

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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SINGAPORE: DROP POLICE REPORT AGAINST INDEPENDENT MEDIA OUTLET NEW NARATIF – UPDATED JOINT STATEMENT

UPDATE (March 5, 2021): The Singapore police have summoned PJ Thum, New Naratif’s Founder and Managing Director, for another round of questioning on March 5, 2021. According to Thum, the police have declined to return his laptop and phone, which were seized on September 18, 2020, until the conclusion of the ongoing investigation.

Amnesty International, Article 19, ASEAN Parliamentarians for Human Rights, CIVICUS, Forum Asia, Human Rights Watch, and Scholars at Risk reiterate their joint call for the Singapore government to drop the investigation of New Naratif and repeal or substantially amend all laws that curtail the rights to freedom of expression, association and peaceful assembly to bring them into line with international standards.

(October 2, 2020) We, the undersigned civil society organizations, urge the government of Singapore to order the Elections Department (ELD) to immediately withdraw its police report against New Naratif, and to cease abusing the law to harass critical voices and independent journalists.

On 18 September 2020, Singapore’s Elections Department released a press statement in which it stated that it had filed a police report against the independent online media outlet New Naratif for “illegal conduct of election activity” for alleged publication of five paid advertisements on the social media platform Facebook, without the written authorization of a candidate or his election agent during the General Election of July 2020.

On 18 September, PJ Thum, New Naratif’s Founder and Managing Director, was notified that he would need to report to the police for questioning, and on 21 September he reported to Clementi Police Station, where he was subjected to questioning for four and a half hours. The police also accompanied him to his home and seized his laptop.

While the Elections Department’s statement does not specify which Facebook posts were allegedly illegally advertised, on 3 July it issued a statement in which it directed Facebook to “remove unauthorised paid Internet Election Advertising.” Following the statement, New Naratif received pro-forma emails from Facebook stating that the following posts did not comply with their advertising policy:

- a satirical video advertising a perfume called “Discretion” to denounce the abuse of broadly-worded laws by Singapore’s Prime Minister;
- a post compiling articles critical of the ruling People’s Action Party;
- a post compiling articles about the lack of transparency and accountability in Singapore’s government;

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- a video explaining how the use of the Protection from Online Falsehoods and Manipulation Act (POFMA) can “have devastating consequences” in times of elections; and
- a post compiling articles about racial discrimination in Singapore.

The posts remain online but according to New Naratif they did not re-boost them.

Under Section 83(2) of Singapore’s Parliamentary Elections Act (PEA), the conduct of any election activity requires prior written authority signed by a candidate or his election agent. Section 83(8) stipulates that “election activity” includes any activity “which is done for the purpose of promoting or procuring the electoral success at any election for one or more identifiable political parties, candidates or groups of candidates; or prejudicing the electoral prospects of other political parties, candidates or groups of candidates at the election.” Any person convicted of such offence may be liable to a fine of up to \$2,000 and/or imprisonment for up to 12 months.

Under this provision the scope of what can amount to election activity is extremely broad. Virtually any act of information dissemination or awareness-raising relating to key issues of public interest conducted in the lead-up to or during an election can fall under the overbroad scope of “promoting electoral success” or “prejudicing electoral prospects,” and must therefore receive prior written authorization. The provision is so vague that it does not allow for individuals to be able to adequately predict what activity could fall foul of the law, while allowing the Elections Department to control, censor and potentially criminalize any political speech and discussion during the election period.

According to international human rights law, all restrictions on freedom of expression should be provided for by clear, detailed and well-defined laws; be imposed to serve a legitimate aim, namely to protect the rights and reputation of others, national security, public order, public health or public morals; and restrictions must be both necessary and proportionate to achieve the defined legitimate aim. The PEA does not meet these requirements.

The right to freedom of expression is crucial during elections, which should be guaranteed including through free media, freedom to discuss and debate public affairs, the right to hold peaceful assemblies and freedom of association, and to promulgate, receive and engage in a plurality of political ideas and viewpoints through free, balanced and fair election campaigning and advertising.

Particularly within the context of Singapore, where the election campaign period often lasts only for days or a couple of weeks this provision allows for censoring of independent media outlets crucial to facilitate information and dialogue on key issues of public interest within a narrow period during which it is most pertinent to people in Singapore prior to the casting of their votes.

Furthermore, the law is particularly problematic as the Elections Department is not an independent body but is part of the Prime Minister’s Office. This allows for discriminate advantage to be given by the ELD, which answers to the Prime Minister, to information,

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expression and opinions expressed in line with or favourable to the ruling party, rather than politically opposing viewpoints.

Our organizations are further concerned that the latest police report and police summons received by New Naratif follow a well-documented pattern of Singaporean authorities using vague and broadly-worded laws to unduly restrict the right to freedom of expression, and harass human rights defenders, independent journalists, members of the political opposition and ordinary individuals with a view towards deterring critical dissent of the government.

We therefore call on the Singapore authorities to:

- Order the Elections Department to withdraw the police report against New Naratif;
- Repeal or substantially amend all repressive laws that curtail the rights to freedom of expression, association and peaceful assembly, and put in place adequate legal mechanisms and procedures to ensure that these rights are enjoyed by all without discrimination and not subject to unlawful restrictions; and
- End the intimidation and harassment of human rights defenders, including through the abuse of the legal system, and ensure they can pursue their human rights work without fear of reprisals in accordance with international human rights law.

Signatories:

Amnesty International

Article 19

ASEAN Parliamentarians for Human Rights

CIVICUS

Forum Asia

Human Rights Watch

Scholars at Risk