

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No. 569 of 2014

Between

LEE HSIEN LOONG

...Plaintiff

And

ROY NGERNG YI LING

...Defendant

DEFENDANT'S CLOSING STATEMENT

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Dated this 31st day of August 2015

DEFENDANT'S CLOSING STATEMENT

A. Introduction

1. I am Roy. I am 34 this year. Little did I imagine that one day, I would be sued by the prime minister of Singapore. Throughout my whole life, I have tried my very best to live an honest life and to be true to myself and what I believe in.
2. When I was in primary school, I would reach out to my Malay and Indian classmates to make friends with them because I did not want them to feel any different. This continued when I went to secondary school and during my work life. Some of my closest friends have been Singaporeans from the different races. From young, I understand how it feels to be different and I did not want others to feel any differently about who they are.
3. But it is not an easy path in life, for life is about learning and growing as a person, and sometimes life throws challenges at you, and you have to learn to overcome it to become a stronger person. Sometimes you make it, sometimes you don't. But there is always another chance, for life does not forsake you. Only you forsake yourself.
4. In primary school, I was one of the top students in class, and sometimes in school. This continued when I was in secondary school and junior college. I was also on the Dean's List for one semester in university. But I came from neighbourhood schools, first in Ang Mo Kio Primary School and Hong Dao Primary School, and later in Mayflower Secondary School and Serangoon Junior College. I also come from a humble background. When I was born, we lived in a rented one-room flat in Ang Mo Kio with my grandparents. We later moved to a rented two-room flat in another part of Ang Mo

Kio. My family was poor so that was what we could afford at that point. Growing up in a poor family meant that we had to learn to spend and save wisely. My parents would only bring us to watch movies or to eat at fast food restaurants on very special occasions, and that was if we did. I did not hang out with my friends at McDonald's until quite late into my teenage years and even then, I would just buy an ice-cream cone to eat it, while eating my lunch at the school canteen before meeting up with my friends, so that I could save.

5. So I understand what it feels like to be from a different background and to be discriminated. When I was in secondary school, that was when the name-calling started. Almost immediately after I started school, my schoolmates started calling me, "Ah Gua", a derogatory term for a homosexual. How does a Secondary One student deal with such shame and embarrassment at my age? It was not easy. Once I had to go on stage to receive an award but as I walked on stage, the whole school started booing at me. It did not stop, even as I received the award, shook hands with my teacher, and walked down the stage. It did not stop even as I was leaving the stage. I had to compose myself as I walked past the school hall and the students, before I took off to find solace. This happened many times in my secondary school life. But wanting to be honest with yourself and happy with yourself helps you to stay sane. And it helps that I had schoolmates who knew what I am like as a person and who stood by me, and perhaps took pity in me. Eventually, by the fourth year in secondary school, my other schoolmates began to understand what I am like as a person. The name calling began to get lesser and the people who used to call me names also started to make friends with me. I was touched and happy that after so many years of enduring the name-calling that things were starting to get better, and I was grateful.

6. You see, I understand how it feels to be distressed and embarrassed. And thus I would never want to wish it on anyone. I would not want the Plaintiff Mr Lee Hsien Loong to go through it as well. As such, I do sincerely apologise for the distress and embarrassment that he felt. My many years of being discriminated showed me the pain and anguish of how it feels and I cannot possibly want for someone else to have to go through it. No person should have to go through what I did.
7. For I believe in the saying, do not do unto others what you do not want others to do unto you. And this is something I live by as well.

B. It was never my intention to defame the prime minister nor did I ever wanted to do so, because I wouldn't be able to bring myself to

8. Later on in life, when I meet with other gay people who had to go through similar bullying, I would share with them my experiences, to let them know to be strong and to learn to accept themselves, and to believe in themselves, so that they would be able to overcome these episodes and grow as people. But even then, it still wasn't easy for me. The many years of discrimination in school caused me to look down on myself, and to develop low self esteem. For many years during my late teens and until my late twenties, I did not believe in myself as a person. I could not have a proper relationship, as I thought so badly of myself that I did not believe that I deserve each relationship that I could have otherwise entered into. It was only after more than 10 years of struggling with myself that I decided that enough was enough. I had to either choose to learn to be happy or I could go on wallowing in self-pity. I chose to be happy. But it wasn't easy. How do you tell yourself that you can believe in yourself and that you are good enough after so many years of believing otherwise? But after reading more than a few hundred self-help books, I managed to pull through.

9. But life wasn't all difficult. By the time I turned 20, mom had worked very hard in many different odd jobs and part-time jobs, and dad as a hawker, to finally save enough to be able to buy a 4-room flat. Dad has been working tirelessly as a carrot cake seller for more than the past 20 years. Fortunately, my parents bought the flat just at the turn of the century where prices were still low, after the crash in 1998. When I was serving in national service, I was also a "garang" soldier. I held the belief that if we could work together to get things done quickly, we could be more efficient and get to rest earlier. It helped that when other soldiers saw how I worked hard to help everyone that even as they would know that I am gay, it didn't matter. There was a respect that they had towards me, and that we had towards one another.
10. Indeed, my whole life, I have aspired to live as honestly as I can, and to live my life with integrity. I needed to answer to myself as a person. I needed to know that what I do is out of the goodness of what I believe in, and of righteousness. My parents named me, 义林. "义" means "justice". This belief in justice, in right and wrong, and in being true and genuine has been what has always guided me in life. As such, in the jobs I take, it has always been guided by this belief that I want to help, and to make our society a better place. When I was in university, I volunteered with children with autism and attention deficit hyperactivity disorder. I also volunteered with mentally-ill patients at the Institute of Mental Health. Later on, I worked as a therapist to teach children with autism. I would develop new playthings so that I could make it more interesting for the children. One parent appreciated what I did so much that she said that if she were to head a school for children with autism, she would hire me as a teacher. It was also because I wanted to contribute back to society that I went on to work at the Health Promotion Board and Tan Tock Seng Hospital, to develop educational and awareness

programmes on HIV. My own experiences have taught me how people who take risks do so because they are discriminated against and therefore become dejected, leading them to also take risks. I wanted to develop programmes to allow people to become stronger, and to learn to protect themselves.

11. Even when I was young, it was this sense of duty and responsibility that made me chairpersons in my class, a prefect in primary school and later on a student councillor in secondary school. I was also the class representative in junior college, as well as for the different subjects in class. My commitment to the things I do led me to win the Best Employee Award at the Health Promotion Board and the Best Soldier Award during reservist. In my life, I have always strived to work towards the betterment of our society and to do what I can, in my capacity, to make things better. This is what I believe in. This was also why I started my blogs, The Heart Truths, and My Right to Love. In everything that guides me, it is always to do good. It is always to think about how we can have a better society. It is about how people can live happier lives and be more connected to themselves.

12. I do not believe in hurting people for the sake of it. I do not believe in maligning people. I do not believe in making personal judgments against other people. It is not in my character and personality to do so. As such, I would never want to defame the prime minister because in the first place, I would never be able to bring myself to do such a thing which is against my integrity and conscience to do, I simply cannot. For as I have said, I believe in the saying, do not to unto others what you do not want others to do unto you. I cannot want to cause any harm to Mr Lee if harm is not what I believe should be done upon me, or onto anyone else. I simply cannot.

