afro-Asia.

[10298] Mr K Shanmugam: Would you say they are the models of democracy that you were talking about just now?

[10299] Dr Thum Ping Tjin: They are independent countries.

[10300] Mr K Shanmugam: I didn't ask that because you said the PAP was using all sorts of means -- but would you not see that they were referring to countries which were communist dictatorships as a possible model?

[10301] Dr Thum Ping Tjin: Yes. Yes.

[10302] Mr K Shanmugam: Thank you. Paragraph 13: "Experience elsewhere showed that there was no country in the world which had 'attained a thorough success in revolution through constitutional processes'. And that throughout Southeast Asia, including Malaya, the 'ruling classes would not lightly hand over political power to the leftists'. Nevertheless, everyone disliked bloodshed and the use of arms and the question of whether it would be necessary to resort to them would depend not on the people, but on the 'reactionary government of the bourgeoisie'. Today, Lee Kuan Yew still had no army under his command. If one day he would 'replace the constitutional form of struggle with a military dictatorship, so that there would be no need for him to resort to deceit and intimidation anymore'. The people themselves, however, detested armed struggle and would only resort to it if compelled to do so."

[10303] Paragraph 14: "Another speaker said that in the present circumstances in Malaya, they were expanding the struggle through peaceful and constitutional means to obtain political power, but anyhow armed struggle must be used to bring about a complete revolution." Again, what they are saying is, this speaker was saying is you look at the experience throughout Southeast Asia, including Malaya. The ruling classes would not lightly hand over political power to the leftists. Statement number one. Statement number two, therefore, armed struggle must be used to bring about a complete revolution. That was a view of one speaker reading paragraphs 13 and 14 together. Would you agree?

[10304] Dr Thum Ping Tjin: I'm sorry, what was the question?

[10305] Mr K Shanmugam: Okay. The point being made in paragraphs 13 and 14 is that the ruling classes will not lightly give up power, hand over political power to the leftists, even if the country becomes independent, because they are referring to all of Southeast Asia. And in the present circumstances in Malaya, they were extending the

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struggle through peaceful and constitutional means to obtain political power but armed struggle must be used to bring about a complete revolution. So, regardless of -- even if a country becomes independent, that particular speaker thought that armed struggle was necessary to bring about complete revolution. Yes?

[10306] Dr Thum Ping Tjin: Yes.

[10307] Mr K Shanmugam: Thank you. Now, paragraph 15: "Finally another speaker defined the task of 'our revolution' as consisting of two stages: the first to eliminate colonialism entirely and the second to overthrow the semi-feudal society and establish a socialist system. To achieve this aim, the two methods of armed and constitutional struggle were available and no matter which was chosen it could not be used alone. The armed struggle would always have to be coordinated with the constitutional method. The bourgeoisie and petty bourgeoisie would need to be united with the worker and peasant classes, in other words, all those who had suffered from 'foreign political and economic oppression'."

[10308] Now, what was clear from this speaker is that first stage -- there are two stages to this revolution. The first stage is the constitutional means. Sorry, I will rephrase it. The first stage was to eliminate colonialism entirely. And the second stage was to overthrow the semi-feudal society and establish a socialist system. And an armed struggle has to be used to bring that about. Right?

[10309] Dr Thum Ping Tjin: Yes.

[10310] Mr K Shanmugam: Thank you. In fact, therefore, the consensus here was that an armed struggle was likely to be necessary, based on your own answers. Agree?

[10311] Dr Thum Ping Tjin: But for now, they would adhere to peaceful and constitutional methods. We accept that.

[10312] Mr K Shanmugam: For the first stage, and then they will take to the armed struggle to complete the revolution. That is what you have just agreed to.

[10313] Dr Thum Ping Tjin: It seems likely that an armed struggle was possible. I wouldn't say this is any sort of definitive planning meeting for them to assume armed struggle, but given the history of anti-colonialism at that point in time, especially Vietnam, Indonesia, the overthrow of colonialism had necessitated armed struggle.

[10314] Mr K Shanmugam: Dr Thum, that wasn't the question I asked. The question I asked was: there was consensus that there will be resort to armed struggle to complete the revolution.

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[10315] Dr Thum Ping Tjin: If necessary, yes.

[10316] Mr K Shanmugam: And if you look at page 19, last paragraph of the ARI paper, you say: "Selkirk chose to interpret these as calls to abandon constitutional action and disregarded the unanimous agreement to keep following peaceful constitutional action."

[10317] Dr Thum Ping Tjin: Yes.

[10318] Mr K Shanmugam: Was there unanimous agreement to keep following peaceful constitutional action?

[10319] Dr Thum Ping Tjin: There was in ---

[10320] Mr K Shanmugam: No, no. In this document.

[10321] Dr Thum Ping Tjin: In this document?

[10322] Mr K Shanmugam: Yes.

[10323] Dr Thum Ping Tjin: I feel they have all agreed the first stage: peaceful constitutional action ---

[10324] Mr K Shanmugam: What have they agreed?

[10325] Dr Thum Ping Tjin: Peaceful constitutional action.

[10326] Mr K Shanmugam: We have just agreed, the two of us. That's one of the few points of agreement today, that they said they will start with the constitutional struggle ---

[10327] Dr Thum Ping Tjin: Yes.

[10328] Mr K Shanmugam: --- and then they will complete the revolution through armed struggle ---

[10329] Dr Thum Ping Tjin: One guy said that. Others talked about different examples ---

[10330] Mr K Shanmugam: Well, two guys.

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[10331] **Dr Thum Ping Tjin:** Yes, two guys out of a big meeting.

[10332] **Mr K Shanmugam:** And others talked about not ruling out armed struggle as well.

[10333] **Dr Thum Ping Tjin:** Not ruling out armed struggle, yes.

[10334] **Mr K Shanmugam:** No reasonable interpretation of this document can suggest that they all agreed unanimously that, "we are just going to use peaceful constitutional means". Agree?

[10335] **Dr Thum Ping Tjin:** No, I think it feels -- clearly, the sense from it is that everyone that you cited, peaceful constitutional means for now, but we don't rule out ---

[10336] **Mr K Shanmugam:** Let me understand the way you read documents.

[10337] **Dr Thum Ping Tjin:** My point is when -- the way I use the documents ---

[10338] **Mr K Shanmugam:** Dr Thum, let me finish.

[10339] **Dr Thum Ping Tjin:** Okay. But you are dealing with things that don't have to do with my argument. I just want to point that out.

[10340] **Mr K Shanmugam:** Let me finish. It has everything to do with your argument.

[10341] **Dr Thum Ping Tjin:** I disagree.

[10342] **Mr K Shanmugam:** If a document says: "we will first for the time being use constitutional means, we will get into power, and then we will achieve the fully socialist system through an armed struggle" ---

[10343] **Dr Thum Ping Tjin:** No, not when we get into power. They said that, "If armed struggle is necessary for us to achieve socialism, then we would pick up arms."

[10344] **Mr K Shanmugam:** Or rather the first stage is to eliminate colonialism ---

[10345] **Dr Thum Ping Tjin:** Once they get to power.

[10346] **Mr K Shanmugam:** Eliminate colonialism and, second, overthrow the semi-feudal society and establish a socialist system and to do that ---

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[10347] **Dr Thum Ping Tjin:** Yes, those were the same ---

[10348] **Mr K Shanmugam:** --- we will use both methods.

[10349] **Dr Thum Ping Tjin:** Yes. Those objectives to overthrow colonialism and achieve socialism were also the stated objectives of the People's Action Party.

[10350] **Mr K Shanmugam:** Now, the document says that and you say the document says: "they all unanimously agreed on a peaceful constitutional struggle".

[10351] **Dr Thum Ping Tjin:** What I wrote was that there was a "unanimous agreement to keep following peaceful constitutional action".

[10352] **Mr K Shanmugam:** Why didn't you mention that they also said they will resort to armed struggle if necessary?

[10353] **Dr Thum Ping Tjin:** Because they haven't resorted to armed struggle. I can say many things, but if I don't break the law, if I now think well, maybe in a year's time, if necessary I will steal a loaf of bread to keep myself fed, you don't arrest me for that. My point is that Selkirk says they are communist controlled and there is nowhere in the document that says they are communist controlled. I never argued that that they are not communist. I never argued that communism doesn't exist. Selkirk says that they are communist controlled.

[10354] **Mr K Shanmugam:** Can you stop, Dr Thum? Can you, please?

[10355] **The Chairman:** Dr Thum, could you please answer the questions.

[10356] **Dr Thum Ping Tjin:** I'm just trying to make a point.

[10357] **The Chairman:** Answer the questions first.

[10358] **Mr K Shanmugam:** With respect, you are trying to confuse the point.

[10359] **Dr Thum Ping Tjin:** No, this is my argument. Black and white.

[10360] **Mr K Shanmugam:** Black and white, I'm referring you to it: "Selkirk chose to interpret these as calls to abandon constitutional action... disregarded the unanimous agreement to keep following peaceful constitutional action". You make it sound that, oh, they all came together, they all agreed on a peaceful constitutional action, and yet, Selkirk chose to interpret it as calls to abandon constitutional action. If you read the document, it is completely different.

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[10361] **Dr Thum Ping Tjin:** I disagree.

[10362] **Mr K Shanmugam:** Let me finish. What they were talking about is, “We need to overthrow the colonialists, but whoever takes over is not going to hand over power to us. Let’s all be clear and we will need to engage in armed struggle and so we keep both options open. In fact, both will have to be used.”

[10363] **Dr Thum Ping Tjin:** Both options open. Yes.

[10364] **Mr K Shanmugam:** And both will have to be used.

[10365] **Dr Thum Ping Tjin:** Some people do say that, yes.

[10366] **Mr K Shanmugam:** How can you conclude from that that there was unanimous agreement that peaceful methods only will be used?

[10367] **Dr Thum Ping Tjin:** Because they said that, “In the immediate future, we will keep following constitutional action.” It’s right there in black and white. In the future, if they break the law, then you arrest them for it.

[10368] **Mr K Shanmugam:** I see how you use documents and how you interpret it.

[10369] **Dr Thum Ping Tjin:** May I refer to the minutes of the Committee of Selection that picked this Committee, right. It only says the following people were selected for the Committee. It doesn’t then include a lot of other discussion around who was picked. Do we then assume that it was unanimous based on the minutes? Minutes are one version and this is a report by a mole.

[10370] **Mr K Shanmugam:** I think ---

[10371] **Dr Thum Ping Tjin:** So, my point is ---

[10372] **Mr K Shanmugam:** I don’t know what you are now saying. I think you are thrashing around a little bit. This document may not be reliable -- it’s only the minutes.

[10373] **Dr Thum Ping Tjin:** No. No. That’s not what I’m saying.

[10374] **Mr K Shanmugam:** That is exactly what you just said.

[10375] **Dr Thum Ping Tjin:** No. I disagree.

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[10376] Mr K Shanmugam: Let's just look at what you say and what Selkirk was saying. Look at 11 December 1962 telegram from him, paragraph 2(b). This is tab 37. Paragraph 2(b): "Recent security intelligence has showed more clearly than ever before that Barisan Socialis are Communist controlled and that although they see at least no feasible alternative to constitutional tactics, they have weighed the merits of more direct action and would not hesitate to take it if it would pay." Let's deal with the second point. He is absolutely correct in that part of the statement. Correct?

[10377] Dr Thum Ping Tjin: Yes. But the crucial point is that the Barisan are communist controlled. That's what he said. That was the basis for Coldstore. That they were communist controlled.

[10378] Mr K Shanmugam: Dr Thum ---

[10379] Dr Thum Ping Tjin: Coldstore was not justified on the basis of what they may or may not do.

[10380] Mr K Shanmugam: We haven't come to Coldstore. We are dealing with this document that your characterisation ---

[10381] Dr Thum Ping Tjin: If we can call up the transcript, you said, "Let us come to Coldstore." So, we are dealing with Coldstore.

[10382] Mr K Shanmugam: I know but we haven't yet come to the actual arrests. Now, let's deal with these two documents. They are the precursors. Let's go back to paragraph 19. You are talking about Selkirk. You say: "The evidence which Selkirk cited was accounts of two post referendum Barisan meetings".

[10383] Dr Thum Ping Tjin: Yes.

[10384] Mr K Shanmugam: "Barisan members had complained that the constitution was pointless if it was so easily manipulated, and asking if there was another way forward" -- most people would interpret that as armed struggle.

[10385] Dr Thum Ping Tjin: That is an option, yes.

[10386] Mr K Shanmugam: You say that Barisan members had raised the question. You then say: "Selkirk chose to interpret these as calls to abandon constitutional action, and disregarded the unanimous agreement to keep following peaceful constitutional action."

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[10387] Now, that is simply untrue characterisation of the document because there was no unanimous agreement just to keep following peaceful constitutional action. There was unanimous agreement that, for the time being, they will follow the constitutional actions, but armed struggle was also necessary and they will continuously keep it open. And as you agreed, as you agreed just now, they see no feasible alternative to constitutional tactics. They weighed the merits of more direct action and would not hesitate to take it if it would pay. You agreed that was an accurate interpretation of the document.

[10388] **Dr Thum Ping Tjin:** Yes.

[10389] **Mr K Shanmugam:** Here, you are talking about that aspect. You are not talking about communism. You are only talking about his interpretation on what actions they will take. You are telling the reader Selkirk's interpretation on what action they will take is wrong. Reading it again now with the benefit of all the points I have made, would you agree that this statement should have been reworded to say Selkirk – you should say, "They were asking if there was another way forward. They unanimously agreed that they will stick to constitutional means now, but also keep the armed option open and agreed that it was necessary to keep it side-by-side with the constitutional action". And then, you should say: "Selkirk chose to interpret these calls as them saying there was no feasible alternative to constitutional tactics now, but they weighed the merits of more direct action and would not hesitate to take it if it would pay". That is how you should have characterised Selkirk's assessment. Agree?

[10390] **Dr Thum Ping Tjin:** Are we going to look at the other document as well?

[10391] **Mr K Shanmugam:** We will -- first on this document.

[10392] **Dr Thum Ping Tjin:** Okay, then let's look at the other document because it's based on both, then we will have discussion about where Selkirk's assessment ---

[10393] **Mr K Shanmugam:** On this document, do you agree ---

[10394] **Dr Thum Ping Tjin:** But I cite two documents, let's look at the second one ---

[10395] **The Chairman:** Dr Thum, could you answer the question on this document first before we move on to the other one?

[10396] **Mr K Shanmugam:** Just based on this document, that should be worded differently ---

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[10397] Dr Thum Ping Tjin: Just based on this document, I accept that I could have worded what I said better, yes.

[10398] Mr K Shanmugam: Thank you. Let's look at the other document now. These were all central to your arguments. 30 September 1962. Look at paragraph 2: "At the meeting that lasted for most of the day, source reports that Cheok who had recently taken effective control of the organising" -- I'm reading the document. My apologies. This is 30 September 1962: "Source reports that the meeting of Barisan Sosialis officials to interpret and discuss new lines of policy and tactics laid down by the Secretary-General... was continued at the Barisan Sosialis headquarters on 30 September." Para 2: "The meeting was instructed to consider the subject under the following three headings: (a) no matter how the situation changes, the next objective of the struggle is to overthrow the P.A.P Government; (b) in the event of the realisation of the 'Phoney Merger', the Party should secure the election of members to the Dewan Rakyat; (c) the necessity for uniting the left-wing forces on a pan-Malayan basis to overthrow the right-wing Federation Government."