C. I speak up and write because I wanted Singaporeans to be protected

13. When I started my blog, The Heart Truths, three years ago, it was because I had reached a certain level of awareness and happiness with my life that I thought to myself that others should also have a chance at happiness as well. My job at that time brought me to Australia, Austria, and the Netherlands for meetings and conferences. I saw for myself how people in these countries were relaxed and how they were not only committed in their work but also had time for themselves to develop their own lives. I saw a people who were socially conscious and who would take care of one another in society. Then I started to question, why it is that Singapore has become one of the richest countries in the world, by GDP per capita, but yet our people are stressed, unhappy and our society has become less trusting.
14. I decided to start writing about what I observed in our Singaporean society, so that we can advocate for better policies to improve our lives, and so that people can become happier. To me, coming into this life is about learning about what life is about, to go through experiences that help us learn to become better people, and to develop ourselves spiritually to reach our fullest potential as beings. At the end of the day, life is not about struggling to grow the economy. Life is about fulfilling our inner needs, to become connected to the truth within and to have the clarity to uplift our people and our society. This is life. As much as it is a cliché, when we die, we are not going to take with us the money that we have made. What we will bring with us are the lessons we have learnt and the soul that we have become.
15. And so, I started writing about wages, jobs, healthcare, education, housing, transport, retirement and social protection - these which I believe are areas a government has a responsibility to provide for its citizens. I wanted to advocate to the government to create better policies to protect the lives of Singaporeans. I believe that at the current

cost of living in Singapore, the government should implement a minimum wage to at least S\$1,500 or even S\$2,000, coupled with increased health subsidies to about 70% of total healthcare expenditure (which is the average that the governments of other developed countries would spend), provide free education from childcare to university for all Singaporeans (especially so since the government would give an estimated S\$400 million every year for foreign students to study in Singapore), to reduce flat prices by removing the land cost component which is estimated to take up 60% of flat prices, to provide unemployment benefits for Singaporeans who have lost their jobs and to return the interest earned on Singaporeans' Central Provident Fund (CPF) so that they would be able to earn enough inside their CPF to be able to retire on. For me, these are basic things that the government has a responsibility to do.

16. But when the government run by the People's Action Party (PAP) refused to do so, I was initially perplexed. Why wouldn't the government implement policies to protect Singaporeans? The PAP government refused to define a poverty line and implement a minimum wage to that level. The PAP government refused to substantially increase its healthcare expenditure while more and more Singaporeans have been reported to have to choose to die instead of seek medical help. The PAP government insists on giving hundreds and millions of dollars to foreign students while causing many Singaporeans to go into debt paying for one of the most expensive, if not the most expensive university tuition fees in the world, for citizens. The PAP government would make Singaporeans pay for the most expensive public housing in the world, one of the most expensive travel concessions and would give Singaporeans one of the lowest, if not the lowest interest rates on our retirement funds in the world. I was in disbelief at what the PAP government insists on doing, in spite of the feedback that Singaporeans, academics

and economists have given. Why would the PAP government not take care of Singaporeans?

17. At the same time, the PAP government would fight to pay themselves the highest salaries in the world. Meanwhile, the rich in Singapore were earning the highest salaries among the developed countries and paying the lowest tax and CPF. The PAP government has increased their own salaries and reduced the tax that they have to pay, while making Singaporeans earn one of the lowest wages among the richest countries and pay the highest social contribution into our CPF for retirement in the world, causing Singaporeans to have the lowest purchasing power among the developed countries. All these shocked me. Why does the PAP government not want to take care of Singaporeans?

18. As I researched more, I began to understand why. The PAP government has since the 1980s started creating policies to turn against Singaporeans. In 1982, the PAP changed its party constitution to remove the aim of "abolishing wealth inequalities" and replaced it with the want for Singaporeans to be self-reliant. In 1984, the PAP government created the Medisave. By 2013, Singaporeans had contributed more than S\$65 billion into the Medisave but Singaporeans were only allowed to withdraw S\$799 million from Medisave for Direct Medical Expenses. This meant that Singaporeans were only allowed to use 1.2% of the total Medisave balance while more than 98% went into surplus. In 1987, the PAP government created the CPF Minimum Sum. Today, Singaporeans would need to have a minimum of S\$161,000 inside their CPF which otherwise they would not be able to withdraw any excess CPF monies at the age of 55. However, where the wages of Singaporeans have been depressed for the past 10 to 20 years and where the CPF interest rates have been depressed to 2.5% to 4% since 1999,

while the CPF Minimum Sum have in some years grown by more than 10%, certainly more and more Singaporeans would therefore not be able to meet the CPF Minimum Sum and not be able to retire. In 1990, the PAP government created the MediShield. However, from 2001 to 2010, a surplus of S\$850 million had been accumulated inside the MediShield but in 2011, Singaporeans were allowed to only make S\$282 million in claims from MediShield. This meant that Singaporeans were only able to use less than a quarter of the MediShield balance, while more than 75% becomes surplus that the PAP government gets to keep. However, Singaporeans do not know where all the surpluses that we have paid have gone to.

19. Where the Organisation for Economic Co-operation and Development (OECD) had at the time of writing the Article that I was sued for, showed that Singaporeans have the least adequate retirement funds among the OECD and Asia-Pacific countries and where even the main spreadsheet in Singapore, The Straits Times, had reported that Singaporeans have to choose to die because they cannot afford healthcare, this then questions the PAP government's accumulation of such high surpluses whilst not returning the money back to Singaporeans. Where I had traced at that time that the PAP government has taken Singaporeans' CPF to invest in the GIC and Temasek Holdings and where the Sovereign Wealth Fund Institute had ranked GIC and Temasek Holdings as the 8th and 10th richest sovereign wealth funds in the world, then this also questions the PAP government's method of withholding the interest earned on Singaporeans' CPF, to give to GIC and Temasek Holdings to earn such high profits with, while Singaporeans have to settle with the least adequate retirement funds among the OECD and Asia-Pacific countries. For me, this doesn't make sense. Why is the PAP government taking the CPF monies to earn such high profits in the GIC and Temasek Holdings but causing Singaporeans not to have adequate to retire on, and why does the

PAP government take the Medisave and MediShield monies of Singaporeans to accumulate such high surpluses while allowing Singaporeans to use so little, so much so that Singaporeans have to choose to die instead of go for healthcare, and suffer. My only logical conclusion is that the PAP government does not want to take care of Singaporeans and that it only wants to make money off Singaporeans. If so, the PAP government is no longer a government that is in the interests of Singaporeans and it would be pertinent for Singaporeans to vote the PAP out, and to vote in a new government which will implement policies to protect Singaporeans.

20. When I first started writing on my blog, I had believed in the PAP government. At that time, I thought that the PAP government did not have its ear to the ground, so I thought that by writing and providing my viewpoints, it would add to the chorus of voices which were trying to help the government understand what was happening on the ground, and how the government would then be able to create better policies to protect Singaporeans. After two year of writing and researching, and understanding how the PAP government's policies work and their intentions behind the policies, I felt that I could no longer stand by and watch while the PAP government continues to create policies to hurt Singaporeans. This is not right. The PAP should not be allowed to hijack government for its own purposes of making money and thereby hurting the very lives of Singaporeans. We cannot let this happen. We have to protect Singaporeans. For if Singaporeans are not taken care of, and if Singaporeans no longer feel proud of Singapore and give back to the country, how will Singapore be able to survive into the future? The PAP can choose to operate Singapore like a business and turn Singapore into its own company. But Singapore is an island. Singapore is a country. If Singapore can no longer generate profits on this island, you cannot uproot the island and move it to another city to make even more money. If Singapore fails, Singapore fails on this

island, and every inhabitant with it. What then will be of our country? What then will be our people?

21. And this is why I write on my blog. We cannot stand by and watch while we know what is happening to this country and how this country will go down, if it continues under the PAP. It is not just the lives of Singaporeans who are hurting now, it is also the future of our country, where the inequality that the PAP has entrenched in Singapore will only create further social problems down the road and corrupt the lives of Singaporeans' lives further. We have to guard against such demise. We have to protect Singaporeans. And this is why I write. It is not because of courage. It is not because of stupidity. It is because I believe that for the lives of Singaporeans to be protected and for our country's future to be safeguarded, we need to stand and fight. It is not a choice. If we so believe in our lives and in our country's future, so that our children will still have a home to live in, we have to fight. It is not a choice. We have to protect our homes.

22. For the Article that I was sued for, it is with this very same idea that I wrote it. In fact, in all my articles, they are also written in this belief that we need to protect ourselves, our home and our future, and therefore, we have to fight against the PAP, to vote it out of government and to vote in a new government to protect our country. We have to. It is nothing personal against the PAP but we need to vote for a government that wants to protect Singapore and Singaporeans.

D. I will not want to cause distress and embarrassment to Mr Lee because I know how it feels and would never want to wish it on another person

23. Mr Lee's lawyer, Mr Davinder Singh, might want to claim that I wrote the article because I wanted to “disparage (Mr Lee) and impugn his character, credit and

integrity”, and to “attack” him. I cannot imagine why I would want to do that. As I have said, I cannot want to cause any hurt to Mr Lee. It is not in my character and personality, nor is it in my integrity and conscience to want to do that to Mr Lee. Before I met Mr Lee in court, I have never met him before. In court was the first time that I met Mr Lee. From what I have heard from people who have met or spoken to him, and people who said they know him, as well as what I have read from his speeches and interviews or watched from the videos of him, I had believed that Mr Lee is someone who is compassionate and someone who is gentle and understanding. As such, my personal knowledge of Mr Lee from third party sources had given me a man whom I would have a certain respect for. That his background is very different from mine - mine being from a poorer background - would mean that he would face different challenges in life from me, but challenges nonetheless. I cannot imagine the difficulties that Mr Lee must go through as a person, where just as I had faced discrimination, so would I imagine he would in his position. And I do think that this would be similarly difficult for him to go through. As I have said, I believe that all of us come into this life to learn, and to go through challenges in life to grow and become better people. And I believe this to be so, whether we are rich or poor. Just as Mr Lee would not be able to understand the struggles that I have to go through, so will I not be able to understand his. It is my belief that it is a heavy responsibility for him to grow up as the man who is son of the prime minister of Singapore, and later on to become the prime minister himself. How do you manage the stress and pressure of growing up and being as such? It cannot be easy and I do not want to judge Mr Lee for what he has to go through. My personal thoughts towards Mr Lee is as much as this. I do not have other information which would inform me of otherwise. As such, I would not make comments about him, let alone write a blog post, which would critique him on a personal level, or which would make unfavourable

remarks against him. I do not have the intention to defame Mr Lee. Rather, I empathise with Mr Lee.

24. Even if I did not have any understanding of Mr Lee, I wouldn't have the intention to defame him as well, because my character and personality simply will not allow me to do so. Why would I want to criticise another person? This makes me small and petty. Where I had to live with judgement and discrimination, and still do, this alone would allow me to understand the feeling of hurt from being on the other side, and would not allow me to pass on this hurt to another person. To do so would be meaningless because one day, the hurt will only come back to me. Where we keep being angry and hurtful over things and pass it on, such will only keep going round and round. When will this ever end? When will our suffering be ever put to a stop? Suffering can only stop when we ourselves decide to put an end to it, and thereby stopping us from carrying it any further. The more of us who do it, the more the suffering will cease to exist.

25. Where I was called names and discriminated, and where I faced many failed would-be relationships (they only went as far as being dates), I had to learn to understand why people would call me names and why they would discriminate against me. I had to understand why people would choose not to be in a relationship with me. Sometimes, it was because my own insecurities was too much for them to take. Sometimes, it was because of their own insecurities and thereby they judge me, as a form of self-protection. Sometimes it was because of their own past experiences which they haven't moved on from and sometimes, it was mine. And sometimes we just do not relate as people with each other, and this is nothing personal. I have thus learnt to understand that at different stages of our lives, we might not know best and might therefore hurt another. But who am I to judge the other person whom I think has hurt me, when I have

myself at different points in my life in the past would have also done the same as him to another? And if I understand that I might have been insecure and thus might have caused hurt to another back then, then surely, I can understand that others might similarly be insecure and therefore can cause hurt to me as well. If so, then surely it is in my position to forgive and not to get angry with another? What we can only do is to be responsible for our own feelings and emotions. People need time to learn to surpass their insecurities, but I on my own can learn not to be affected. Similarly, if I am to understand how it feels to hurt someone and be hurt in return, and I have learnt that it would be meaningless to keep passing on this hurt as it would only return to me one day, I would not want this hurt to be caused to another. I would not want to defame the Mr Lee, first because I do not know him personally, and even if I do, I as a person would not want to hurt him. It is not right as a human person to hurt another human being, and not just that, but other living beings as well.

26. In fact, when I was young, when I would squat on the toilet bowl to pass a motion and when I see ants struggling in the water or trying to climb out of the toilet bowl, I would put my finger to scoop up the ant (even if there were faeces inside the water), or to let it climb on my finger, then place it on the wall, so that it would be able to live. And I would do that for each ant I see stuck inside the toilet bowl. For the life of even one ant is as precious as ours. I would still do so till this day, but fortunately, the toilet at home no longer has as many ants but if I do occasionally see them on the toilet floor before I shower, I would still do the same. But this is the person that I am. I would not even kill an ant. And I would not want to hurt the prime minister, or cause any distress or embarrassment to him. It is not in my nature to do that.

E. I omitted information from the Channel NewsAsia article because I did not believe that Mr Lee had misappropriated the CPF monies of Singaporeans

27. For the Article that I was sued for, it was written in the same strand. There is no intention whatsoever to want to defame the prime minister. In fact, it did not even cross my mind to think that he had misappropriated the CPF monies of Singaporeans. This was not something I thought about because my criticism has always been directed at the government and its management of our CPF monies. At no point in time was it directed at the prime minister. Ironically, it was the prime minister who said that I had said that he had misappropriated the CPF monies. But when this did not even cross my mind when I was writing the Article, how then can I even make an accusation that I was not even thinking about? I cannot possibly say something that was not even in my mind.

28. In fact, as I had pointed out in court, in the chart that I created, I had made a conscious effort to remove some words from the chart that the Channel NewsAsia created, precisely because I did not believe that the prime minister or the other individuals inside the chart had misappropriated Singaporeans' CPF monies. To be precise, I had omitted the words, "accused of channelling", from the black box below the box with Kong Hee's face from the Channel NewsAsia chart and, "accused of misappropriating ... to cover up" in the green box at the bottom. The reason why I removed these phrases was because I did not believe that the prime minister, the deputy prime minister or the prime minister's wife and CEO of Temasek Holdings had misappropriated the CPF monies of Singaporeans. As I have repeatedly affirmed, my criticism has consistently been directly at the government and I believe that it is the government that should be transparent and accountable to Singaporeans on the management of Singaporeans' CPF

monies. At no point in time was it directly at any individuals, and certainly not at Mr Lee.

F. I had taken care to publish factual information

29. Mr Singh suggested in his Opening Statement that I “knew or intended that his defamatory statements (in the Article) would be repeated and re-published”. But as I have shown in court that for the Offending Words and Images, the first three paragraphs, and the first two paragraphs after the second chart are factual statements that I had extracted from the Channel NewsAsia article. This was what Mr Lee admitted to as well. As such, these statements were not defamatory and were factual information.