[10399] Paragraph 7: "One speaker repeated the warning given at the meeting of 23rd September that they should not entertain any illusions about the existing system of Parliamentary democracy, and again cited the example of the Indian Government's intervention... They should reassure themselves, however, when their fortunes were low with the knowledge that in many countries, the leftist forces had encountered similar setbacks and that the reactionaries would fall in the end."

[10400] In paragraph 8, he talks about Lee Kuan Yew not willing to clash with them, they shouldn't take another form of struggle first, they must consolidate, they must not abandon the constitutional struggle and maintain it under the Party's collective leadership.

[10401] Dr Thum Ping Tjin: Mr Shanmugam, based on what you have read here has reminded me why the Communist Party in Kerala was referred to. So, the reason why in the previous document they were referred to was because they legitimately and fairly won an election and then the Congress, Federal National Government of India, then wouldn't let them take power.

[10402] Mr K Shanmugam: I understand that. But the point I referred to India was to point out to you that you are completely wrong, in suggesting that the struggle was somehow just related to anti-colonialism because India had been independent by that time for 15 years.

[10403] Dr Thum Ping Tjin: Yes, but they cancelled the result of a legitimate election which was fairly won by the Communist Party.

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[10404] **Mr K Shanmugam:** Let me finish. Therefore, that makes the point that I have been making to you for some considerable time now: even after independence, the reactionary forces will not lightly hand over power. Look at India, same with us, and therefore, armed struggle is necessary.

[10405] **Dr Thum Ping Tjin:** May be necessary.

[10406] **Mr K Shanmugam:** Yes. If necessary, and we should continue to keep it open.

[10407] **Dr Thum Ping Tjin:** I have never denied that in my work.

[10408] **Mr K Shanmugam:** Well, we will see the way you have characterised it.

[10409] **Dr Thum Ping Tjin:** Okay.

[10410] **Mr K Shanmugam:** Paragraph 8 makes it clear that their adherence to constitutional struggle was conditional, as long as it were available to them. Correct? It is conditional in that sense?

[10411] **Dr Thum Ping Tjin:** Yes, of course. If it is taken away, they can't follow it.

[10412] **Mr K Shanmugam:** Let's look at some communist theory.

[10413] **Dr Thum Ping Tjin:** Mr Shanmugam, may I interject and point out, this discussion we are having is already established, there have been historians arguing these exact points. So, I have already debated these and I can summarise this argument, if you want, and it is a difference of subjective interpretation.

[10414] **Mr K Shanmugam:** I would like to go through and I ask you to bear with me.

[10415] **Dr Thum Ping Tjin:** Okay.

[10416] **Mr K Shanmugam:** Lenin's theory: "Dictatorship is rule based directly upon force and unrestricted by any laws. The revolutionary dictatorship of the proletariat is a rule won and maintained by the use of violence by the proletariat against the bourgeoisie rule that is unrestricted by any laws." You accept that is fairly standard communist theories put out by Lenin. Correct?

[10417] **Dr Thum Ping Tjin:** Lenin, sure, yes.

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[10418] **Mr K Shanmugam:** Look at the last paragraph of this document, paragraph 14. Just read that paragraph to yourself, the last paragraph. Tell me when you are done.

[10419] I think you are done by now.

[10420] **Dr Thum Ping Tjin:** Yes.

[10421] **Mr K Shanmugam:** Cheok Kor-Thong says, he was referring to a transitional phase where the bourgeoisie will be allowed to exist. Correct?

[10422] **Dr Thum Ping Tjin:** Yes.

[10423] **Mr K Shanmugam:** Final phase, they won't be allowed to exist, correct, because this is a transitional phase?

[10424] **Dr Thum Ping Tjin:** Yes.

[10425] **Mr K Shanmugam:** That fits in with the theory on the dictatorship of the proletariat, where the bourgeoisie will cease to exist, correct?

[10426] **Dr Thum Ping Tjin:** It aligns with it, yes.

[10427] **Mr K Shanmugam:** In a sense, that is perfect when communism reaches its perfect position. Correct? And there will be no elections?

[10428] **Dr Thum Ping Tjin:** I'm not an expert on communism. If you are saying that I am ---

[10429] **Mr K Shanmugam:** I think as a historian, you know enough to know that communism, the final stage, its perfection and there are no elections. Correct?

[10430] **Dr Thum Ping Tjin:** Perfection. Sorry?

[10431] **Mr K Shanmugam:** Let me leave out the word "perfect". The ultimate society that communism aims for is dictatorship of the proletariat without any elections. Correct?

[10432] **Dr Thum Ping Tjin:** I can't comment, I'm not an expert on communism.

[10433] **Mr K Shanmugam:** You cannot comment on a fairly basic point on communism. Okay. Let me show you a statement by Yeong Kwo, he is the Deputy

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Secretary-General of the CPM. This appears in Aloysius Chin's "The Communist Party of Malaya", page 72. I think I will have to read it out to you: "In the months before the Baling Peace Talks held in December 1955, Yeong Kwo the Deputy Secretary-General of the CPM wrote several appreciations on the correct tactics to be adopted by the Party in the changed political circumstances in the then Federation of Malaya. One of them clearly showed that it was the intention of the CPM to trick the Alliance Party into the temporary pact. He wrote," -- meaning Yeong Kwo -- "'Undoubtedly our tactics today are to join with the Tunku in a common effort to get rid of the colonial rule of the British imperialist. After there is a state of peace, we can then immediately win over more support of the broad masses of the people and to take a step further by overthrowing the Tunku's bourgeoisie dictatorship and changing it into a joint dictatorship of all races and state'.

[10434] In this, Yeong Kwo was following the technique adopted by Lenin, who stated, 'communists must be able to agree to sacrifices and even if need be, to resort to all sorts of stratagems, manoeuvres, illegal methods, evasions and subterfuges in order to achieve their end'.

[10435] If the Party had been accorded legal status, it would not have given up the illegal and subversive methods. The essence of communist strategy is deception and preparedness to resort to violence when necessary, and such a strategy demands the adoption of secret and illegal methods, even when the Party has legal status."

[10436] Yeong Kwo may be quoted again: "We are no believers in legality and are certainly not content with open and legal struggle. Our aim is to cover up and support an illegal struggle by means of open and legal activities. Open and legal activities are used to create the conditions in preparation for a struggle to overthrow the enemy with illegal revolutionary methods'." Are you aware of this document, Yeong Kwo's document?

[10437] Dr Thum Ping Tjin: Yes.

[10438] Mr K Shanmugam: That is classic communist theory. Correct?

[10439] Dr Thum Ping Tjin: Yes.

[10440] Mr K Shanmugam: Thank you. I think just now you were saying you were not aware.

[10441] Dr Thum Ping Tjin: Of Yeong Kwo? I'm aware of Yeong Kwo.

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[10442] Mr K Shanmugam: No, about classic communist theory. You have agreed with me about this transitional phase leading to the final phase, that's referred to, which pretty much is the summing up of this second document. Can I suggest to you now, going back again to your ARI document, the point stands, now that you have seen all of this, there is nothing in the second document that in any way suggests there was unanimous agreement to give up armed struggle?

[10443] Dr Thum Ping Tjin: Can we go back to the second document?

[10444] Mr K Shanmugam: We have just gone through the second document.

[10445] Dr Thum Ping Tjin: No, we went through two paragraphs of it.

[10446] Mr K Shanmugam: Okay, please go through, tell me what suggests there was unanimous agreement to give up armed struggle in the future and just stick to constitutional struggle.

[10447] Dr Thum Ping Tjin: Did I write give up armed struggle?

[10448] Mr K Shanmugam: Do you want to go through the half an hour again that we had on paragraph 4 at page 19? I'm quite happy to do that. But I think the conclusion of that discussion, the long and tortuous discussion ---

[10449] Dr Thum Ping Tjin: Keep following peaceful constitutional action. I would include something like, as long as it was available or possible, yes. I accepted that perhaps I could have rephrased this better, but fundamentally, I think my point stands that they were going to keep following peaceful constitutional action.

[10450] Mr K Shanmugam: So, we don't need to read all the other paragraphs of the second document. Even with the second document, what Selkirk had said in his telegram was the correct interpretation, which was that ---

[10451] Dr Thum Ping Tjin: The Barisan were communist controlled is ---

[10452] Mr K Shanmugam: No, I didn't say that. Please don't interrupt. Although "they see... no feasible alternative to constitutional tactics, they have weighed the merits of more direct action and would not hesitate to take it if it would pay", is a correct interpretation of both documents put together.

[10453] Dr Thum Ping Tjin: Yes, communist controlled is wrong ---

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[10454] **Mr K Shanmugam:** So, your earlier suggestion that somehow the second document qualifies the first document is inaccurate ---

[10455] **Dr Thum Ping Tjin:** I didn't suggest that. I just asked if we could look at both documents, since I cited both of them.

[10456] **Mr K Shanmugam:** I don't want to waste time by referring to the transcript.

[10457] **Dr Thum Ping Tjin:** Could we scroll to the end? Is this the final paragraph of this document?

[10458] **Mr K Shanmugam:** This is the final paragraph that I have. And I assume it is the final paragraph.

[10459] **Dr Thum Ping Tjin:** As far as I can tell in all these paragraphs, everyone agrees to continue to follow peaceful constitutional action for the immediate future.

[10460] **Mr K Shanmugam:** For the time being and they recognise that there is going to be a transitional phase.

[10461] **Dr Thum Ping Tjin:** Yes, I accept that down the road, they never explicitly ruled out armed struggle, it was possible. Some people felt necessary and others less so, and keep following peaceful constitutional struggle.

[10462] **Mr K Shanmugam:** I think you were good enough to agree, looking at it again, page 19, the suggestion that he disregarded the unanimous agreement to keep following peaceful constitutional action. The way you have put it is misleading and it should have been better phrased, and what Lord Selkirk said in his telegram on that second point is accurate.

[10463] **Dr Thum Ping Tjin:** On the second point, yes.

[10464] **Mr K Shanmugam:** Thank you. You agree that in 1961, the CPM was completely controlled by China? Chin Peng says that.

[10465] **Dr Thum Ping Tjin:** If he says that. I have no ---

[10466] **Mr K Shanmugam:** Do you accept that?

[10467] **Dr Thum Ping Tjin:** Chin Peng says that. He's the Secretary-General of the CPM and north of the Causeway, I have not disputed -- I don't work on that aspect of the CPM.

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[10468] Mr K Shanmugam: Well, we are now talking about CPM. I think, earlier in the discussions, we agreed, as far as the CPM was concerned, Peninsula Malaya and Singapore were one territory and the CPM, on both sides, ultimately were controlled -- there is one CPM, which deals with Peninsula Malaya and Singapore, Communist Party of Malaya, with different cadres.

[10469] Dr Thum Ping Tjin: The Taiwanese government claims to govern all of China as well. I'm not sure what your point is ---

[10470] Mr K Shanmugam: We are not talking about physical control yet. You were good enough to agree, much earlier, that for the CPM, they looked at Peninsula Malaya and Singapore together. Are you qualifying that?

[10471] Dr Thum Ping Tjin: Peninsula Malaya includes Singapore, yes.

[10472] Mr K Shanmugam: Thank you. And the CPM was controlled by China, according to Chin Peng, as of 1961? Do you accept that?

[10473] Dr Thum Ping Tjin: Yes, if he says that, sure.

[10474] Mr K Shanmugam: Thank you. And you know, in 1961, there was a discussion, I read to you, CPM was financed by China and they agreed to resume armed struggle. Correct?

[10475] Dr Thum Ping Tjin: Yes, you have read that, yes.

[10476] Mr K Shanmugam: Now, let's look at the telegram of -- another telegram of 7 December. These are all British records which you were quite keen to get into. This is from Moore, Deputy UK High Commissioner, to Ian Wallace. You have seen this document. Right?

[10477] Dr Thum Ping Tjin: Yes.

[10478] Mr K Shanmugam: Let's go through this carefully. "I enclose copies of reports which came to us last month from a reliable and well-placed source on two meetings held at the headquarters of the Barisan Sosialis last September." We have seen those. "These reports are of considerable importance, not only for what they reveal of the future intentions of Barisan Sosialis, but because they provide more conclusive evidence than we have had hitherto for the belief that Barisan Sosialis are communist controlled."

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[10479] You probably won't agree, but isn't it obvious from that telegram that Mr Moore has become convinced that Barisan Sosialis is communist controlled?

[10480] **Dr Thum Ping Tjin:** I never denied that -- yes, of course, they believed that there was communist control, sure.

[10481] **Mr K Shanmugam:** Thank you. "They therefore have a clear bearing on the attitude to be taken for the Federation's request for repressive action as we took the opportunity of telling Lord Lansdowne and John Martin about them during their recent visits. It has never been disputed that the communists in Singapore are following United Front tactics and that Barisan Sosialis is their principal instrument on the political front." The British believed that, correct? In fact, even before the two documents?

[10482] **Dr Thum Ping Tjin:** Sure, that was believed, yes.

[10483] **Mr K Shanmugam:** "But unless one was prepared to accept uncritically the evidence supplied by Lee Kuan Yew in his 'The Battle for Merger', there was nothing very definite to go on apart from circumstantial evidence and stale security records. Now, however, there can no longer be much doubt as to what we are up against in Barisan Sosialis. The report on the first of the two meetings shows that those engaging in the discussions were communists examining quite frankly how best to achieve their ends. Furthermore, we can see that the communist influence within Barisan Sosialis is not confined to the Central Executive Committee but extends to Branch Committee level. This is not to say that all members of these Committees are communists -- there were some notable absentees from the two meetings -- but the communists seem to be sufficiently entrenched to control policy and action. And knowing what we now do about extent of communist penetration within Barisan Sosialis, it will be difficult to acquit many of the other members as unwitting dupes."

[10484] Are you aware that the Secretary-General of Barisan Sosialis attended the second of the two meetings? Correct?

[10485] **Dr Thum Ping Tjin:** Mm-hm.

[10486] **Mr K Shanmugam:** "Mm-Hm" is not an answer.

[10487] **Dr Thum Ping Tjin:** Yes.

[10488] **Mr K Shanmugam:** Thank you. So, the British were absolutely convinced, based on the two documents that Barisan Sosialis was deeply infiltrated by communists and the rest, who may not be communist, know that the communists were all over the place in Barisan Sosialis. That's what the British believed. Correct?

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[10489] Dr Thum Ping Tjin: That's what Moore believed, yes.

[10490] Mr K Shanmugam: He's a Deputy High Commissioner.

[10491] Dr Thum Ping Tjin: Deputy Commissioner.

[10492] Mr K Shanmugam: Yes, I'm sorry. "The substance of the discussion of the two meetings is also interesting. It is clear that, although the communists in Barisan Sosialis value the armed struggle highly in theory, they see no other practical course for them at present but to pursue their aims by constitutional means. At the same time, they face realistically their difficulties in winning support among the Malays and English educated classes and recognise that the reactionaries are unprincipled enough to intervene, if need be, to cancel any electoral victory they might win. They take comfort from the belief that in the long run, repression works to their advantage because it increases their mass following." Leaving out the reference to "communists", the rest of the description is accurate of the two meetings, based on our discussion earlier.