30. Mr Lee also admitted that the following information in the third paragraph after the second chart was also factual information: "Meanwhile, the GIC claims that the “GIC manages the Government’s reserves, but as to how the funds from CPF monies flow into reserves which could then be managed by either MAS, GIC or Temasek, this is not made explicit to us.” The GIC also claims that, “The Government, which is represented by the Ministry of Finance in its dealings with GIC, neither directs nor interferes in the company’s investment decisions. It holds the board accountable for the overall portfolio performance.” However, the PAP prime minister, the two deputy prime ministers and the ministers for Trade and Industry and Education also sit on the board of directors. Lee Hsien Loong is the Chairman and Lee Kuan Yew is the Senior Advisor."

31. The first chart was also a chart taken from the Channel NewsAsia article.

32. The second chart that I created also contained factual information. Mr Lee is the prime minister of Singapore and the secretary-general of the PAP. He has final oversight of the CPF Board and there was S\$253 billion inside the CPF at the time of writing, this

to which Mr Lee agreed as well. Mr Lee had clarified that the CPF is not invested in the Singapore Government Securities (SGS) but the Special Singapore Government Securities (SSGS). At the time of writing, I was able to trace how the SSGS was invested in the reserves and managed by the Monetary Authority of Singapore (MAS), Temasek Holdings and GIC. The chairman of MAS is deputy prime minister Tharman Shanmugaratnam and the CEO of Temasek Holdings is Ms Ho Ching. MAS was known to have S\$343 billion in assets at the time of writing and Temasek Holdings was managing S\$215 billion. Whilst the assets managed by the GIC is not publicly known, the Sovereign Wealth Fund Institute had estimated that the GIC would have been managing S\$400 billion worth of assets. The Sovereign Wealth Fund Institute has come out with the Linaburg-Maduell Transparency Index which the Singapore government has referred to before, so its credibility is assured. The government has also said that, "the Government is the sole equity shareholder of Temasek Holdings (Temasek). Temasek owns the assets on its balance sheet." DBS, SMRT, Singtel, CapitaLand and Mediacorp are Singapore companies owned by the Temasek Holdings, and thereby the government and the prime minister has final oversight over them. This was the information contained in the second chart.

33. Therefore the only statement in the Offending Words and Images which I had included as an opinion is the sentence, "Meanwhile, something bears an uncanny resemblance to how the money is being misappropriated." As I had explained in court, the word, "misappropriated", was used in reference to the context in which the Channel NewsAsia article had used it, to the City Harvest Church case. It was not used in reference to the government's management of the CPF monies, and definitely not in reference to Mr Lee, at all. To also note, to the effect that the Article has been judged as defamatory, I have accepted the judgment and I am sincerely apologetic to Mr Lee. Mr Singh tried to

allude to the use of the word, "misappropriated", in this sentence as suggesting that I was referring to the government, and he tried to argue that it was referring to Mr Lee as well. This is incorrect and misleading. First, as I had pointed out above, I had made a conscious effort to remove the words, "accused of channelling" and "accused of misappropriating ... to cover up" from the Channel NewsAsia's chart, in the chart I drew, because it did not cross my mind that Mr Lee and the two other individuals included in the chart had misappropriated the CPF monies of Singaporeans. Second, it is also disingenuous and misleading for Mr Singh to allude that the use of "misappropriated" refers to the government and therefore, he tried to argue, to Mr Lee, because even so, the reference to the government is not a reference to Mr Lee. It has to be made clear that the prime minister is not the government and the government is not the prime minister. Even as the prime minister is the head of government, if there is any wrongdoing in the government, there are proper procedures and protocols to follow to investigate on any wrongdoing. It is inappropriate for Mr Singh to conflate the prime minister with the government, and with the defamation suit, especially when the suit is a personal one. It is certainly unethical for Mr Singh to conflate my criticism of the government with that of Mr Lee, in an attempt to pin me down as having said that the prime minister has misappropriated the CPF monies, especially when I have said that there is never any intention on my part to say that the prime minister has misappropriated the CPF monies, because this idea did not even cross my mind. It is disingenuous for Mr Singh to try to prove a point that does not exist, and insidious.

34. Mr Singh attempted to go on the line of questioning to suggest that the placement of Mr Lee's photo in the centre of the chart I drew, as was Kong Hee's image positioned in the Channel NewsAsia's chart is meant to suggest that I was comparing Mr Lee with Kong Hee. Mr Singh went on to suggest that I had placed Ho Ching's image in the

position where Serina Wee is in the Channel NewsAsia's chart, to compare the two of them. However, realising the folly of his line of questioning, Mr Singh stopped at that. Is Mr Singh then suggesting that by placing Mr Lee also in the position where Sharon Tan is, this means that Mr Lee should also be compared to Sharon Tan? Would Mr Singh then be suggesting that Kong Hee and Sharon Tan are the same people? Moreover, should the CPF Board, an entity, be compared to John Lam, a person? And should the SGS, a government bond, be compared with Chew Eng Han? Does this mean that the CPF Board and SGS, as entities, could actually have misappropriated the CPF monies of Singaporeans? Obviously this cannot be and it would be preposterous to suggest so. Perhaps Mr Singh stopped this line of questioning because he realised how silly it would have looked on him to suggest that a government company and a government bond - non-people - would be able to misappropriate, this seems to be his line of argument. Clearly, Mr Singh's inability to argue for a relation between the two charts only go to show that the chart I drew was not meant to suggest any misappropriation on Mr Lee's part.

35. Also, as I explained in court, I did not understand the legal definition of the term, "misappropriate", and thus did not realise the gravity of the usage of the word. On the same note that it shows my lack of knowledge on the legal terminology, it is also a reflection that I have never intended to say that the prime minister has misappropriated the CPF funds. And as I have maintained, the criticism has always been on how the "government" has not been transparent and accountable on its management of the CPF monies of Singaporeans. It has never and was never meant to be a critique about the prime minister.

36. In fact, the prime minister has also admitted in court that I have never used the phrase, "criminally misappropriate". This is a clear indication that I have never intended to say that the prime minister has "criminally misappropriate" the CPF monies of Singaporeans, and thus never had the intention to defame him, at all. Mr Singh said in the letter of demand that, "The Article means and is understood that (Mr Lee) ... is guilty of criminal misappropriation of the monies paid by Singaporeans to the CPF." As I have said, I accept the judgment that the Article is defamatory and I sincerely and truly apologise for it. But I have to make clear that it was never my intention to say that Mr Lee had "misappropriated" the CPF monies and I have in fact never said this in those words, let alone say that Mr Lee had "criminally misappropriated" the CPF monies.

37. Thus I have taken my effort best to include only factual statements in my article, and especially in particular, for the Offending Words and Images. The statements and chart extracted from the Channel NewsAsia article are factual statements, which Mr Lee admitted as well. Mr Lee also admitted that the last paragraph pertaining to the GIC and the GIC board of directors is also factual information. I have illustrated how the information in the chart I drew is based on factual information. There is only one statement of opinion, "Meanwhile, something bears an uncanny resemblance to how the money is being misappropriated," which as I explained, the word, "misappropriated", was used in reference to the context that the Channel NewsAsia article has used, which is in reference to the City Harvest Church case, and not to the government, and definitely not, to Mr Lee. As such, when Mr Singh suggested that I "knew or intended that his defamatory statements would be repeated and re-published", this is absolutely not true and misleading. In fact, as has been shown, I have taken every care to ensure that the statements that I had published were factual and not defamatory,

and therefore I cannot possibly know or have any intentions whatsoever to repeat or republish any defamatory statements.

38. In addition, the chart is intended to be a factual representation of the government's use and management of the CPF monies of Singaporeans and is not meant to suggest otherwise. It is not intended to suggest any misappropriation, and it was definitely not intended to suggest any misappropriation by Mr Lee. Mr Singh tried to connect my questioning of the government's use of the CPF monies as being one of that of the prime minister, but he was unsuccessful in doing so, because there is simply no intention whatsoever on my part to say, or even suggest that the prime minister had misappropriated the CPF monies. In fact, this thought did not even cross my mind, so there was no way I would be able to put it down in writing.

G. The two articles that I had written in 2012 and 2013 are not aggravating

39. I was also asked to take down two articles that I had written in 2012 and 2013. According to Mr Singh, these articles are aggravating. But Mr Singh's cross-examination of me and my cross-examination of the prime minister only goes to prove how these articles are not only not aggravating, they are also not relevant at all.

40. First, Mr Singh wanted to connect my criticism of the government as being that of the prime minister. He was unsuccessful in doing so. As such, the 2012 and 2013 articles which I did not mention Mr Lee are therefore criticism that is clearly that of the government and definitely not of Mr Lee. In addition, these articles are in fact a clear reflection that my concern has always been about the government's management of the CPF monies, and not about Mr Lee. Thus when I wrote the Article that I was sued for, it was also a questioning along these lines - on how the government has been managing

the CPF monies. It was never directed at Mr Lee, as I had also clearly not mentioned Mr Lee. The only reason why Mr Lee's image and that of the other two individuals were used in the chart I drew in the Article that I was sued for, was only because in Channel NewsAsia's chart, images of faces were used as well. And thus images of faces were used only for visual representation and take no additional meaning on their own, other than they reflect the positions of the people whom images were used. The message that I was trying to send out would still be the same, without the images of the faces - which is perhaps what I should have done - and that is about the government's management of the CPF monies. It is a pity that this real and only message was sidetracked by the use of the images of the faces, and thereby the defamation suit.

41. In fact, Mr Lee himself admitted that the 2012 and 2013 articles did not mention him. As such, it is clear that the two articles written in 2012 and 2013 are not aggravating nor are they defamatory. I had asked Mr Lee to sue me for these two articles if they are defamatory. He has not done so. In fact, Mr Lee did not do so when they were written in 2012 and 2013, as far back as two years before he sued me for defamation. If so, if these articles were clearly not defamatory at the time of writing and did not cause disrepute to him, why then were they suddenly considered aggravating? Both the articles in 2012 and 2013 did not mention Mr Lee in a defamatory manner and neither were they aggravating. Just as I did not have any intention to say that Mr Lee had misappropriated the CPF monies of Singaporeans in the Article that I was sued for, and have never thought about it as well, I similarly had no intention to do so for the 2012 and 2013 articles. As I continue to affirm, my questioning for these three articles, and for all the similar articles that I have written on the CPF has always been about the government's management of the CPF and its lack of transparency and accountability.

They have never been about any claim or suggestion of misappropriation and were never directed at Mr Lee.

H. The two articles that I had written on 20 May 2014 and 24 May 2014 are not aggravating

42. I was also asked to take down two more articles on 20 May 2014 and 24 May 2014, both articles which were written after I was sued. Similar to the 2012 and 2013 articles, these articles were considered "aggravating" by Mr Singh. However, as Mr Lee admitted as well, these two articles do not mention him in a defamatory light - I do not talk about any misappropriation by him in these two articles. Where Mr Lee is mentioned in these articles, he is mentioned in factual statements, in relation to his role as the chairman on GIC and factual ongoings pertaining to the defamation suit. In no way thus were these two articles defamatory or aggravating.

43. Moreover, the main focus of the 20 May 2014 article was again on the government's management of the CPF and how Singaporeans were being shortchanged by the government in having the least adequate retirement funds among the OECD and Asia-Pacific countries but where the government has been taking the CPF monies to earn huge profits in the GIC and Temasek Holdings. Similarly, the 24 May 2014 article also highlighted the conflict of interest of the government's role on the GIC's board. Specifically, I also pointed out in the article that, "The prime minister had not taken issue with the rest of the article with which CPF matters were discussed. I repeat my call for transparency and accountability from the Singapore government to fully disclose to Singaporeans how our CPF is being used." As such, these articles were not defamatory nor aggravating and clearly were focused and consistent with my line of

questioning on the lack of transparency and accountability of the government's use the CPF monies of Singaporeans.

I. The YouTube video is not aggravating.

44. Other than the four articles, I was also asked to take down a YouTube video. Mr Singh claimed in his letter dated 26 May 2014 that I was "asserting that (I) was "right" to make the allegation of criminal misappropriation against (Mr Lee), that the allegation is "the truth", that (Mr Lee) has used the law to suppress the fact of his criminal misappropriation, ... (and that I do) not "regret" making the allegation against (Mr Lee)." Mr Singh cannot be more conniving and vicious in his attack against me in this letter. When you look at the context in which "right" was used in the video, I had said that I "believe in speaking up for what is right in Singapore." And when you look at the context at which this is said, which is from the 5th to 15th paragraphs in Mr Singh's transcript of the YouTube video, it shows that the whole focus is on the issue of the CPF. Even the paragraph thereafter talks about the CPF. Where I had also used the word, "right", I had said, "I just want to question what is right" and "Singaporeans have a right to know". Very clearly, the use of the word, "right", in these context was used in reference to the CPF and to the government's management of the CPF. In fact, at no point in the video did I ever mention any allegation of misappropriation, and thus definitely not that Mr Lee had misappropriated the CPF monies of Singaporeans. In fact, it is Mr Singh who in his letter said that the "criminal misappropriation" is a "fact" when he wrote, "the fact of his criminal misappropriation". If so, Mr Lee might do well to sue his own counsel. Even I never uttered a single word about the "criminal misappropriation" being a "fact". Not only that, I have never said that Mr Lee had misappropriated the CPF monies, not in the Article, and definitely not in the video, or

in any of the articles that I have written or videos that I have made, which is why it cannot be even more offensive and unjust for Mr Singh to dare lay claim that I was “asserting that (I) was “right” to make the allegation of criminal misappropriation”, when it is he who have asserted that it is “fact”. Clearly, the word, “right” was used in reference to how there is “no transparency and accountability as to how our CPF is used” by the government. I also asked, “how can it be possible the government does not interfere in the operations of the GIC, and how can the GIC claim that the government does not interfere? Also, how can the GIC claim that they do not know how our CPF is invested in the GIC, when the board of directors are the highest political office holders in Singapore?” I also said that therefore, “it is only right that as Singaporeans we demand transparency and accountability to the use of our CPF and demand that our CPF is returned to Singaporeans” from the government. Never did I utter a single reference to any allegation of misappropriation and it cannot be more devious of Mr Singh to allude falsely that I did. It cannot be even clearer that “right” was used in reference to how the government needs to be transparent and accountable to Singaporeans on the management of the CPF monies.

45. When I had used the words, “the truth”, it was used in the following sentence: “I’m only an ordinary Singaporean who has spoken up because I believe in speaking the truth and in speaking up for my fellow Singaporeans.” Also, when I said that I do not “regret”, it was used in the following sentence: “I do not regret what I have done and I’m glad that there’s this opportunity for more Singaporeans to finally be aware of the CPF.” This sentence cannot be more clear as to what “do not regret” was used in reference to. I had said that “I’m glad that ... Singaporeans ... (are) finally ... aware of the CPF.” Clearly, when I had used to words, “the truth”, and “do not regret”, they were used in context of the CPF and the government’s management of the CPF monies. In

fact, this cannot be made more clear when you look at how two-thirds of the video was focused on the issue of the CPF and the government's management of it, just as two-thirds of the Article was focused on the CPF issue as well. I reiterate that at no point in time did I mention any misappropriation by Mr Lee, just as I have never said that Mr Lee had misappropriated the CPF monies in the Article. As I have affirmed repeatedly, where the thought never crossed my mind that Mr Lee had misappropriated the CPF monies, then how could I even have made a claim that was not even in my mind. Thus when Mr Singh said that I had said, "the truth", and that I "do not regret" in reference to the criminal misappropriation, I cannot be more appalled by Mr Singh's unfounded, insidious and underhanded accusations. The fact is that I have said that Mr Lee had misappropriated the CPF monies and never intended to do so, because the thought never crossed my mind, but it was Mr Singh who actually said in his letter that the "criminal misappropriation" is a "fact". If anything would be more defamatory, Mr Singh's assertion would be even more so, and Mr Lee would do well to sue his own counsel.