[10493] Dr Thum Ping Tjin: Leaving out the reference to the "communists"?

[10494] Mr K Shanmugam: Yes.

[10495] Dr Thum Ping Tjin: Yes, it seems reasonable, sure.

[10496] Mr K Shanmugam: "This new evidence will naturally be taken into account in the security assessment that is being prepared jointly by the Singapore and Federation's Special Branches for consideration by the Internal Security Council. This assessment is taking a long time to come forward, mainly because the first draft were on the wrong lines. [So and so] has now tried to ensure that we eventually get a sensible assessment paper by preparing a draft framework. The Federation's Special Branch are working on this framework and I hope the result may be a rather better paper than at one time seemed likely." So, they weren't happy with the previous paper but now, with this new evidence, what Moore wanted was a paper that was professional and had a proper assessment; correct?

[10497] Dr Thum Ping Tjin: Actually, no. This was a political issue that was discussed with the Secretary of State for the Colonies, Duncan Sandys, about exact thrust of the Special Branch paper. If I remember correctly, the objection was fundamentally that Special Branch in Singapore were not willing to endorse certain conclusions because of a lack of evidence. So, what the British pushed through, because of this new evidence is a new paper that would justify the arrests, which already had, if I remember correctly, been agreed to -- wait -- yes, had already been agreed to before this at a meeting in London between Duncan Sandys, Lee Kuan Yew and Tunku Abdul Rahman. So, what

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they needed was a Special Branch paper to justify the arrests and the paper that Special Branch came up with simply didn't have any evidence, and so with this, they created a new paper that they felt was stronger.

[10498] Mr K Shanmugam: You agree that paragraph 3 of this telegram was accurate as long as you leave out the reference to "communists"? And you agree that paragraph 2 accurately sets out what the British or at least what Moore believed, the Deputy Commissioner.

[10499] Let's take that for the time being. He says, in paragraph 2: "Now, however, there can no longer be much doubt as to what we are up against in Barisan Sosialis. The report on the first of the two meetings shows that those engaging in the discussion of communists examining quite frankly how best to achieve their ends. Furthermore, we can see that the communist influence within Barisan Sosialis is not confined to the CEC."

[10500] I know you don't agree, but we are now looking at what the British believed. You agreed earlier that this is what they believed. So, they believed that Barisan Sosialis was deeply infiltrated by communists. It was not confined to the CEC but extends to the Branch Level. They believed that it is a serious problem, and they believed that violence was not being ruled out. And they said, effectively by implication, we were not prepared to accept whatever Lee Kuan Yew said in his "The Battle for Merger", but this new evidence shows us what is happening. If they believed all of that, then the case for the security action is quite clear. Would you accept that, if they honestly believed all of that?

[10501] Dr Thum Ping Tjin: First of all ---

[10502] Mr K Shanmugam: No, please answer my question.

[10503] Dr Thum Ping Tjin: Well, I'm trying to answer your question.

[10504] Mr K Shanmugam: It is capable of a "yes" or "no" followed by an explanation.

[10505] Dr Thum Ping Tjin: Well, then I will just say no and explain.

[10506] Mr K Shanmugam: Okay.

[10507] Dr Thum Ping Tjin: First of all, both Selkirk and Moore backtracked from this position. In later documents, they are much, much more circumspect about their assertions that there is communist control and about the necessity of arrests.

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[10508] Mr K Shanmugam: Well, Dr Thum, can I then say, as of 7 December, as you said just now, this represented the British views. As of 7 December, subject to whatever retractions later on, based on this, they believed that a security action was necessary.

[10509] Dr Thum Ping Tjin: And second of all ---

[10510] Mr K Shanmugam: No, 7 December.

[10511] Dr Thum Ping Tjin: --- you say 7 December ---

[10512] Mr K Shanmugam: Yes.

[10513] Dr Thum Ping Tjin: --- this reflected their position as of this document. Sorry, I had something else I wanted to mention ---

[10514] Mr K Shanmugam: Well, can you just listen to the question?

[10515] Dr Thum Ping Tjin: --- but it's been a long day, sorry.

[10516] Mr K Shanmugam: Yes. As of 7 December, we have agreed that this is what they honestly believed, paragraph 2. And paragraph 3, you say, apart from the word "communists", the rest of what is set out is accurate reflection of the notes. Based on that, as of 7 December, they were entitled to believe – they had an honest belief that security action was necessary. Yes?

[10517] Dr Thum Ping Tjin: As of 7 December?

[10518] Mr K Shanmugam: Subject to whatever retractions they may have made later on.

[10519] Dr Thum Ping Tjin: But they had already decided on security action before this point. It was decided in the middle of the year.

[10520] Mr K Shanmugam: I am asking you as of 7 December they believed?

[10521] Dr Thum Ping Tjin: The document needs to be understood in the context that security action had already been decided on and they were looking for justification for the security action.

[10522] Mr K Shanmugam: Are you now changing your evidence to say this is not their honest assessment, because earlier on you were prepared to accept this was their honest view?

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[10523] **Dr Thum Ping Tjin:** How do I phrase this in a brief way that will satisfy you?

[10524] **Mr K Shanmugam:** No, simply, did they honestly believe -- does this set out their honest view as of 7 December? Simple question.

[10525] **Dr Thum Ping Tjin:** It sets out an honest view on which detentions could be carried out, yes.

[10526] **Mr K Shanmugam:** Thank you. Now, let's look at 14 December. Chairman, could I ask for five minutes?

[10527] **The Chairman:** I adjourn this meeting for five minutes so everybody can take a little break and be back here in five minutes. Thank you.

(The hearing adjourned for a break.)

[10528] **Mr Chairman:** I call the meeting to order. I remind the witness that he is still under oath. Mr Shanmugam, please proceed.

[10529] **Mr K Shanmugam:** We are going to refer to the telegram of 14 December 1962 from Lord Selkirk. This is to the Secretary of State for Colonial Affairs, I think. Now, this telegram was sent obviously after the 7 December telegram, right, since this is 14 December?

[10530] **Dr Thum Ping Tjin:** Yes.

[10531] **Mr K Shanmugam:** He says at paragraph 5: "I said I had recognised all along that a threat was presented by the communists in Singapore. I had not, however, previously been convinced that a large number of arrests were necessary to counter this threat. Recently, however, new evidence had been produced about the extent of the communist control of the Barisan Socialis, and also there had been indications that the communists might resort to violence if the opportunity occurred. Recent statements by the Barisan Sosialis and Party Rakyat supporting the revolt in Brunei confirmed this. Accordingly, Her Majesty's Government were prepared to see action in Singapore..." -- then, he says in paragraph 9 what the nature of the action should be. 9(a), (b), (c). Then, over the page, (e) it should "include certain Barisan Socialis assemblymen... (f) All the communist publications including 'Plebian' and 'Barisan' should be banned; (g) It was noted that action already has been taken in Sarawak..." And various other points. Those are process-related. But this, and so that we don't have to spend a lot of time on this telegram, it basically follows upon, and we can take that your answers given in respect of the 7 December telegram, equally applies to this telegram. Correct? I mean, it is a follow-up.

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[10532] Dr Thum Ping Tjin: Yes. I think so, yes.

[10533] Mr K Shanmugam: Thank you. Now, let's look at your ARI paper. We have spent a huge amount of time looking at the two notes. Now, let's look at your ARI paper. Page 18, your last paragraph: "Faced with this scenario, Barisan members were deeply frustrated..." We have gone through this. You were good enough to agree that the last paragraph in page 19, looking at it again, you should have reworded it. Equally, the way you have set out the references to the two notes, 23 September and 30 September, really ought to have been more accurate. Would you agree?

[10534] Dr Thum Ping Tjin: I would have reworded it, yes.

[10535] Mr K Shanmugam: Thank you. And even the word "chose", "Selkirk chose to interpret these as calls", in the last paragraph of page 19, it should be reworded given that you agree that Selkirk's interpretation was accurate as regards this part about what they agreed on? Even the word "chose" ---

[10536] Dr Thum Ping Tjin: We have already agreed that I would reword that sentence, yes.

[10537] Mr K Shanmugam: Thank you. Can I suggest that going back to -- these are central documents -- these are the essential documents on which the Operation Coldstore was decided upon: the telegrams, the underlying notes, and of course this entire huge bit on open front. But we have had our discussions on open front. I am not going to reopen that. Based on what I quoted you from the Regius professor from Cambridge, can I suggest to you that you have pretty much breached a number of rules that he set out? And I think let's not argue about it. You can just disagree.

[10538] Dr Thum Ping Tjin: Yes, I disagree.

[10539] Mr K Shanmugam: I would say you have fallen completely through the standard of an objective historian. You can also disagree.

[10540] Dr Thum Ping Tjin: I disagree.

[10541] Mr K Shanmugam: Your views on communism, CUF in Singapore, Operation Coldstore, which you have been repeating at multiple fora, are contradicted by the most reliable evidence, it ignores evidence which you don't like, you ignore and suppress what is inconvenient, and in your writings, you present quite an untrue picture. You can agree or disagree.

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[10542] **Dr Thum Ping Tjin:** I disagree. Of course, I disagree. Will I get a chance to clarify any of these things?

[10543] **Mr K Shanmugam:** Yes, you will get a chance to clarify.

[10544] **Dr Thum Ping Tjin:** Thank you.

[10545] **Mr K Shanmugam:** You are aware that ultimately China decided to stop the CPM transmission to Southeast Asia, including Malaya meaning Malaysia and Singapore at the request of Mr Lee Kuan Yew?

[10546] **Dr Thum Ping Tjin:** That -- yes, I recall -- vaguely recall that. Yes.

[10547] **Mr K Shanmugam:** Thank you. Now, you, at page 13 of the ARI, explain the Barisan Sosialis' reasons for opposing the merger between Singapore and Malaysia.

[10548] **Dr Thum Ping Tjin:** No, they didn't oppose merger. They opposed Lee Kuan Yew's proposed form of merger.

[10549] **Mr K Shanmugam:** Right. Do you recall I took you through Chin Peng, them hatching a plot to sabotage the merger? Basically, Barisan was acting on CPM's instructions to try and prevent the merger from taking place. Would you agree?

[10550] **Dr Thum Ping Tjin:** Chin Peng clearly stated the Barisan were not controlled by the CPM.

[10551] **Mr K Shanmugam:** He also clearly stated they influenced it.

[10552] **Dr Thum Ping Tjin:** "Influence" is a very broad word. They influenced Lee Kuan Yew as well.

[10553] **Mr K Shanmugam:** Yes, but not at that point in time.

[10554] **Dr Thum Ping Tjin:** I'm sorry, what do you mean "not at that point in time"?

[10555] **Mr K Shanmugam:** Not in 1962.

[10556] **Dr Thum Ping Tjin:** No, they influenced him from a very early stage.

[10557] **Mr K Shanmugam:** Yes. And I took you through ---

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[10558] Dr Thum Ping Tjin: They were the most significant anti-colonial force ---

[10559] Mr K Shanmugam: --- that what Mr Lee said about him collaborating with the communists is similar to what Chin Peng says about them collaborating with him. I don't think there is much dispute or argument about that.

[10560] Dr Thum Ping Tjin: No, no, no.

[10561] Mr K Shanmugam: We are now talking about 1962 ---

[10562] Dr Thum Ping Tjin: Yes.

[10563] Mr K Shanmugam: --- and 1963, and I'm telling you that Chin Peng decided that merger should be opposed for CPM's own reasons. I took you through that. And I'm suggesting to you that is why the Barisan tried to scuttle the merger. You can disagree.

[10564] Dr Thum Ping Tjin: Disagree.

[10565] Mr K Shanmugam: Thank you. And I suppose because you considered Chin Peng not credible, that is why you haven't mentioned him in page 13 of your ARI paper when you discuss merger?

[10566] Dr Thum Ping Tjin: Yes, we've been over this.

[10567] Mr K Shanmugam: Thank you. You wanted to refer to some document which you said was Special Branch documents which were opened up by the British, and I said we will come back to it.

[10568] Dr Thum Ping Tjin: Yes, please.

[10569] Mr K Shanmugam: Please tell me which document and come back to it.

[10570] Dr Thum Ping Tjin: Oh, this is the one you asked me to look -- okay. Give me a minute, please. This was on the Hock Lee bus riots.

[10571] Mr K Shanmugam: Pardon?

[10572] Dr Thum Ping Tjin: The Hock Lee bus riots.

[10573] Mr K Shanmugam: Yes.

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[10574] **Dr Thum Ping Tjin:** That's what we were talking about.

[10575] **Mr K Shanmugam:** If you prefer to send us a note ---

[10576] **Dr Thum Ping Tjin:** I can do that, sure. The police intelligence journals of 4th, 5th, and -- 4, 5, and 6 of 1955 would be one source.

[10577] **Mr K Shanmugam:** One source for?

[10578] **Dr Thum Ping Tjin:** The Hock Lee bus riots.

[10579] **Mr K Shanmugam:** For what point?

[10580] **Dr Thum Ping Tjin:** That you were arguing that they were communist controlled, but the -- it was reported in the Special Branch's police intelligence journal, following the riot, that they -- that it had taken -- that the Freedom Press was arguing that the riots were against their line, and that -- they said this sort of left-wing adventurism will undermine the anti-colonial movement and that it should be -- there should be less left-wing adventurism in the future.

[10581] **Mr K Shanmugam:** That's what you mean.

[10582] **Dr Thum Ping Tjin:** Yes, that's one source. And then ---

[10583] **Mr K Shanmugam:** You see, Dr Thum ---

[10584] **Dr Thum Ping Tjin:** -- they also cited documents which -- oh, and they also arrested and captured communists who said that they actually had nothing to do with the organisation of the Hock Lee bus riots.

[10585] **Mr K Shanmugam:** That he had nothing to do with it?

[10586] **Dr Thum Ping Tjin:** Yes, that the ---

[10587] **Mr K Shanmugam:** You see, Dr Thum, I don't see how either of that makes your point. You have gone through all of it, I assume. I have gone through some of it. What is clear is that there were communist underground forces in Singapore. They were engaging in mass action. Not all of it was directed from the top. And it's entirely possible that even though they were communist controlled or communist inspired, it might have been the specific groups of cadres who were organising it without instructions from the top. And the top may well have said, "Well, this is going to get us into trouble, because the authorities will crack down." They have said that a number of times.

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[10588] Another example is on the attempt to throw out Mr Lee Kuan Yew and his group by the leftists. An emissary was sent to Mr Lee to say that wasn't on our instructions, people acted on their own. So, if all you are referring to is that some Freedom news publication that says, "Oh, you know, this is not based on our instructions," that doesn't prove that the riots were not communist controlled or inspired. It may prove that there were no instructions from the top.

[10589] Dr Thum Ping Tjin: Now, you're beginning to get it.

[10590] Mr K Shanmugam: Well, I accept the sarcastic remark.

[10591] Dr Thum Ping Tjin: No. That is the actual -- that is very -- you are coming close to what I have been arguing, lack of communist conspiracy in Singapore. I never deny the individuals are communist and that they take action ---

[10592] Mr K Shanmugam: Let's hold on; that doesn't prove that there's no communist conspiracy.

[10593] Dr Thum Ping Tjin: We were doing so well.

[10594] Mr K Shanmugam: That doesn't prove that there's no communist conspiracy. The ultimate Marxist Leninist aims of having a United Front organisation that would infiltrate a variety of trade unions, middle schools, political parties, on the road to struggle was completely in place. Operational difficulties meant that on specific occasions there were no instructions given for specific actions, in fact, you can see from what Fong Chong Pik said, the cadres took it on themselves to go and do a lot. That doesn't prove there is no conspiracy, in fact, that indeed proves there was a conspiracy but it was not tightly organised. But let's not get into this.

[10595] Dr Thum Ping Tjin: The lack of a conspiracy proves there is a conspiracy? I'm not sure ---

[10596] Mr K Shanmugam: That's not what I said.

[10597] Dr Thum Ping Tjin: Yes, what are you saying?

[10598] Mr K Shanmugam: That's not what I said. I'm quite clear what I mean. I don't need an answer from you.

[10599] Dr Thum Ping Tjin: Okay.

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[10600] **Mr K Shanmugam:** All I am saying to you is what you have said doesn't prove that there is no communist involvement in the Hock Lee bus riots, neither does it prove that there was no Communist United Front which was engaging in all these activities, inspiring these activities, it doesn't prove any of it, and let's leave it at that. Any other document you want to refer to, because at various points, you said, "Can I refer to this or that?"

[10601] **Dr Thum Ping Tjin:** Let's just move on. We have been here a long time, let's just move on.

[10602] **Mr K Shanmugam:** All right.

[10603] **Dr Thum Ping Tjin:** I should add I disagreed with that last thing you said, for the record.

[10604] **Mr K Shanmugam:** Yes. Let me put to you one other document from Zhang Taiyong. I'm reading a translation. This is, "In Remembrance of Comrade Chiam Chong Chian, My Senior in School and Comrade-in-arms -- Recalling Memories of a Hero in the Singapore Underground." I think this is one of the documents you said you haven't read; correct?

[10605] **Dr Thum Ping Tjin:** If you show the document, I can confirm.

[10606] **Mr K Shanmugam:** I don't have it but it looks like this.

[10607] **Dr Thum Ping Tjin:** I have seen that book but no, I haven't read it.

[10608] **Mr K Shanmugam:** He says, and I'm reading the translation: "In early 1953, I returned to Indonesia" -- this is Zhang Taiyong -- "accepting the organisation's arrangement to go on a mission pertaining to underground route mainly with my mother's help. After accomplishing my task, I carried out work under the leadership of Ng Meng Chiang" -- that's Comrade D, one of his aliases -- "and Eu Chooi Yip. Although I did enter Singapore stealthily to carry out work assigned by the organisation, in the nearly one decade I was away, I did not meet him." Have you come across this at all?

[10609] **Dr Thum Ping Tjin:** No, I just remembered there was one document earlier, the book "Dialogues with Chin Peng", where I think it was Tony Short who asked if he had ever met Chin Siong and do we -- is that available or should I just look it up and submit it later?

[10610] **Mr K Shanmugam:** Can you look it up and submit it?

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[10611] Dr Thum Ping Tjin: Okay, the book is in any library. I probably have a copy at home.

[10612] Mr K Shanmugam: We have it but probably not here.

[10613] The Chairman: As there are no further questions, Dr Thum, thank you very much for your very many long hours here. In the next few days, we will send you a transcript of these proceedings. If there are any errors or any amendments you need to make, please make the corrections and send it back to us. Once again, thank you very much.

[10614] Dr Thum Ping Tjin: Thank you very much, Mr Chairman. Thank you, Mr Shanmugam.

[10615] The Chairman: Clerk, can you bring the next witnesses up to the witness table, please?

[10616] Mr K Shanmugam: Dr Thum, just to help you, I think the second page says this -- I might as well put it on record: "Lim Chin Siong never had any contact with the Party in southern Thailand, did he?" Chin Peng: "I don't think so. I don't think so. Lim Chin Siong never admitted he was a Communist Party member." So, never admitted.

[10617] Dr Thum Ping Tjin: Yes.

[10618] Mr K Shanmugam: Very careful choice of words. Thank you.

[10619] Dr Thum Ping Tjin: Yes, it is. Thank you.

(The witness withdrew.)

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Paper No. 110 -- Prof Lim Sun Sun (Professor of Media and Communications, and Head of Humanities, Arts and Social Sciences, Singapore University of Technology and Design),

Paper No. 144 -- Mr Nicholas Fang (Managing Director, Black Dot Pte Ltd), were examined on affirmation.

[10620] The Chairman: First of all, our apologies for keeping you waiting for so long. For the record, could you please state your names and the organisations you represent?

[10621] Mr Nicholas Fang: I'm Nicholas Fang, I represent Black Dot Pte Ltd but I am here in a personal capacity.

[10622] Prof Lim Sun Sun: I'm Lim Sun Sun, I'm from the Singapore University of Technology and Design, and I am also here in my personal capacity.

[10623] The Chairman: Thank you. The evidence which you will be giving today before the Committee will be taken on oath. If you so desire, you can take an affirmation.

(The witnesses made affirmations.)

[10624] The Chairman: Welcome to the public hearing on the Select Committee on Deliberate Online Falsehoods. The focus for today's evidence-gathering session is for us to put questions to you and you have taken a solemn obligation to answer our questions truthfully. I will now call on Dr Janil to start.

[10625] Dr Janil Puthucheary: Prof Lim, Mr Fang, thank you.

[10626] Mr K Shanmugam: I hope you won't mind if I take a few minutes break and come back. You can understand.

[10627] Dr Janil Puthucheary: Prof Lim and Mr Fang, thank you very much for your patience and for your submissions, as well as coming before us today. Both of you have said you come in your personal capacity but both of you have considerable experience that is relevant to the work of this Committee and the questions before us. Perhaps you might like to take a few minutes to tell us the experience you have professionally, which informs your standing as it were in commenting on some of these issues. Before we get to the rest of the submissions. Maybe, Prof Lim, take a few minutes to tell us about your background and your standing to come forward on these issues and then Mr Fang.

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[10628] Prof Lim Sun Sun: I am a Professor of Media and Communication and I have been working on young people and technology, how they incorporate technology into everyday life. I have been working on this for about 20 years now. One of the big issues, when you look at young people and the way they incorporate technology is the media literacy challenges they encounter. From the time I first began my research until now, the technological landscape has changed quite dramatically, so there have been very different kind of pressures that are being imposed on media users, particularly with the last few years where we have seen the really dramatic shifts in information technology, that it has become quite overwhelming for people to be able to consume technology in a way that is discriminating, in a way that is discerning, that can allow them to be able to tell apart, for example, authentic news from falsehoods, which is where we are today.

[10629] Dr Janil Puthucheary: We will come to the meat of all that in a few minutes. I want to establish that you have a significant amount of experience in this area in terms of research as well as in terms of teaching people about relevant facts.

[10630] Prof Lim Sun Sun: That's right.

[10631] Dr Janil Puthucheary: Mr Fang.

[10632] Mr Nicholas Fang: Thank you very much, Dr Janil, and to Members for also staying back so late, also to Mr Chairman. My personal background is primarily in media, so in the practice of communications and journalism. I founded and currently run a strategic communications consultancy that offers a full suite of public relations and communications, consultancy services to clients from a broad range, that includes government, private sector, corporate fintech consumer and sports. My journalistic career started with The Straits Times, I was a journalist there for nine years, and I subsequently moved on to Mediacorp, where I worked at Channel NewsAsia, and in my last position I was the deputy chief editor of Singapore news for Mediacorp. I was a former NMP and I also served as the chair of the strategic communications expert panel for MINDEF.

[10633] Dr Janil Puthucheary: Mr Fang, if I may add, and you can comment on this, apart from your experience in media, you have some background and interest in both military affairs as well as affairs relating to international relations, both in terms of your work as an NMP, your experience in the military as well as your work in SIIA. Do you want to say a few words about that?

[10634] Mr Nicholas Fang: Sure. It is one of the hazards of wearing too many hats, I tend to leave out bits and pieces, but I also serve as the Executive Director at Singapore Institute of International Affairs, which is a non-government independent

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think-tank in Singapore focused on regional geopolitics, environmental and other issues. Besides my volunteer service as the chair of the strategic communications expert panel for MINDEF, in my National Service role; and in my reserve role, I also operate within the information operations sphere.

[10635] Dr Janil Puthucheary: Between the two of you, you have considerable experience to bring to bear on the problem before us. But very different perspectives: academia, research, the media, the national security, international relations issues, as well as now the private media sector as a practitioner.

[10636] What I propose to is to have a summary, refreshing the various things that have been put before the Committee, the positions that we are considering or have arrived at and as I do that I will ask for your agreement or comments, if any. I would suggest we perhaps in that part of it, we could leave the discussion about solutions to later, because I will then go on, once we have established that we are some degree of agreement about what the scope and scale and each of the problem is, what are the different types of things we can do about it.

[10637] In that second phase, I suggest we go through a variety of suggestions that have been put forward to this Committee from a number of parties, perhaps get your comments on that, as well as the suggestions that both of you have put in your representations and we can have a discussion on that. That's what I propose to do, before opening up to my colleagues for further questions. I'm sure that you have heard some of the things we have talked about, we are presented with the idea that deliberate online falsehoods reduces trust and that that type of trust that it reduces is social trust between people, institutional trust, the police, the courts, the organisations that we have; trust in our democracy, in our process of politics and governance, as well as trust in the process of receiving and consuming news and information. Those are positions you can both broadly agree with, I hope.

[10638] Mr Nicholas Fang: Yes.

[10639] Prof Lim Sun Sun: Yes.

[10640] Dr Janil Puthucheary: Furthermore, the idea that the process of deliberate online falsehoods both exploits existing divisions and polarisations within society and ride on those polarisations and divisions but also contributes to its amplification, again I think it's something both of you will agree. We talk about it from a whole-of-society point of view, the divisions within society and then at the level of the individual, the prevalence of deliberate online falsehoods can radicalise or push individuals to extreme points of view. I think this is something both of you have commented in your submission as well.

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[10641] Mr Nicholas Fang: That's correct.

[10642] Dr Janil Puthucheary: These translate to very significant real world consequences and those real world consequences span the breadth of possibilities from violence, destabilisation of societies, national security issues, economic impacts, political impacts, as well as amplification of racial and religious tensions. Perhaps I'll stop there and ask if you have any comments about that characterisation of how serious a problem this is, if I have left anything out or if there is further nuance to that characterisation that you would like to add.

[10643] Mr Nicholas Fang: I would start by adding -- besides being in agreement with the focus and the implications of the discussions thus far, I think one thing that has potentially emerged has been a bit of a focus and a debate on certain aspects of online falsehoods or fake news, which is largely pertaining to the social environment and also potentially the political environment, the concern about suppressing certain views.

[10644] In my submission and I think more broadly I would like also to emphasise and I think some of the previous witnesses have also testified to the fact it is a broader and potentially more serious issue, there are concerns over national security, stability.

[10645] And some of the ideas that you mentioned, Dr Janil, about issues of trust pertaining to how citizens would react together or towards certain institutions that are critical to the ongoing stability of a country, of a nation state. I know it is tempting to focus on a lot on the more heated debates on political views, suppression of freedom of speech and issues like that, but on a more macro level, if you take a step back, there is a genuine concern. We see many examples around the world and Singapore has not been spared in recent years on some of the influence and impact on various actors, state and non-state, that potentially don't make the headlines and don't get reported on but are very clear efforts to create an influence, we call it influence operations rather than information operations because the end effect is to change behaviour, to affect the behaviour of people and more broadly of a country.

[10646] Those are things that are very real, they are not hypothetical, they are not something that is purely a technical discussion. We need to remember that when we talk about the seriousness of this. The fact there is a Select Committee, that we are devoting this amount of time and debate, quite unprecedented in recent memory, underscores this and I hope people understand there is a real reason behind this.

[10647] Dr Janil Puthucheary: You contend that we are already exposed to not just online falsehoods but deliberate online falsehoods with significant malicious intent targeting Singaporeans?

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[10648] Mr Nicholas Fang: Yes, I believe so. If you look at various examples around the region, it is probably not difficult to imagine how a country like Singapore, for the various characteristics that we have, for the position that we have on the global stage, represents a target that is desirable to be influenced. We have certain aspects of our national DNA that make it very susceptible to such things: our openness, our globalisation, we are highly wired, we are technologically advanced and our citizens are very connected, make us a very viable target for people using information operations through technology and online platforms to try to influence us.

[10649] Dr Janil Puthucheary: Prof Lim, do you have a similar view?

[10650] Prof Lim Sun Sun: Thank you, Nicholas, for that. I wanted to add, from the social dimension, if we think about the emergence of online falsehoods as a threat or a problem, we could possibly say Singapore is now encountering a perfect storm because we have the technological landscape which clearly sees our citizenry being hyper-connected, we have been deluged with information because all of us are so well linked with so many information and communication platforms.

[10651] At the same time, we have a sociocultural climate that lends itself to people sharing a lot of information. For example, if you saw some of the witnesses who came before, they talked about how the elderly like to send fake news just as a kind of greeting, or as a kind of social interaction. We have that social approval when people are seen to be newsy, to be informative, to be sharing the latest information, so the technological landscape plus the sociocultural climate as well as the psychological biases that we all hold, along with our geopolitical situation, actually creates a perfect storm where online falsehoods can emerge and can also thrive.

[10652] At the same time, we must also look at the silver linings. In the same way that we are hyper-connected and can therefore be vulnerable to online falsehoods, we can also leverage this hyper-connectivity in order to send out corrections of disinformation, as well as to leverage the hyper-connectivity to educate the public and raise the general level of media literacy.

[10653] Dr Janil Puthucheary: Prof Lim, it may be an oversimplification in the way I am asking the question, but do you think, on the basis of that analysis, that we are more vulnerable to deliberate online falsehoods than other societies or less vulnerable? Are we more resilient or less resilient at the moment?

[10654] Prof Lim Sun Sun: I would say, given the history of Singapore and the fact that we have been able to maintain our social and racial harmony for this long, certainly there is some natural resilience but it would necessarily also mean we should continue to safeguard and put in place precautionary measures that don't allow the harmony and stability to be threatened.

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[10655] Dr Janil Puthucheary: Any other comments on these issues? If I could move on, just before we start talking about other possible measures and interventions, in terms of understanding the causes for the situation that we have arrived at today, I'm sure both of you would agree that the status quo is unacceptable on the basis of your submissions as well as what you have just said, that we have to think of next interventions to consider.

[10656] Firstly, I'm sure from your practice as well as the submissions that you have been following, you would agree that part of the problem is the low cost and high impact available to people who want to perpetrate these falsehoods and spread them. And that in terms of the state to state actors or non-state actors, these type of tactics enhance the conventional warfare, reduce the necessary resources that need to be applied to kinetic and conventional warfare. I'm sure you agree with those positions that have been put before the Committee.