46. Mr Singh also wanted to take issue with the video being privatised. As I have explained in court, by privatising the video, the video was as good as being taken down because I did not give anyone else access to the video. I had explained in my Affidavit of Evidence-in-Chief, "For the YouTube video that I was asked to take down, I did not delete it but "privatised" it. It made no difference to me as the number of people who could access the video after it has been privatised was merely less than five, including myself. It was for pure convenience and practical reasons that I kept the video privatised because I would otherwise find it difficult to locate it on my computer's hard drive," and I stand by what I say. In my personal computer, my folders are arranged in a manner that would make it difficult to locate the files and for a file size as big as a video, it would take up a lot of storage space inside the computer. As such, I had left the video

online, but privatised, which as I said was only for my own consumption and only for the ease of access, if required, especially since the case was still ongoing. However, when Mr Singh demanded that I removed the video, I did it immediately because there was no want on my part to share it around. In fact, if Mr Singh were to be so concerned, he could have written to all the recipients in the two emails to ask them to testify as witnesses as to whether I had given access to them for the video after it was privatised. Mr Singh did none of that. He simply made an accusation. The fact is, Mr Singh knew that he was making an empty claim and that he had nothing to back himself on. On my part, however, I had even tried to contact YouTube and Google with the plan to obtain information to prove my innocence. Even my last counsel also assisted to do so. However, YouTube replied that they were not able to provide the information as the video was published and deleted more than a year ago and they would not have kept records of that. As such, it has been shown that not only have I complied to the demands as swiftly as possible, I have also attempted to allay the concerns of Mr Singh by even contacting YouTube and Google. On Mr Singh's part, however, he made an accusation that he did not even have the evidence to back himself on, and where he did not even make any effort to show evidence for. If I need to, I could write to all the recipients in the email to prove that what Mr Singh said is false and conjured, and prove my innocence to his outrageous and obnoxious claims.

47. When I first received the take-down notice for these four articles and video, I was perplexed. I know that I have not defamed the prime minister in these articles, and neither have I talked about any misappropriation. In fact, as I have explained, even in the Article that I was sued for, it did not cross my mind to think that the prime minister had misappropriated the CPF monies. And this holds true in all the articles that I have written about the CPF on my blog. I do not think that Mr Lee has misappropriated the

CPF monies and therefore will not write about it. As such, I was puzzled when I was asked to take down yet more articles. Thus the main thought that came to my mind at that point was that the prime minister wanted to stop me from talking about the CPF, as these four articles and video were clearly about the CPF and how the government has been taking the CPF monies of Singaporeans to use. In the 2012 and 2013 articles, I had specifically traced how the government has taken Singaporeans' CPF monies to invest in GIC and Temasek Holdings but which the government did not tell Singaporeans. In fact, when Mr Lee revealed that he has been "watching" my blog "for a long period of time", and when Mr Singh asked me in court whether the demand letter had "cowed" me into submission, it then became more apparent. This was why I reacted in shock when I told Mr Singh that it was only during the hearing that I found out that the prime minister has been waiting to sue me, and that the demand letter was meant to "cow" me into submission.

48. When I received the take-down notice for the four articles and video, I took the articles and video down readily, within a few hours, because I did not want to worsen the situation - this was the extent of my sincerity. As such, I responded quickly even as it is clear now that the articles are not defamatory nor aggravating and Mr Lee had himself admitted that I do not mention him in the 2012 and 2013 articles and that he was mentioned only via factual information in the two articles on 20 May 2014 and 24 May, and not in any defamatory way. I simply had no intention to continue to make any defamatory remarks, because I never had any intention in the first place, even with the Article I was sued for.

49. After I received the letter of demand and continued to write articles on the CPF but was asked to take them down, this worried me further as I felt that I was being pressured to

stop writing about CPF issues, and indeed, Mr Singh's line of questioning does indeed show that the demand letter was meant to "cow" me into submission. Mr Singh denied in court that I was being stopped from writing about the CPF but the fact of the matter was that if my lawyer did not send the letter on 28 May 2014 to say that, "For the avoidance of doubt, similar other posts should not be construed as a curtailment of our client's right to his freedom of expression to write or engage the public on the CPF issue and raise any matters relating to CPF that requires transparency and accountability to the public," I do not know if my right to speak up would have been protected, especially since now I know that the prime minister had been waiting to sue me and the letter of demand was intended to "cow" me into submission. Can you imagine, for every subsequent article that I would have written, I could have potentially be sent another letter to accuse me of aggravating the matter. If not for the letter that my counsel had sent, would I have been given that protection? Without the letter to affirm that I could still continue to write about the CPF, there would have been no legal recourse which would have protected me!

50. As I have shown in court, even though the four articles and video that I was asked to remove are not defamatory nor aggravating, I took them down. But within the letter that he sent on 26 May 2014, Mr Singh not only asked me to immediately remove the four articles and video, he also wanted to undertake that I will not make "similar other posts, videos or other means". Is this not clear proof that I was being stopped from talking about the CPF? First, I was asked to take down four articles and a video which were not defamatory nor aggravating. Second, Mr Singh's letter included a statement in an overreaching manner that is aimed at stopping me from making "similar other posts, videos or other means" even though they are not defamatory. Is this not a clear sign that I was being pressured to stop talking about the CPF? Also, does this not mean that Mr

Singh has lied when he said that he did not try to stop me from talking about the CPF, when the fact of the matter is that Mr Singh had in fact tried to do so?

51. Then, in Mr Singh's line of questioning, when he kept trying to connect what I have said about the government's management of the CPF monies as that of questioning the prime minister, that was when I realised that I was being sued for a case where even the Plaintiff's lawyer was not clear about the grounds for the suit. I have acknowledged that the Article is defamatory as judged and have apologised for it. I remain sincere in my apology, for the distress and embarrassment that the prime minister felt. However, this certainly does not mean that give Mr Singh the free rein to define the case the way he likes it, and for him to throw in every argument (i.e. my criticism of the government distorted to be that of the prime minister) or for him to label everything as defamatory and aggravating when they are not (i.e. the four articles and video). Where Mr Singh takes such a frivolous approach towards his arguments, and where it is clear that I was being made to "cow" into submission and that I was being made to stop making "similar other posts, videos or other means", then it calls into question the fairness and ethics of how Mr Singh is fighting the case. Surely, if I am expected to speak the truth as I have, then certainly it would be a grave disservice for Mr Singh to lie.

52. I am the Defendant here, who is fighting for my life, to fight to reduce the damages that I would have to pay, which media reports have quoted to be as high as S\$400,000, an amount which I have never even seen in my lifetime. It concerns me that the Mr Singh could be so wilful and indulgent as to fight the case in such a way that has the effect on compromising on my moral, human and legal rights. I have been sued for defamation, which judgment I have accepted and which I have sincerely apologised for but that does not give free rein to Mr Singh to further impinge upon my reputation. There is only as

much tolerance that even a defendant can give to Mr Singh when at each at every turn, Mr Singh can be ever so capable of taking my words out of context and distorting the facts of the matter, even as the words lay in such an apparent manner, to such an extent that he can even throw the obvious facts out of the window, which if so, then not only show how vile a manner that he had conducted the trial, but in denigrating me to such an extent to even lay the blame on me when such does not exist, Mr Singh's conduct of the trial and the ethics which he has brought upon the trial is highly questionable and dubious.