[10657] Mr Nicholas Fang: Yes.

[10658] Prof Lim Sun Sun: Yes.

[10659] Dr Janil Puthucheary: Secondly, in terms of the causes, part of the cause is the business model and financial incentives available for the various players in this space, whether they are the social media platforms, who have been characterised as ad networks, serving business interests rather than users, whether they are small or alternative media sites trying to muscle in on the space and needing to drive traffic to them. And the advertisers themselves have an incentive to drive this kind of behaviour so that they are able to target consumers a bit more effectively. There are business reasons why we are in the situation we are in today; am I right to say that?

[10660] Prof Lim Sun Sun: Yes.

[10661] Mr Nicholas Fang: Yes.

[10662] Dr Janil Puthucheary: The process of developing and spreading online falsehoods, because of the anonymity and the deniability afforded by the technology, it allows an ongoing insidious process, laying the ground for further work.

[10663] Prof Lim Sun Sun: Yes.

[10664] Dr Janil Puthucheary: Finally, one of the significant causes which the Committee has been taken through is how much the process of developing and spreading deliberate online falsehoods leverages upon what are essentially biological

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factors, our tendency to engage in motivated reasoning, to look for the material that confirms our biases and world view. To work in groups and to seek peer affirmation, that there are biological -- what we have referred to as heuristic or behavioural factors which reinforce the ease of spread, the desirability of consumption and the difficulty of overcoming deliberate online falsehoods. Those are the significant factors in dealing with this.

[10665] Prof Lim Sun Sun: Yes, psychological predispositions.

[10666] Mr Nicholas Fang: I would add on to that as well. I think we have had some witnesses testify over the past few days that there's a certain acceptability to leave some falsehoods out there for everyone to chew on, to have a bit of a debate, so that when we come to the realisation that it is a falsehood, it is much more powerful and people will be more accepting of the fact that these are false. The point you just raised, and I think both of us agree very strongly, is that the danger of online falsehoods or fake news, the phenomena of fake news -- I would dispute using the term "fake news" because it lends some credibility to it, there is nothing newsworthy about fake news -- is the fact that it targets psychological predispositions, it targets the emotions and potentially having evolved from the sort of ecosystem you have described, where there is a business motive or a profit motive for people to leverage on these kind of tendencies to achieve a certain effect, whether it is to get people to buy a service or purchase a product. They have figured out what works most effectively and they are leveraging on this.

[10667] If we assume there is space for people to have a considered intellectual discussion about the potential for something to be fake or not and then to eventually arrive at a very logical and well thought out conclusion, that's not how fake news and the phenomenon of fake news and the platforms being used by fake news work. They work on getting an immediate emotive response, they work on getting people to share and spread things without really thinking, at literally the click of a button, and that's what makes it so dangerous.

[10668] Dr Janil Puthucheary: We can move to the discussion of potential measures and interventions that we need to consider. Quite clearly, a number of people, including both yourselves, have put forward the idea there is no single idea that is going to be sufficient to tackle this problem adequately. Whatever it is we do need to be multifaceted, it needs to be iterative because the challenge is likely to change quite rapidly over time, it will be based on a foundation of awareness and public education, no doubt, but that those are not going to be sufficient.

[10669] Prof Lim Sun Sun: Yes.

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[10670] Mr Nicholas Fang: Yes.

[10671] Dr Janil Puthucheary: If I could expand on the point Mr Fang just made. Would both of you agree that deliberate online falsehoods have no useful role in and of themselves, that they should not a priori be protected as anything that is useful to civic discourse or the larger aims of public good. Would that be a position you can agree with?

[10672] Prof Lim Sun Sun: Yes. Although if an online falsehood has already made its way into the public space, to actually address it would be quite useful as a form of underlining some of the principles that the society holds dear.

[10673] Dr Janil Puthucheary: No, my question was that there is no positive reason to allow deliberate online falsehoods to spread, that nothing good comes out of it.

[10674] Prof Lim Sun Sun: To spread, yes.

[10675] Dr Janil Puthucheary: There are concerns about how we might tackle the potential negative consequences as a result of our interventions, but from a starting position, deliberate online falsehoods themselves have nothing good about them.

[10676] Prof Lim Sun Sun: Yes.

[10677] Mr Nicholas Fang: They don't have anything innately good but if we consider the idea of having a negative example that you could show to people and point to and say, "That's false, please recognise that is false and anything that is similar to that or builds on that, you should recognise as false as well", that is a view that has been put out there, something that people should be able to recognise. The fundamental idea about falsehoods and fake news is that it is purely a lie, it is something that is completely untrue and, hopefully, we get to a stage where people can recognise it for what it is, instead of having to be taught or shown something that is explaining what false really is.

[10678] Dr Janil Puthucheary: The various interventions we will come to. We talked about it, they should be multifaceted but it also implies that, perhaps, there need to be various players or various actors who are involved in these interventions or measures. I suggest five, the technology companies, the media companies, the state, the government, in terms of the governance and policy, but other aspects of the state with respect to education, and then the fifth aspect would be some degree of personal responsibility by members of the public. Would you broadly agree with that?

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[10679] Prof Lim Sun Sun: Yes.

[10680] Mr Nicholas Fang: Very much so.

[10681] Dr Janil Puthucheary: If we move to the specifics within that space, both of you have suggested that fact checking, some kind of establishing source of truth should be an important part of these measures. I'm not suggesting that that is not correct but I put to you that, firstly, shouldn't this already be happening? If we look at some of the responsibilities of those five players, especially the media and people producing this content, shouldn't fact checking be at the heart of their existing work and their business, and so can we rely on fact checking as a further intervention to deal with the challenges?

[10682] Mr Nicholas Fang: I have two points I would make on that. I agree 100 per cent that the journalism career and the vocation of being a journalist should be predicated precisely on being accurate. Within the Mediacorp newsroom, the sort of ethos is ACT, where "A" is for accurate, "C" stands for contextual and "T" stands for timely and that is in order of priority. Rather than some people might argue, if you are not first and not fast, you lose your audience. I think the priority is to get things right to ensure that people have the right and accurate information to make very important decisions on, by providing that context, you are explaining to people the relevance and the importance of the information and then of course timeliness, you don't want to report the news that is too late. I think that is first and foremost the role and should be the core values of the media and of journalism.

[10683] Dr Janil Puthucheary: Potentially anybody producing such content should.

[10684] Mr Nicholas Fang: Exactly. I raised an eyebrow when I saw some -- I see people described as journalists, non-mainstream media journalists, I think that builds on the early concept of a citizen journalist, if you think of journalist encompassing all these people, anybody producing content, these core values should apply, unfortunately I don't think they do. The second point I want to make is on the issue of fact checking. There have been some suggestions in the past couple of weeks of creating some kind of body that is the arbiter of truth, whether it is an ombudsman, a council or a Committee.

[10685] My big concern about that is that it seems to be outsourcing and devolving the responsibility for finding out the truth away from the individual and putting it in the hands of somebody else. I do not know if that is innately a Singaporean response, probably not, we do see some similar phenomena around the world. I would like to see that, rather than pushing the problem away, individuals try to embrace that, and try to take responsibility for finding out what is true, for myself. I think if we can build something like that, we go a long way to achieving the problem.

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[10686] One of the descriptions was that fake news is like a festering disease. But there are concerns that if we put in place medicine in the form of laws or legislation, they become too widespread and they sterilise the entire environment, I would say that then the actual solution should be trying to inoculate every single individual, every single Singaporean, every single citizen with that drive to find out what the truth is for yourself and equipping them with the tools and giving them the right training and environment. That is the safest inoculation and it is probably the most effective rather than trying to find a one stop solution, whether it is laws or anything else.

[10687] Dr Janil Puthucheary: Prof Lim, you have similar views on fact checking and media literacy?

[10688] Prof Lim Sun Sun: Yes, that's right. As a media literacy proponent, I have been very heartened by this whole Select Committee process because it has really thrown the spotlight on the whole issue of media literacy. Everyone has been talking about media literacy, yet I want to speak up for the little people, I want to speak up for the media consumers, because, ultimately, it is very easy to say that the solution is media literacy, but if you think about how complex and how cacophonous our media landscape has become today, we have to consider that media literacy has become truly multifaceted. If you want to really be a completely discerning consumer, you have to understand all of the transforming technological affordances that are emerging every day. We constantly have to learn new apps, we have to learn about changes in apps.

[10689] At the same time, we have to be aware of the fact that media companies are merging and there are mergers and acquisitions, that means that one day the information I share with Facebook is going to be shared with WhatsApp and Instagram. At the same time, there are all these newly emerging media genres, and as media consumers we have to understand that actually this is parody or satire, and it is difficult to be able to keep up with all of these.

[10690] I can tell you, as a media professor, I find it difficult to keep up with all these transformations, let alone the lay media consumer. I want to say that while on the one hand it is truly wonderful we are talking about importance of media literacy but it is really important that we pour in as much resources as possible into making media literacy education much more sophisticated in order to keep pace with dramatic transformations that we have seen in our media landscape today.

[10691] Dr Janil Puthucheary: Do you have some comments about the process of fact checking or who should be doing the fact checking?

[10692] Prof Lim Sun Sun: It would be ideal to have a range of players, for example the technology companies and media companies should be engaging in fact checking

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on their own, but it is also useful to have civic society type efforts in fact checking because part of that fact checking is educational at the same time. The platform that, for example, my SUTD students are developing that we will hand over to NUS students to run is meant to be a community effort for people to engage in fact checking but in the process understand what are the markers of authentic news, what are the markers of good journalism, what are the giveaway signs of fake news or online falsehoods.

[10693] Dr Janil Puthucheary: If I could summarise both your points of view, you both agree that fact checking is necessary but it should be the responsibility of people who are already operating and working in the space, whether you are a civil society organisation, whether you are a student, whether you are a media company, whether you are a platform, part of your responsibility should be to establish the facts rather than abrogate that responsibility to yet another third party. That is the general view you have on that?

[10694] Mr Nicholas Fang: Yes. I also would add on to say that besides people operating in the space, all of us, every individual operates in that space sometimes as a consumer of news, information or data. The onus also lies with the final consumer to make some kind of decision or have some ability to discern whether something is true or false.

[10695] Dr Janil Puthucheary: I would characterise that latter part of what you said as more similar to what Prof Lim has called media literacy, the fact checking by the people producing and distributing and then media literacy by the members of the public and the consumers. I don't know if that is the semantics of it but that is how I would think of it but I think we are on the same page on that.

[10696] Mr Nicholas Fang: Definitely. I think a big part of media literacy is being able to understand what media is and to evaluate whether the media, whichever product you are consuming, is worth or safe to be consumed.

[10697] Dr Janil Puthucheary: Your point is that potentially that might be quite challenging for broad sections of the consuming public, what are our expectations of how far media literacy can go into terms of protecting us. We should ask for it and support it and encourage it but perhaps it can't go far enough to deal with the extent of the challenge. Is that a summary of it?

[10698] Prof Lim Sun Sun: It can't go far enough and fast enough.

[10699] Dr Janil Puthucheary: It can't go far enough and fast enough to deal with the challenge we are facing.

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[10700] Prof Lim Sun Sun: Yes.

[10701] Dr Janil Puthuchery: If I could move to some of the other suggestions we have heard, we have had requests for the tech companies to do more, we have had a number of arguments about whether it is possible or desirable, requests for the tech companies to take do takedowns of offensive content, block the spread and virality of deliberate online falsehoods. Some of the issues are that self-regulation is going to be unlikely because the business model of the tech companies, the social media platform disincentivises them from behaving the way we would like them to behave. Perhaps it is not so reasonable for them to do something which could potentially impact their revenue stream. They appeared to be happy if there were a legal backing to enact some of these either takedowns or interventions. They also don't want to be the arbiters of truth. Some are more willing than others, depending on what type of truth you are talking about. They have been willing to do it for things like child pornography, for things like extremism and terrorism, but perhaps not far enough. They have been able to do it for things that impinge upon the distribution of copyright material but, ultimately, they don't want to be thought of and regulated as media companies and that is one of the bigger stumbling blocks for getting them involved.

[10702] Largely, they and the various other witnesses who had come agree that the demonetisation of the perpetrators and distributors of deliberate online falsehoods is an important intervention that we need to be able to achieve. Would you agree with this and would you have further comments on this point that in order to be effective, we need to find some way to remove the financial incentive to create and spread and propagate deliberate online falsehoods?

[10703] To explain, for example, Facebook wants to deal with it in a way to, for example, reduce the incentive for advertising dollars to support deliberate online falsehoods. Other suggestions have been that we need to go and find people who spread deliberate online falsehoods or to deal with the ability for advertisers to be able to then park their adverts associated with material that is found to be deliberately false. Is that a position you would agree with or do you have some further comments on that?

[10704] Mr Nicholas Fang: I think obviously the intention is correct, my only query, and I'm not speaking as somebody who is an expert in terms of the technical aspects of this, but in terms of trying to stem the tide, I'm not sure what scope there is, because the monetary incentive is very clear, we have already discussed how effective some of these tools are in achieving the aims of winning people's mind and hearts and affecting consumer behaviour and buying behaviour as well.

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[10705] Are we being a little bit optimistic to say we can actually stop it and turn it around? Because we may be able to stop one mode of it but it would probably evolve into something else that is driven by similar motivations but may be just in a different form. I think one or two or three companies choosing to do it, or if all the big companies try to do it, it would be a great first step, my only question would be how effective it would be in completely achieving the aims of what it would be and whether it is something that is sustainable in the long run.

[10706] Prof Lim Sun Sun: I would actually appeal to the enlightened self-interest of these companies, that they should start to think about Codes of Conduct, as to what constitutes ethical behaviour. Insofar as they are now working on these business models that are primarily profit driven, I think it is important to appeal to these companies to really reflect quite strongly on how they should tweak these purely commercially driven algorithms to take into account other factors that will make them much more responsible purveyors of information.

[10707] Dr Janil Puthucheary: Broadly you agree that money is an issue, a problem, Prof Lim, you are hoping that there will be some corporate social responsibility around this. And, Mr Fang, you are worried about whether or not this is doing in the long run and whether or not it will be sufficient. If I could move to your submissions, you have both made some concrete suggestions about what we can do to address some of the challenges in this space and they are slightly different. Prof Lim, you are concerned about how we can improve media literacy significantly and, Mr Fang, you are largely concerned about how we can improve the quality of journalism as a way of dealing with some of these things. Perhaps, if I could start with Prof Lim. My questions about some of the proposals, while I would agree that media literacy, as we have discussed, is certainly needed, but this is a long-term solution, it's not going to have any short or immediate effect. And that even if we get this right, it is going to be difficult to deal with all the other factors. So, how can we do media literacy better, given the significant challenge there is for what media literacy can do for us?

[10708] Prof Lim Sun Sun: A very important first step is for us as a nation to recognise that media literacy should be considered to be up there with literacy, because obviously Singapore has been able to take care of literacy and we have among the highest literacy rates around the world. But precisely because we are such a literate nation and we are so hyper-connected, all the more that we must recognise that media literacy is a fundamental literacy that we must vest in all of our citizens. Primarily also on the whole issue of media literacy, at the moment, if we look at the efforts that are out there, I think they are quite admirable, they are certainly not without value.

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[10709] Hitherto, I would say the media literacy efforts have been somewhat modest, they have been going for low-hanging fruit in terms of explaining to people what are the tell-tale signs and how you can safeguard your online privacy and so on. But when we are looking at a media environment where media purveyors, especially purveyors of online falsehoods, can produce highly sophisticated content that is very often indistinguishable from authentic contents, you need to be much more ambitious in terms of media literacy education and to apprise people of the fact that there are all of these political and economic motivations that will drive purveyors of online falsehoods to produce online falsehoods in a particular way so as to be able to profit either for political interests or for commercial ones.

[10710] Dr Janil Puthucheary: Do you want to make a comment on literacy?

[10711] Mr Nicholas Fang: Yes. Again, similar to some of the comments, we see especially the effort such as what's been done by the National Library Board, very commendable but I think there is probably a need to ramp up the urgency of these efforts. We see a lot of efforts being rolled out in the neighbourhoods to help the elderly become more conversant with technology, to be able to do online banking and understand how to access some of the online functions. To tag on to that component is a need to add in this concept of media literacy, especially in the digital world. I have experiences with the elderly who say, it is too complicated, it's very scary, "I don't know how to figure some of these things out", but they sure know how to share information with their WhatsApp chat groups, they are very, very good at that and very, very fast with that, but when it comes to thinking about the information, "I can't really figure out how it works and there are so many factors to consider." If you can share it, I think you should jolly well know whether what you are sharing has an impact or not.

[10712] My biggest fear when it comes to the challenge of media literacy is if you come to stage where it is a bit complex, it becomes scary, whether for a young person or the elderly, we may end up in informational crisis, where people basically say, I can't figure out what to trust, I don't know what is real and what is false so I'll just stop consuming news and stay within my own silo and my day-to-day life is not really affected knowing what is true and what platforms I can trust. They may be able to function on a day-to-day basis but when we come to national events where individual choice matters, obviously elections or when the popular vote is being cultivated, that is when the problem will really surface. I don't think we can afford to wait until that stage to then say, okay, I'll try to figure it out now.

[10713] Prof Lim Sun Sun: I just want to add on the issue of media literacy and also to connect to your earlier question about the role of technology companies, I think clearly technology companies can be far more proactive in terms of the media literacy

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efforts that they are mounting. Primarily, technology companies really need to be much more transparent with consumers about the kinds of strategies that they use in order to decide what information to serve up in what priority, because ultimately as consumers we need to understand how it is that our media landscape is being shaped for us. Until and unless the technology companies are far more transparent and far more explicit with consumers, it is very difficult for us to not realise we are being manipulated.

[10714] Dr Janil Puthucheary: Thank you very much. If I could turn to Mr Fang, your submission, and particularly your suggestions around media excellence, you made a number of suggestions, some of which we have covered, but there is one where you talk about role that the news industry and journalism can play to deal with this problem. If I might summarise the intention, I think what you are trying to achieve is to serve the public good and reinforce trust in mainstream media by your suggestion. But your suggestion, one paragraph in your submission: “Related to this point is my suggestion that the news industry and journalism be delinked from the profit motives of media companies in Singapore.” Over the page, another summary statement: “What then is needed is a change in the framework, and one model that can be considered is to have the news functions of these companies separated from the rest of business and held under a not-for-profit umbrella where the sole mandate is to deliver excellence in journalism.”

[10715] In the rest of your submission, you have gone on to say how some of these ideas have been derived from the model of the BBC in the UK. There are a variety of reasons why such a model might be attractive or unattractive and a variety of reasons why such a model might improve journalistic quality or not. But specific to the challenge that we are dealing with, how would it address the issue of deliberate online falsehoods? I’m sure you are not suggesting that these companies are the source of deliberate online falsehoods, hence the framework is not to deal with that type of problem, it is for the resultant structure to be intervening in the space of deliberate online falsehoods. That is the bit on which I am not clear. How would this suggestion result in our being able to more effectively deal with deliberate online falsehoods? If you could please explain.

[10716] Mr Nicholas Fang: We have already started to touch a little bit on my answer, on the elements of my answer, when we said when it comes to fact checking, the media and the journalism industry, one of the hallmarks of the operations should be accuracy, should be this drive to ensure that whatever is reported is accurate, it is factual. I think that the media, at least as far as I have hopes for it, should be viewed as a trusted, respected and credible source for information. I think the media in Singapore fulfils a number of functions but one of the key ones is to be the platform of record, where hard facts and information are presented in a clear and accurate way, so that people have the information that they need at their fingertips. My biggest concern is

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that people are turning away from traditional media, from mainstream media, due to competition from other sources, many online, many digital in nature, we can call it alternative forms of media, citizen journalism, community driven, ground-up efforts at producing content that is similar to journalism. For a number of reasons, technologically they are far more accessible, some of them were designed to be very accessible by the young generation, that is technologically connected. They are mobile, they are accessible on various devices and platforms. So, they become much more appealing than the mainstream traditional forms of media, although they are adapting as well.

[10717] At the same time, if you look at the example of Donald Trump, I know it is an example that has been used to death, but it really shows how mainstream media has been widely discredited by the leader of a country and, basically, consumers have been turned away from traditional sources of media, traditional media, to the alternative platforms of social media and private accounts on Twitter, for example. I think that if we can restore some, not necessarily respectability, but people's appreciation for traditional media, for all the things that they are good for, the context, the accuracy, the rigorousness, the multiple layers of checking that gets done before anything is published and pushed out on various platforms, that would enable these what I consider pillars of the antithesis of fake news, the pillars of truth, to become more respected, more accepted and then hopefully in the long run more consumed by people who are currently picking up information from a variety of alternative sources which then becomes the playground for fake news and purveyors of fake news to operate in.

[10718] My point is that if we can refocus the emphasis on journalistic excellence, where the hallmark of all the media companies, traditional media or otherwise in Singapore, is on journalistic excellence and consumers are made aware of this and accept that this is what they are paying for ostensibly, they would then realise these are the right and respectable sources to consume information and that would be a good counter to fake news.

[10719] Dr Janil Puthucheary: Your explanation is attractive but I'm going to continue to challenge you because the mainstream media in Singapore continues to be fairly trusted, and people have disputed that, but in general most of the people coming as witnesses and most of the information we have suggests that our mainstream media continues to be a trusted source of information and facts for most Singaporeans. What you are proposing is a change of business model, a change of operating framework. If today the mainstream media that we have is already trusted, what are you trying to achieve by that? Is it to deal with the problem today or to deal with what you anticipate as some future problem? Is it something that will serve the business model interests of the company? How does that deal with the problem of deliberate online falsehoods that are spreading today, when today, with this business model, we already

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have these robust media companies that are trusted? You obviously see there is some advantage to be gained by such a change in the business model and framework, but what is it?

[10720] Mr Nicholas Fang: That is a good point. On the issue of trust, I agree that the traditional forms of media are viewed by Singaporeans as trusted sources. There was data that came out around the end of 2015 or early 2016 that showed that on a day-to-day basis, people found other sources of media attractive. When did they sort of turn back or return to traditional source of media? It was in times of major events. I will hesitate to call them crises but major events.

[10721] In 2015, it was a busy year for everyone but there were two major events. When surveys of consumers were done, people said that at those times they flocked immediately to the news on television or newspapers. That was in the death of Mr Lee Kuan Yew and it was also ahead of the general elections in 2015. Those two events, you suddenly saw a spike, where people said, okay, in these period, I'm coming to particular sources and it is going to be the trusted media, the Straits Times or Channel NewsAsia or Mediacorp. Those are quite interesting figures and I think that underlines maybe anecdotally what we see, that on a day-to-day basis you don't see many people holding newspapers in MRT trains, everything is on digital sources and not necessarily the digital platforms of the mainstream media outlets. So, in times of crisis, we see that. But how do we bring people back to consume this on a day-to-day basis in their daily lives?

[10722] The numbers show that viewership and readership are falling from traditional media, regardless of whether people view them as trustworthy or not. They may see them as trustworthy, they may not consume them because they don't see it as attractive. My point is how can you create the attraction and bring people back to your mainstream media platforms. I think, to re-emphasise what many of us within the news industry would know but it is not widespread among the general public, there are these core values, it's about accuracy, it's about context. I don't just give you the facts and figures, I also make sense of it and I give you historical reference, I give you comparisons, so that you can make up your mind about these sort of things. It is much more than just snapshots or tweets of 140 or 280 characters, it is much more than a headline that you can then click on and share. It is in-depth reporting, it is backed up by people whose pure vocation is producing news and who operate in a framework where there are multiple levels of checks and editors who go through and scrub through the information. If you can restore a little bit of that shine to mainstream media platforms, you create a similarly attractive option for people other than the more exciting or trendy platforms that are getting credence today.

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[10723] That was the point. It is not something that will happen overnight. Most of us who know anything about the media industry, in Singapore in particular, know that traditional media, mainstream media faces a number of challenges both in terms of reputation and credibility. But it is not just a Singaporean problem, I refer to the situation in the US and the UK as well where your traditional pillars of the media industry are being pooh-poohed as being fake or controlled by various interests. I think it is a global problem and I hope we in Singapore can start, in some way or measure, to restore some of that shine.

[10724] Dr Janil Puthucheary: If I might summarise that, the idea you have is to, in a way, look at the business model and operating framework of the media companies in Singapore to address the idea of what people do for news and information consumption on a daily basis, as opposed to have high visibility crisis events and this, in a way, feeds into problems or concerns about how we can shape media literacy. Actually, the two suggestions have some reinforcement that if we can increase where people get the sources of news and what they trust in that sources of news, how that might shape media literacy going forward. So, you are suggesting this is a kind of inoculation resilience strategy going forward, perhaps a longer term benefit rather than an immediate benefit.

[10725] Mr Nicholas Fang: I think I didn't make myself clear in terms of the business model. Why do I suggest we need to separate the profit motive? Within the newsroom, there is emphasis on the ethos on producing good quality news, to inform, educate, to engage and entertain, but when you work for large companies, and both large media companies in Singapore are of a significant size, they have many different types of operations and, at the end of the day, there is a need to answer for your operations, for your profits and for your costs and revenues. When you juxtapose that against competition for the ad dollar that is becoming more and more stringent when you look at all of the different types of competitive pressures from the online space, it is no surprise that there are people within the organisations who say, "How do we get a share of that?"

[10726] Obviously, a key element of that is grabbing eyeballs, grabbing your audience, your readership, your subscription. You then try to figure out what consumers want and what consumers want is tending towards these obviously more exciting, more fast paced, more techie type of platforms where they can get their stuff on demand all the time. So, how do we compete against that? I'm not saying delinking it from the profit motive would be the universal solution but I think it would be a start because it creates another distraction for the media industry to fall back to its core values and emphasise that again.

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[10727] Dr Janil Puthucheary: If I could move to the issue of legislation, which has generated a lot of interest but as we have repeatedly said, it is only one of the many things we need to consider, would you agree with a summary of our thinking or the thinking presented to us around legislation, firstly that for many of the proposed measures it would be necessary to have legislation, otherwise the measure wouldn't even be possible, whether they are takedown measures or demonetisation measures or apologies for clarifications. And a number of legal experts, professors and students, have clarified there is a gap in the law that exists today and we need some legal measures to close those gaps, to address the problems of today, let alone potential problems we would have in the future.

[10728] Further, if we are going to have legislative tools, these tools need to address the issue of intent behind people spreading material, it may or may not be malicious or deliberate, the harm or the potential real world consequences of the material that are under consideration, not the falsity per se but the potential harm in the real world. And that the structure should allow for fair commentary and public discourse and parody and satire and comedy, all the necessary things we want as part of a society. Getting the legislation right is really part of government's responsibility in this space. It is not enough to just make statements of intent and, on top of that, invest. We have a responsibility to get our legislation right around this space. That the tools of legislation, if any, should deal with the speed and impact that deliberate online falsehoods might have, that any process needs to have roots of redress, appeal and judicial oversight to ensure it is fair, it is balanced and appropriately enacted.

[10729] And that it gets the balance right between the positive and negative liberties of freedom of speech was one of the characterisations one of the witnesses put, and that we can then potentially restore a better function to the marketplace of ideas. If we are to have legislation, that would be the envelope or parameters the legislation needs to be shaped within. Would that be something broadly both of you could agree with or do you have further comments on potential legislation we might have to consider?

[10730] Prof Lim Sun Sun: From the consumer's perspective, I think there will be some fears that, for example, if I share unwittingly an online falsehood, will I then be charged? These are the kinds of pressures on consumers, on their media literacy, they start to be a little bit paranoid and overcautious and that is where the whole idea of the legislation must be quite clear about the intent of the perpetrator. So, that's where I would like to exercise a little bit of caution, that if we are going to introduce legislation, we should also be able to educate the lay consumer as to what their responsibilities and potential liabilities are.

[10731] Dr Janil Puthucheary: Broadly, you would agree with the potential shape of what the legislation could and shouldn't or would or wouldn't do that I just described?

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[10732] Mr Nicholas Fang: I have a couple of concerns when it comes to legislation. I say in my submission that I think legislation is required because this is a very serious threat, for all the points Dr Janil made about the speed of the threat, the evolution. I am not a lawyer so I don't have a concrete solution to propose but one issue I'm concerned about is the flexibility of any laws that get put into place to evolve with the threat. We are talking about online falsehoods today, I don't know whether that would evolve in the future to a different type of platform or a different form of technology or something like that, I can't necessarily postulate into the future.

[10733] How fast will our laws be able to evolve with something like that? Which led me to another point about that's why we need a multi-pronged strategy, not necessarily just laws, but our laws should have some elements of that. The other point is we are in a space where we are contesting the hearts and minds of people, where emotions are involved. When we put together legislative framework, when we do measures like this Select Committee as well, I think the ability to communicate this in a way that people understand, accept, trust and believe in is going to be crucial.

[10734] We see too many examples of governments around the world who either through ham-fisted communication efforts or non-communication efforts fail to gain the popular support for the good things that they are trying to do and then it backfires. I think that because these are laws that pertain to winning the hearts and minds of news consumers, being able to communicate these ideas, the principles behind the context, the aims and the measures, becomes even more crucial. It is precisely in the space where good communication is required, these laws pertain to communication and to news, and hopefully they are communicated in the right way.

[10735] Dr Janil Puthucheary: Thank you very much. Thank you both for your comments and your submissions. And for appearing before us and for your patience.

[10736] Mr Pritam Singh: Thank you, Mr Fang and Prof Lim, for coming before the Committee even though it's quite late in the day. I have a question for Mr Fang, pertaining to one of the recommendations that was made in your submission, and something which Dr Janil touched upon, which was the suggestion to move into a not-for-profit model like the BBC. And you spoke about morale issues, based on your 18 years' experience in newsrooms in Singapore and how these compare against courses that you have attended in London at the BBC, where you find the passion and energy of those editors and journalists, even junior journalists, being much more evident. In that context, do you think there is a particular reason over and above the current pressures that are faced in newsrooms -- be it financially or be it because of the online media -- other reasons that explain why there is this difference in passion compared to the mainstream media in Singapore? I ask because I am not in that space -- like many of us -- so would there be any reason?