J. The emails are not aggravating

53. Mr Lee also said that in the two emails were sent to the media, that there was aggravation. However, as I had explained in court, this is not true.

54. Inside the first email, there was a link which refers to a republication of the Article but following it, the link to the apology and undertaking on my blog was immediately included right after. It should also be noted that the email was a chronological outline on the ongoings of the defamation suit and were intended for the media to understand what had transpired thus far for the defamation suit at that point in time and was not intended to repeat any allegation.

55. Mr Singh said in his letter on 27 May 2014, "Those emails also assert that your client's allegation against our client is "the truth" and that our client has complained about the offending posts "to eliminate any evidence of the corruption" from your client's blog." However, when you look at the first email that I had sent where the phrase, "the truth", was used, I had said, "After I had received the prime minister's first letter, I had published an article to illustrate the truth about how our retirement funds are being used

by the government.” I had also said, “The reason why the government wants to use the law to silence me is because I had exposed the truth about our retirement funds, which had exposed them of their deceit.” It is clear that the use of “the truth” in this context was referring to the “how our retirement funds are being used by the government” and “the truth about our retirement funds”. It cannot be clearer that “the truth”, used in this context, was not referring to Mr Lee, and definitely not to any misappropriation by Mr Lee. The phrases are obviously used in relation to the government. As said previously, Mr Singh had attempted to connect what I had said about the government’s management of the CPF monies to that as being that Mr Lee had misappropriated the CPF monies, but Mr Singh is not at liberty to make such a connection when it does not exist, and it would be mischievous to make such an insinuation and put me in a bad light when the fact of the matter is that I have never intended for the phrase, “the truth”, to refer to any claim of misappropriation by Mr Lee. But this is yet just another instance of Mr Singh taking my words of their context and trying to imbue them with a totally different meaning, in an attempt to link them to the defamation suit. But the evidence stands by themselves and the facts of the matter are the facts of the matter. It is one thing to see the facts and be able to form a clear link with the case and quite another to try to formulate a link when there is none, in an attempt to build a case that is undoubtedly empty. This cannot possibly be honourable. It is disingenuous of Mr Singh to take my words out of context yet again, and over and over again, and to spin them around to give a completely different story to what I had intended to say. This is irresponsible, highly unethical and insidious, especially for a man of Mr Singh’s stature of a senior counsel. As I have said, as much as I am put to defend myself for the defamation suit, it does not give Mr Singh such overarching latitude to paint me in such a way that instead victimises me in the process. Mr Singh’s actions are therefore

disconcerting and unbecoming in his position as a senior counsel. As I have also said in court, Mr Singh is not at liberty to decide how he wants to interpret or define how he wants to read the context of words or phrases, when the facts stand for themselves. He cannot on one hand choose to link my words to completely unrelated issues to justify his case, and then choose otherwise when it serves his purpose. Such actions are not only misleading but unfair and for a man with the legal knowledge that Mr Singh should supposedly possess, such behaviour is downright despicable.

56. Mr Singh also said that the email mentioned, “to eliminate any evidence of the corruption”. But in the second email, I had described the “corruption” in relation to this: “you can see that I have carefully traced and illustrated how the Singapore government has taken the retirement funds of Singaporeans to invest in the two investment firms but had not return the returns.” I went on the further detail evidence of this. In the email, I had shown how I was able to trace from different government websites that the CPF is invested in the SSGS, which is then invested in the reserves and managed by the MAS, GIC and Temasek Holdings. It should be noted that at the time of writing and before I received the letter of demand, that this information was not publicly known. It was only on 31 May 2014, after I was sued, that the Ministry of Finance said for the first time that, “CPF monies are invested by the CPF Board (CPF Board) in Special Singapore Government Securities (SSGS),” and that, “The proceeds from SSGS issuance are invested by the Government via MAS and GIC.” Prior to this, Singaporeans were none the wiser about how our CPF monies are being used by the government. Instead, I had to trawl through several government websites to trace this information and even then, the information was later changed after I had written about them, which then made it impossible for Singaporeans to know how the CPF is eventually invested in the GIC and Temasek Holdings. In the emails I sent to the media,

I had also sent screenshots of the government websites before and after the changes were made, as proof of this.

57. There are two specific changes. First, the government website had initially said, “All the proceeds from the Government’s borrowing must therefore be invested in reserves”. However, the phrase, “in reserves”, was then removed, so that it would not be possible for Singaporeans to know that the SSGS (and thereby the CPF) is actually invested in the reserves. For this, the whole PDF document which contained this statement was taken down, edited to remove this phrase and then uploaded onto a separate link. Second, the government website initially reads: “Our reserves are managed by three agencies – the Government of Singapore Investment Corporation (GIC), Temasek Holdings (Temasek) and the Monetary Authority of Singapore (MAS).” But this was changed to: “The Government’s assets are mainly managed by GIC Private Limited. The Government also places deposits with the MAS; in turn, MAS as a statutory board holds its own assets on its balance sheet. In addition, the Government is the sole equity shareholder of Temasek Holdings (Temasek). Temasek owns the assets on its balance sheet.” At first, it was clear that the reserves were managed by the MAS, GIC and Temasek Holdings. However, with this changes, this effectively prevents Singaporeans from knowing that the reserves (and thus the CPF) are actually being managed by the MAS, GIC and Temasek Holdings. These three key changes that the government made thus effectively concealed the information that Singaporeans’ CPF monies are being invested in the three agencies, from Singaporeans themselves.

58. This was what I had sent the media and the reference of “the truth” and “evidence of the corruption” is in reference to this. It is not and there was no intention whatsoever to relate these two emails to any claim of misappropriation by Mr Lee, because as I have

said, it never crossed my mind. Moreover, if there is any wrongdoing on the government's part, then it is the prime minister who should direct the Attorney-General's Chambers (AGC) to investigate and identify if there was any wrongdoing and who should be held responsible for it. The defamation suit is an inappropriate recourse when there are established channels for such clarifications to be made.

59. Mr Singh also took issue with the number of recipients the emails had been sent to. Inside my Affidavit of Evidence-in-Chief, I was the first to readily volunteer the information that the emails were sent to 58 recipients. Later, when Mr Singh asked me for the information, I wanted to provide accurate information for Mr Singh and therefore went back to my emails to double-check. It was then that I realised that the emails were actually sent to 73 recipients for the first email (of which 7 were undeliverable and thus to 66 recipients) and to 82 recipients for the second email (of which 8 were undeliverable and thus to 74 recipients). I therefore informed Mr Singh accordingly, and was honest and transparent about the truth. In fact, I also wrote in my email to Mr Singh, and explained: "Sorry on the initial oversight with the number of recipients. When I had previously looked through, I had thought that they referred to the same set of recipients as the ones that I had submitted, thus I had mislooked." I had also said, "If you are unsure of the documents, you can also contact me again. I would be glad to accede to your requests." I was very willing to cooperate with Mr Singh. Certainly, most people who send out emails do not send out emails thinking about how many recipients he or she would want to send out the emails but rather, who the relevant recipient would be. As such, I would not have with immediacy the knowledge of how many recipients the email was sent to. But what I did do was to make an effort to double-check on every turn, and when I realised there was a mistake, admitted to it and explained honestly what it was. This is an attitude that I took throughout this case, as it

is my belief to be transparent and honest about my actions, for is it not that I was also advocating to the government to be transparent and accountable to Singaporeans on the management of the CPF monies?