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[10737] Secondly, in connection with that, I would think it's unlikely that there would be a significant change in the structure, to a not-for-profit model, at least in the short-term. For your sake I hope I'm wrong! But assuming we don't get there, are there any other intermediary steps that can be considered to improve the level of energy and passion among the local mainstream media and are they concerned about things like OB markers, which explain the lack of passion?

[10738] **Mr Nicholas Fang:** Okay, I have got the question, two questions. First and foremost, I wanted to make clear and I was concerned in my submission I wasn't very clear. I think the issue of morale is not linked to the for-profit structure of the companies, I don't think that has been the case. Nobody comes to a journalist and says, "One of your KPIs is getting more readers for your articles otherwise you won't get a bonus."

[10739] Morale issue is largely linked to the competitive pressures and the general concern that traditional mainstream media is waning in terms of importance, desirability and attractiveness to our audience. Nobody necessarily wants to work in a vacuum, to put out information that nobody reads. Journalists put in a lot of effort into producing good quality work and it is disheartening when you see readership and viewership numbers coming down. That is the main source of concern.

[10740] Based on my personal experience and it is anecdotal, I don't think there is the sentiment you are alluding to of OB markers and control, in that sense. It is a very popular impression that many people have. I give talks in schools and there are quite a lot of questions about state control, about mouthpiece and things like that. I tell everyone that in my almost 18 years of experience working in journalism, nobody has ever stood behind me and said, "Don't use that word, don't say that thing, don't do that."

[10741] Is there a certain element of self-censorship? I would say probably there is, because you are not the only one to share some of those concerns and some people, even within the media profession, are worried about things like that. But nobody has ever -- I tell all the young journalists as well, your job is to provide objective reporting, factual, contextual, accurate and timely, that is what we owe our audience and we owe our consumers, to be able to carry out our duties in that way. We do see a lot of very young passionate people who are willing to come in and work in that space but it is getting harder and harder to attract and retain that talent going forward. That segues nicely into my answer to your second question of what we can do if we can't move into a not-for-profit model for our media industry in Singapore. It is about sending the right signals to people in the industry and to journalists, to editors, to people who work in the space that journalistic excellence should be the hallmark of what they do day in day out, every single day. One idea that I had was the notion of the Pulitzer Prize

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as a pinnacle of journalism, in major countries, why don't we have something similar for Singapore? Individual media companies have their own internal news awards and annual award, I think we have platforms like the Asian Television Awards, where they give out prizes for news as well. Why can't we have something that recognises excellence in journalism on a national scale?

[10742] This sends a signal not just to people in the news industry but also to consumers that this is something that we as a society should value, that we as a society respect, honour and award. Of course it sends a very, very strong signal to aspiring journalists that this is the sort of thing you can aim towards, you should try to produce the quality of a Pulitzer or something. Why don't we try to break global exclusives, that kind of stories. Singapore is a very important hub in the world for a number of different industries and sectors and finance. Very important things are happening in Singapore and our journalists should be pushed to go and cover these things, to produce scoops and exclusive that would really resonate with our readers and audience and which we can recognise that if we have something like the Singapore Pulitzer. Those are some of the ideas I have. We need to continue building the culture in the newsrooms and signal to them this is where we are headed and this is what we want, which is excellent top quality journalism.

[10743] The Chairman: As there are no other questions, I would like to thank you, Mr Fang and Prof Lim, for your contributions and for your patience. We will send you a transcript of these proceedings. If there are any errors or corrections, please correct them and send them back to us. One again, thank you very much for your participation.

[10744] Mr Nicholas Fang: Thank you very much.

[10745] The Chairman: We have come to the end of eight days of public hearings. Over three weeks, we have heard from 69 witnesses including local and overseas experts, technology and media companies, community groups, civil society members, students and other members of the public. And one protester. There was an extensive involvement and robust engagement and it reflects our sincerity to consult widely and to engage deeply on the issue, so to properly understand the problem and recommend solutions that will best serve Singapore and Singaporeans.

[10746] Over three weeks, we have received evidence from all aspects of our terms of reference, we heard first-hand how deliberate online falsehoods are real and serious problem and how they can harm national security, racial and religious harmony, public institutions, and democratic processes. We learned about how digital technologies have made it easier, cheaper and more profitable to create and to spread falsehoods and

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how technology and our heuristic tendencies have made them harder to counter. We heard how there is no one silver bullet and how we need a whole suite of different measures to address this complex problem, including public education, media literacy, fact checking, quality journalism, technology and legislation. We discussed how the government, media technology companies and the community need to work together to tackle what one witness refers to as the threat of our time. Specifically, we heard how organised disinformation campaigns have been incorporated into the arsenal of offensive tools employed by state actors to undermine the sovereignty and security of target states. Online falsehoods have been used to manipulate electorates and to exploit racial and religious fault lines in society. We also heard how the drip-drip effect of falsehoods can over the long term undermine public trust.

[10747] In Singapore, we heard about rumour on the sale of halal pork and the experience of a witness who was abused with falsehoods because of his ethnicity and because he is a new citizen. Representatives from religious and community groups told us about their concerns about how falsehoods can be divisive in our society. We also held two private sessions to hear about information campaigns with national security implications for Singapore. We learned about how digital technology can be abused to spread online falsehoods, cheaply and to great effect. We heard, for instance, that \$18 can buy you 1 million Instagram likes. We had an extensive exchange with tech companies and social media giants who are critical players in the online world. We discussed how each of their platforms provide content to their users and the limits of what they are willing or able to do to curb the spread of egregious online falsehoods.

[10748] We heard a wide range of views both at the level of principle as well as specific suggestions. Many witnesses agreed on the need to respond to falsehoods, both quickly and effectively, as a matter of principle. Different approaches were put forward on how to do this. Local media organisation spoke about how quality journalism is a bulwark against the spread of false information and the need for fact checking mechanisms. Media literacy groups and others spoke about need to educate all segments of the public on how to discriminate between what is factual and what is not. The importance of free speech was a recurring theme in our hearing. We heard scholarly evidence about how free speech does not extend to the deliberate spread of falsehoods and how the online world is not a rational and egalitarian marketplace of ideas. We also discussed with many witnesses the distinction between fact and opinion and how we are entitled to our own opinions but not to our own facts. On the other hand, we also heard views from some civil society members against any limits to any form of expression, even if they are demonstrably false and harmful. The need for legislation was another recurring theme.

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[10749] We heard evidence about how current laws had limits of scope, speed and adaptability and why we need new legislative levers. We heard specific proposals on the contours of new legislation, including takedowns, rights of response and demonetisation. As well as the need for judicial oversight and due process. Some witnesses were opposed to any legislation at all, even if today's laws were inadequate in countering the harms posed by deliberate online falsehoods. The evidence we have received has given us much to think about. We are grateful to everyone who has written to us and everyone who has given oral evidence. When Parliament reconvenes, we will resume our work to reflect on the evidence and to work on the report. Thank you. Are there any other matters? If not, then I end the proceedings. Thank you very much.

(The witnesses withdrew.)

(The Committee adjourned at 8.34 pm sine die.)

ADDENDUM: THE COMMITTEE’S EXCHANGES WITH HUMAN RIGHTS WATCH, REPORTERS WITHOUT BORDERS AND DR THUM PING TJIN

Human Rights Watch

1. The Committee invited Human Rights Watch (“HRW”) to give oral evidence, including on its recent report titled “*‘Kill the Chicken to Scare the Monkeys’ – Suppression of Free Expression and Assembly in Singapore*” (“HRW Report”). Notably -
 - a. The HRW Report had been cited by a representor as evidence against introducing measures to combat deliberate online falsehoods. According to the representor, the HRW Report had detailed the “many ways” in which free speech had been restricted in Singapore, and introducing measures to combat deliberate online falsehoods may “further exacerbate this situation.” (As it turned out, this representor was also a contributor to the HRW Report, although she was initially reluctant to confirm this.)
 - b. The Select Committee had received a written representation from the PAP Policy Forum that cited the HRW Report as an example of how a foreign-funded organisation could use falsehoods to advocate for political change in another country. According to the PAP Policy Forum, the HRW report used selective and misleading accounts to give a false portrayal of Singapore. For example, the HRW report suggested that writer Alan Shadrake had been convicted of the offence of contempt of court because he had written a book criticising the death penalty in Singapore, and not because he had committed contempt of court. The report left out the reasons given by the Singapore High Court and Court of Appeal for finding that Shadrake had committed contempt of court. Neither did it set out the statements made by Shadrake that were found to be in contempt of court. PAP Policy Forum stated that these selective omissions led to a false portrayal of the case.
2. HRW initially accepted the invitation. However, 2 working days after requesting to be heard on a specific date, they informed the Select Committee that their representative had made travel plans that “could not be changed.” This change in position occurred only after they were informed that their representative should be able to deal with questions on the HRW Report. HRW also did not accept the Committee’s offer to hear from HRW at a later date in or after May 2018. The chronology of events in relation to HRW is set out below:
 - a. On 5 March 2018 (Monday), Parliament Secretariat sent an invitation to Ms Shayna Bauchner, the coordinator of HRW’s Asia Division. The invitation asked if HRW was willing to appear before the Select Committee to give oral evidence, and if so, on which of the 8 hearing dates set aside by the Committee (14, 15, 16, 22, 23, 27, 28 and 29 March) was HRW’s representative available.

- b. On 8 March 2018 (Thursday):
 - i. HRW replied, indicating that it was willing to send a representative to be present at the public hearing on 23 March 2018.
 - ii. Parliament Secretariat then asked if HRW was able to appear at the public hearing on 27 March 2018 instead.
- c. On 10 March 2018 (Saturday), HRW replied that its representative would only be available to give evidence at a session on 23 March 2018, and asked if that remained an option.
- d. On 13 March 2018 (Tuesday), Parliament Secretariat confirmed that 23 March 2018 was available. HRW was also informed that its representative should be able to deal with questions that might arise, including the HRW Report, which covered issues relating to freedom of expression.
- e. On 14 March 2018 (Wednesday):
 - i. HRW replied that “since our last communication the staff member best able to address these issues has made other travel plans that cannot be changed.” HRW did not name this staff member or explain the nature of the plans. HRW offered to submit written evidence, or to meet with Government officials in Singapore or London.
 - ii. Parliament Secretariat replied to reiterate the offer for HRW to appear on any of the 8 hearing dates.
- f. On 15 March 2018 (Thursday):
 - i. HRW substantially repeated its email of 14 March 2018 (as summarised above), indicating its unavailability.
 - ii. Parliament Secretariat replied, informing HRW that it could send one of its officers, on any day between 15 and 29 March 2018, at any time. HRW was also given the alternative option of video-conferencing, which could be arranged at any time between 15 and 29 March 2018. HRW was informed that the Select Committee had received a submission that was highly critical of the HRW Report, and which had considered the HRW Report to be full of falsehoods.
- g. On 16 March 2018 (Friday), Parliament Secretariat informed HRW that funding for travel costs was available should HRW decide to send a representative to Singapore.
- h. On 19 March 2018 (Monday), HRW replied that it was unable to participate and did not take up the offer of video-conferencing.

- i. On 23 March 2018 (Friday):
 - i. The Committee heard oral evidence from two representors who made serious criticisms against HRW. They cited HRW as an example of how influential advocacy NGOs used deliberate online falsehoods to undermine governance and de-legitimise a country.
 - ii. After hearing the two oral representors, the Chair delivered a statement at the hearing, placing on record that the Committee had invited HRW to give oral evidence and defend its Report, and that the invitation remained open.
 - iii. At the Chair's request, Parliament Secretariat issued a press release setting out the chronology of their exchange with HRW (as set out above in this paragraph).
 - iv. The Ministry of Law issued a media statement that referred to the Chair's remarks and Parliament Secretariat's press release. The Ministry noted the serious allegations made to the Committee against HRW and its work. The Ministry stated that HRW had a pattern of issuing biased and untruthful statements about Singapore, and that HRW had chosen not to come to Singapore to publicly defend its views, as it knew its Report would not withstand any scrutiny.
- j. On 27 March 2018 (Tuesday):
 - i. HRW issued a media statement responding to criticisms of its decision to not accept the Select Committee's invitation. HRW –
 - 1. Stated that they would respond to any of the written submissions "if we think it is necessary and appropriate." Notwithstanding the criticisms against the HRW Report that were made public on 23 March 2018, they were of the view that "no submission has raised any serious question about our factual findings."
 - 2. Made the serious allegations that the purpose of the hearing was "to engage in ridiculous and irrelevant arguments aimed to discredit our report and [HRW]," and that the Government and PAP were more interested in "public grandstanding" than threats to freedom of expression and assembly.
 - ii. The Committee then issued another invitation to HRW, noting that HRW's statement of the same date suggested that HRW was prepared to participate, and come forward to give evidence in the hearings. The Committee stated that Parliament would be prorogued in April, and offered to hear HRW's evidence on any date in May, or after May, after Parliament re-opened.

- k. On 30 March 2018 (Friday), HRW issued another statement, refusing the Committee's invitation of 27 March 2018 (above). In that statement:
 - i. HRW stated that they had "offered to re-arrange our schedule to have the relevant staff member appear in person" and that the Committee "did not respond with a workable date until it was too late to do so."
 - ii. HRW referred to statements made by the Committee and Ministry of Law, and stated that they had "reluctantly" concluded that the Committee's hearings were "not a true consultation" but "a media event aimed to showcase those who agree with the government's views and criticise those who do not."
- l. HRW did not at any time offer to re-arrange their schedule. It was also not true that the Committee "did not respond with a workable date until it was too late to do so". On the contrary, the unnamed relevant staff member had made "other travel plans that cannot be changed" just 2 working days after HRW had stated that they were available on 23 March (see paragraphs 2c to 2e above).
- m. HRW's decision to become unavailable took place on 14 March (see paragraph 2e above), before any public statements on the matter had been made by the Chair, Parliament Secretariat, or the Ministry of Law on 23 March (see paragraph 2i above).

Reporters Without Borders

1. The Committee invited Reporters Without Borders (also known as Reporters Sans Frontieres, or “RSF”) to give oral evidence at its public hearings, including about RSF’s publications on Singapore. Notably, two written representations had cited the ranking given to Singapore by RSF’s World Press Freedom Index to caution that more measures to combat deliberate online falsehoods may curtail free speech.
2. RSF initially expressed interest in giving oral evidence, and proposed to attend the hearings. However, it eventually declined to attend, citing “organisational reasons.” RSF subsequently issued a statement on its website about the Committee. The chronology of what transpired is as follows:
 - a. On 9 March 2018 (Friday), the Committee decided to invite RSF to give oral evidence.
 - b. On 13 March (Tuesday):
 - i. Parliament Secretariat wrote to Mr Daniel Bastard, Head of RSF’s Asia-Pacific desk, inviting him to give oral evidence on the afternoon of 23 March 2018.
 - ii. Mr Bastard replied, saying he was based in Paris and unable to appear in person.
 - iii. Parliament Secretariat asked if RSF had an office in Singapore or Asia, from which it could send representatives to the hearings.
 - iv. Mr Bastard replied that the director of RSF’s East Asia office in Taipei was not available to travel to Singapore on 23 March, and asked if a Skype session was possible.
 - c. On 14 March 2018 (Wednesday):
 - i. Parliament Secretariat offered Mr Bastard the option of coming on any of the days set aside for public hearings, and offered to fund his travel costs.
 - ii. Mr Bastard replied that he would consider coming for the 27-29 March sessions, and that “for organisational reasons, I need to get the approval from my hierarchy.”
 - d. On 20 March 2018 (Tuesday):
 - i. Mr Bastard informed that he would not be able to come to Singapore in March, “for organizational reasons.” He explained that “[s]ince we are currently preparing our annual index, I need to be fully available at the office and the trip to Singapore will take too long.”

- ii. Parliament Secretariat then asked if Mr Bastard or an RSF representative familiar with its publications on Singapore would be able to give evidence via video-conference at any time between 20-29 March.
- e. No communication from RSF was received by the Committee after 20 March 2018.
- f. On 22 March 2018 (Thursday), RSF released a statement on its website concerning the Committee's invitation. In that statement -
 - i. Notwithstanding the Committee's terms of reference, which are publicly available on Parliament's website, RSF stated that the Committee had invited oral representors to appear before the Committee "in connection with the drafting of the 'anti-fake news' bill." It disclosed that it was among those invited, but "preferred not to take a position on a draft bill that no one has seen."
 - ii. RSF further stated that "Singapore already has some of the world's most repressive legislation as regards the freedom to inform," "alarming legislative precedents," and "stacks of draconian laws." It said that RSF was concerned that "this proposed law" would be "another tool for censoring dissent."
 - iii. RSF also surmised that as the ruling party "control[led] 80% of the parliament," the law would be adopted "without any real debate and without any significant amendments, which means this consultation would be pointless."
- g. On 27 March 2018 (Tuesday):
 - i. At the end of the day's hearing, the Chair made a statement placing on record the fact that the Committee had invited RSF to give oral evidence at the hearings. The Chair stated that the invitation was still open, and welcomed RSF to write in should they change their mind about giving oral evidence.
 - ii. Parliament Secretariat issued a press release setting out the chronology of its correspondence with RSF.

Thum Ping Tjin

1. Dr Thum Ping Tjin made the allegation that the sources of the only falsehoods in Singapore that have had major impact in Singapore were the late Mr Lee Kuan Yew and the Government. Then, he said that deliberate online falsehoods were not a real issue in Singapore and that there was no need to deal with them. Dr Thum also set out his academic credentials in his written representation.

Dr Thum's academic credentials

2. Dr Thum provided several different descriptions of his position:
 - a. In his written representation dated 26 February 2018, Dr Thum described himself as “a Research Fellow in History ... at the University of Oxford (2014-present).”¹
 - b. When Dr Thum first introduced himself to the Committee on 29 March 2018, he said that “I am a Research Fellow in History ... at the University of Oxford.”²
 - c. When questioned, Thum stated that “As of last year I’ve actually switched to anthropology”³, and that he held “a visiting professorship in anthropology.”⁴
 - d. On 13 April 2018, Parliament Secretariat wrote to Dr Thum to clarify his academic positions.

Parliament Secretariat also noted that Dr Thum had subsequently described himself online as “a visiting research fellow in history within the department of anthropology.”

Dr Thum replied as follows: ““Research Fellow in History”, was accurate as of Nov 2016 and has been corrected on the oral record. I was a research fellow at the Oxford Centre for Global History (July 2013 - July 2014, Nov 2014 - Nov 2016). This was a typographical oversight that I corrected in my oral statement.”

Dr Thum also provided certain documents from Oxford University.

Dr Thum also added as follows: “Regarding “visiting professorship in anthropology”, it is not an official title and I was not representing it as an official title. It is a generic noun to communicate to a layperson the nature of my affiliation to Oxford. As I clarified further in my oral evidence, it was not meant to refer to a professorship in the sense of a tenured academic position.”

¹ Thum Ping Tjin, Appendix III: Written Representations, Paper No. 83, page B518.

² Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1016, para 8684.

³ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1017, para 8697.

⁴ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1017, para 8701.

3. Dr Thum's statements were untrue:

- a. Dr Thum never held the position of a Research Fellow in History at Oxford University, contrary to what he wrote in his written representation, and what he told the Select Committee in oral evidence.
- b. Oxford University confirmed that Dr Thum was not, and never was, an employee of Oxford University. He was a Visiting Fellow with the Fertility and Reproduction Studies Group in the School of Anthropology. Prior to that, he was a Visiting Scholar (not a Research Fellow) at the Oxford Centre for Global History, which was another unpaid position.
- c. The documents provided by Dr Thum showed that he had various visiting scholar arrangements with Oxford University. He was given certain privileges in return for him paying a fee to the university.
- d. Those visiting arrangements are different from the picture that Dr Thum sought to paint with his claims to be a "Research Fellow in History" and the holder of a "visiting professorship" – a picture that he held an academic position of some seniority with Oxford University.
- e. Although Dr Thum claimed that there was a "typographical oversight" in his written representation concerning his misrepresentation that he was a Research Fellow in History, he initially had also repeated his claim to be a Research Fellow in History when he appeared before the Select Committee, and changed his position only after further questioning.

Dr Thum's oral evidence

4. It was explained to Dr Thum at the start of the hearing that he would be questioned on his allegations about Operation Coldstore, as he had made a written representation and recommendations premised on those allegations.
5. Dr Thum agreed that a historian is required to be even-handed in his approach to historical evidence, and that he cannot pick and choose without adequate reason.
6. Dr Thum was presented with statements by Chin Peng (the Secretary General of the Communist Party of Malaya ("CPM")), Wong Soon Fong (a member of the Anti-British League ("ABL") and CPM), Eu Chooi Yip (a senior CPM cadre), Zhang Taiyong (a former ABL and CPM member), Zhong Hua (a former Malayan ABL member), Zhou Guang (a member of a CPM cell formed in 1957 to direct CPM activities in Singapore) and other senior CPM cadres which he acknowledged contradicted his position that there was no evidence of communist involvement in the progressive left in Singapore.

7. Of these statements, Dr Thum admitted that he had not read the writings of some (Zhang Taiyong, Zhong Hua and Zhou Guang) and had disregarded the accounts of others (Chin Peng and Zhang Taiyong) which he considered to be unreliable sources. For example, Dr Thum said that Zhang Taiyong's writings had been published by a publisher which has allegedly been "publishing a lot of propaganda by the surviving members of the [CPM] in order to promote their role in Malayan history."⁵ In relation to Chin Peng's writings, Chin Peng had been "cut off from Singapore following the beginning of the Emergency;"⁶ his memories might not be "always accurate",⁷ and he might be working with "limited knowledge".⁸ Also, there were "no citation[s]"⁹ in Chin Peng's writings.
8. Dr Thum was also presented with declassified British documents that he had examined for a paper he had cited in his written representation ("ARI paper"). He admitted that his presentation of these British documents, which were essential documents on which Operation Coldstore was decided upon, were misleading in two ways.
 - a. The first, that he described the Barisan Sosialis to be in unanimous agreement on peaceful constitutional action, without acknowledging that they had also decided to keep open the option of using armed struggle if necessary. This was seen through evidence by way of two Minutes of Meetings held by the Barisan Sosialis on 23rd September 1962 and 30th September 1962.
 - b. The second, that he had stated that Lord Selkirk, the British Commissioner of Singapore, had "chosen" to interpret the Barisan Sosialis' actions as calls to abandon constitutional action, implying that Lord Selkirk had disregarded the Barisan Sosialis' unanimous agreement of following peaceful constitutional struggle.
9. Dr Thum, when presented with these documents, agreed that his description of Lord Selkirk's telegram (11th December 1962) in the paper was misleading and that he could have worded it better. He agreed, contrary to what he had initially suggested, that the British held an honest assessment of the security situation in Singapore on which detentions could be carried out.
10. Dr Thum was also presented with former CPM Secretary-General Chin Peng's statement that Operation Coldstore shattered the CPM's underground network throughout Singapore. He took the view that Chin Peng's statement was untrue, and that the "best evidence" was "Special Branch [documents] rather than Chin Peng who was very, very far away from Singapore at [that] point in time".¹⁰

⁵ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1039, para 8994.

⁶ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1046, para 9077.

⁷ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1051, para 9148.

⁸ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1063, para 9298.

⁹ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1063, para 9298; see also page C1077, para 9473; page C1116, para 9989.

¹⁰ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1121, para 10064.

Dr Thum was also of the view that what Chin Peng said was “from his perspective”¹¹ and was Chin Peng’s own “side of history”¹². According to Dr Thum, special branch interrogations of the detainees of Operation Coldstore found no evidence of any underground network. However, he admitted that he had not in any of his publications explained why Chin Peng’s statement should be disregarded.

Events subsequent to the hearing

11. Subsequent to the hearing, the following developments occurred:

- a. In early April 2018, an open letter addressed to the Chair was circulated online, with signatures from academics from different countries. The letter, amongst other things:
 - i. expressed “deep concern” at the Committee’s questioning of Dr Thum, and its wider implications for freedom of expression and academic freedom in Singapore;
 - ii. stated that the Member who interrogated Dr Thum “had not undergone any [academic] training” and “is not even qualified to undertake a peer review of Dr Thum’s research”, suggesting that only other historians could question Dr Thum;
 - iii. sought a full apology from the Committee to Dr Thum; and
 - iv. asked the Chair to “exercise [his] responsibilities as chairman to ensure in future that the committee sticks to its remit and is not used to intimidate [his] fellow citizens.”
- b. On 16 April 2018, the trustees of Project Southeast Asia released a statement on their website in support of Dr Thum, who was a coordinator and trustee of Project Southeast Asia.
- c. On 17 April 2018, the Chair issued a public statement in response to the open letter addressed to him concerning the Committee’s questioning of Dr Thum (see sub-paragraph (a) above). The Chair refuted the arguments made in the open letter, stating, among other things, that:
 - i. In agreeing to appear before the Committee, Dr Thum must expect to be questioned about the claims he put before the Committee.
 - ii. It was surprising for the open letter to argue that Dr Thum should only have been questioned by other historians, and not a parliamentary committee. Legislators all over the world have had robust exchanges with witnesses, including academics. There was no reason why a special immunity should be claimed for academic historians.

¹¹ Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1122, para 10070.

¹² Thum Ping Tjin, Appendix IV: Minutes of Evidence, page C1123, para 10084.

- iii. In any event, it was inaccurate to describe Dr Thum as an academic historian. Oxford University had confirmed that Dr Thum was not an employee, and was a Visiting Fellow with the Fertility and Reproduction Studies Group in the School of Anthropology. Prior to that, he was a Visiting Scholar (not a Research Fellow) at the Oxford Centre for Global History, which was another unpaid position.
 - iv. The letter's concerns about academic freedom were misplaced. Over 20 local and overseas academics had given oral evidence to the Committee. Some disagreed with Committee members. All were forthright in their views. While some Committee members disagreed with them, the Committee benefited from the learning they brought to bear on the questions before the Committee.
 - v. It was Dr Thum who chose to use the Committee's process to arguably make a political point. He could not then say that his claims should not be questioned, or that he should not be judged on his answers.
- d. On 20 April 2018, the Chair responded directly to the trustees of Project Southeast Asia on 16 April 2018 (see sub-paragraph (b) above). The Chair stated, among other things, that the trustees were wrong to say that the contents of Dr Thum's submission were not the object of the Committee's questioning. Dr Thum had been questioned on matters that he had himself raised. The Chair also enclosed a copy of his public statement of 17 April 2018 (see sub-paragraph (c) above).
- e. On 26 April 2018, Dr Kreager replied the Chair. He stood by the trustees' earlier statement.
- f. On 30 April 2018, the Chair issued a public statement on information that had come to light. Among other things, the Chair -
- i. Observed that the points made by Project Southeast Asia were very similar to those made in the anonymously drafted open letter (see sub-paragraph (a) above). Both made similar misstatements.
 - ii. Disclosed that after Parliament Secretariat had sent the Chair's response of 20 April 2018 to the trustees of Project Southeast Asia (see sub-paragraph (d) above), Parliament Secretariat was copied on an exchange between two of the trustees, Professor Jeff Burley and Dr Philip Kreager, it would appear inadvertently.
 - iii. The exchange revealed that:
 - 1. Dr Thum was most likely involved in the trustees' statement of 16 April 2018 (see sub-paragraph (b) above). Further, Dr Thum had drafted a reply for the trustees to use to respond to the Chair.

2. Dr Kreager was actively campaigning for Dr Thum, by, among other things, seeking signatures to the open letter.
3. Dr Kreager and Dr Thum had apparently been working closely together throughout the process.
- iv. Stated that Dr Kreager and Dr Thum were the only two directors of a company that intended to set up a subsidiary to carry out political activities in Singapore, using foreign funding. Dr Kreager also appeared to be Dr Thum's academic sponsor.
- v. Expressed concern that there had been a coordinated attempt, with foreign actors involved, to influence and subvert Singapore's parliamentary processes.
- g. On 1 May 2018, Dr Kreager issued a public statement in response to the Chair's statement of 30 April 2018 (see sub-paragraph (f) above). He denied that there was any conspiracy on the part of Project Southeast Asia to subvert Singapore's parliamentary processes.
12. The Committee finds that both the open letter (see paragraph 11(a) above) and statement by the trustees of Project Southeast Asia (see paragraph 11(b) above), which cast aspersions on the Committee's process, were based on wrong facts and premises. The Committee notes that both documents had been circulated internationally and the latter document, at the very least, had arisen from active lobbying by Dr Thum's business partner and fellow activist, Dr Philip Kreager. Dr Thum himself had also been closely involved in the process.

Dr Thum's additional written representation

13. During the hearing, Dr Thum had agreed to come back to the Committee after the hearing with the following documents:
 - a. the Special Branch records he relied on to claim that no communist party cadres had been involved in the Hock Lee bus workers' strikes; and
 - b. the publication where he had indirectly critiqued the statement by Chin Peng that the 1959 PAP election victory was the result of the CPM directing the trade unions and the so-called progressive left, to show how it did not contradict Dr Thum's position that there had been no communist influence in the progressive left.
14. On 4 May 2018, Dr Thum submitted an additional written representation to the Committee.

15. In the additional written representation:

- a. Dr Thum claimed that he had made concessions about the accuracy of his published statements only because he had been limited by the Committee to relying on a single document, when a second document was relevant. This is untrue. Both documents, which were the two Minutes of Meetings held by the Barisan Sosialis on 23rd September 1962 and 30th September 1962, were dealt with during the hearing, with key paragraphs read out. Dr Thum was given the opportunity to refer to the second document, and was invited to explain how the second document supported his position. (His additional written representation still does not explain this.) With reference to **both** documents, Dr Thum conceded that his description of Lord Selkirk's telegram (11th December 1962) in the paper was misleading and that he could have worded it better.
- b. Of the two documents Dr Thum said he would provide the Committee with (see paragraph 13(b) above), Dr Thum submitted only the Special Branch documents concerning the Hock Lee strikes. The statements of Chin Peng would have contradicted Dr Thum's analysis of these Special Branch documents. Notably, Dr Thum has not submitted the publication where he claimed to have indirectly interrogated these statements by Chin Peng.