60. This is the extent of my sincerity. At every point in time, I have done my utmost to volunteer the relevant information and statistics, such as the number of recipients that the emails were sent to, as well as the blog statistics, and I would do so without being asked because I wanted to be honest with the truth, and I continued to provide this information to the best of my capability, as and when it was requested by Mr Singh. In fact, in court, I continued to do the same and also volunteered more information about the blog statistics on the third day of the hearing. At every point, I did my best to cooperate because the fact of the matter is that I have never intended to defame the prime minister, as the thought that he had misappropriated the CPF monies simply did not cross my mind. As such, I wanted to readily assist to try to let the matter rest, for both parties. When Mr Lee said that he felt distress and embarrassment, I was also concerned and therefore apologised sincerely, because there was no intention to want to cause hurt to him as well. As such, my every move is made to ensure that Mr Lee would feel at ease, and there was never intent to aggravate on my part. In fact, I have tried my effort best to mediate and mitigate, to assure Mr Lee.

K. There were only 3,558 people who read the Article

61. In his Affidavit of Evidence-in-Chief, Mr Lee said that my blog has 2 million views and that the hits on the blog increased from 1,934,918 (at 6.33am) to 1,949,856 (at 8am). He said this “suggests” that “many people” would have read and/or accessed and/or download the Offending Words and Images. However, Mr Lee admitted in court that he knows that the way to gauge the actual viewership of an article is to actually

look at its statistics. It is therefore disappointing that at no point in time did Mr Lee reach out to me to enquire about the statistics on my blog article. Instead, he had used an overarching 2 million views to “suggest” that “many people” would have read the Article that I was sued for. This is misleading to the court. In fact, the very use of the words, “suggest”, and “many people”, numerous times in Mr Lee’s affidavit showed that he knows that the statistics he quoted cannot be used affirmatively. Yet again, if he knew that my blog statistics would have been able to provide an accurate gauge, why did he not ask me for the statistics but chose to use an exaggerated figure of 2 million?

62. On the other hand, I was the one who volunteered the statistics in my Affidavit of Evidence-in-Chief. Not only that, when Mr Singh asked for more statistics, I readily provided them as well. In court, I also volunteered to provide even more statistics to be more transparent.

63. As I have shown, the total views for the Article was only 9,122 views. On top of that, when you look at the views for the Article from 15 to 18 May, before I was sent the demand letter, the views were also low, at 2,119 views.

64. The views for the Article only later went up because of the interest in the demand letter. On 19 May 2014, when the demand letter was put up, the demand letter received 125,839 views on the day itself. The views on the Article also increased by 7,566 correspondingly due to the interest in the demand letter.

65. However, immediately the day after, the views for the Article dropped drastically to 155, showing that readers simply were not interested in the Article itself but more so in the act of me being sued. It is clearer when you look at the ranking of the viewership of the articles for each day. On 19 May 2014, the demand letter ranked as the most-read

article on my blog. The Article was ranked 4th. On the very next day, on 20 May 2014, the ranking for the Article then fell drastically to 23rd. It is therefore clear that readers were not interested in the Article itself. They were more concerned about the act of suing me.

66. It was disappointing too that when Mr Singh asked for the additional statistics after I provided them for the first time, he wanted to distort the use of the statistics on the home page to justify that “many people” would have read the Article. However, if Mr Singh would actually seem to also show an understanding of blog statistics, I wonder why he did not reach out to me to request for the statistics in the first place but would instead want to use the 2 million figure to pin me down. It was only when I provided the actual statistics that he realised that he could not do so and backed down embarrassingly. But does this not show that Mr Singh has actual knowledge of blog statistics, but yet he would want to mislead the court by presenting information that is obviously blown out of proportion? Why did Mr Singh want to unfairly pin me down? If I have shown myself to not have malice on my part and my conduct has been as honest as I have shown myself to be, why is it that Mr Singh seems to be the one to show malice and that his conduct is instead the one which is questionable? As I had explained in court, the 2 million views refer to the total number of views for all the articles on my blog since I started the blog. I have also shown in court that the hits of 1.9 million also reflects similarly. Mr Lee did not dispute that this is the case. If so, I think that it is unfortunate that in spite of the knowledge that the Plaintiff and his counsel have, that they would insist on using the 2 million figure, knowing that it is not accurate nor representative of the actual views and unique visitors for the Article. It is my regret that this is misleading.

67. Mr Singh hopes to argue that the statistics for the home page should also be included.

However, it should be noted that the statistics for the home page also include the statistics for the archived pages. There is no further breakdown on WordPress for the home page statistics, as such it would be misleading to use the statistics for the home page. In addition, when you look at the rankings of viewership of the articles for each day, it is clear that on 19 May 2014, the interest on the blog was concentrated on the demand letter itself, and on 20 May 2014, the interest on the blog was then concentrated on the demand letter as well as the article, titled, “YOUR CPF: The Complete Truth And Nothing But The Truth”.

68. In fact, when you look at the trend of the Article, after the Article was published on 15 May 2014, it received 237 views. It then received 525 views on 16 May 2014. But by the next day, the views were already becoming lower. The views went down to 255 on 17 May 2014 and 267 on 18 May 2014. In fact, when you do not look at the anomaly where the views increased on 19 May 2014 due to the demand letter, the views from 18 May 2014 across to 20 May 2014 fell from 267 to 155. By 20 May 2014, the views for the Article already reached its lowest point, and there were only 155 views. As such, it is clear that the interest for the Article itself is low. The reach is therefore low and had minimal impact. It is clear that the interest on the blog is not even on the Article. Instead, the interest was very much focused on the demand letter and the article titled, “YOUR CPF: The Complete Truth And Nothing But The Truth”, which is not defamatory or aggravating.

69. As I said in court, I used to work at the Health Promotion Board, a government agency, where we would also look at website statistics to measure the number of people reached for each online article. The indicator that was used was the unique visitors for each

article because it is known that the views would not be reflective of the actual number of people who were actually reached, since each visitor could view an article several times. Never have I heard of using the statistics for the home page to measure the reach for an article. This would be considered cheating. At the Health Promotion Board, we received funding from the Ministry of Health and we had to submit quarterly reports to the ministry to update on the outreach indicators. As such, for online articles, we would submit only the statistic for unique visitors. Any practitioner and marketing professional in the industry knows that the views would blow up the statistics. Not only that, when we engage vendors to run programmes, we would also hold them accountable to the unique visitors, and not views, for each online article. Evidently, we would not ask them to include the views, and definitely not the views or unique visitors for the home page, because this would further blow up the actual reach which would then be disproportionate and unrepresentative. Imagine if for an article, the actual reach via the unique visitors was only 500 but if the vendor was to report that there were 100,000 views on the home page as well, they could easily achieve their target for the whole year with just one article and short-change the Ministry of Health and the funding provided. Clearly, this cannot be the case. If it could be so that the statistics for home pages could be used so frivolously, then across all government and marketing agencies in Singapore, we could all use statistics for home pages and everyone's workload will be cut by half or three-quarters and more than half the workforce would be considered redundant since the targets would be very easily achieved. Simply put, there are established ways of measuring the outreach of online articles and it is not up to Mr Singh to redefine how such statistics are derived and understood. To do so, would not be looking at the evidence and using the evidence to properly and logically measure the exact reach of online articles.

70. As can be seen in the statistics that I volunteered, for the Article, the views added up to only 9,122. According to the blog statistics, for the month of May 2014, the unique visitors accounted for only 39% of the views. An extrapolation of the statistics showed that the unique visitors to the Article would be only 3,558. This is drastically different from the 2 million views that the Mr Singh had sought to mislead the court with. Using the statistics on the home page to gauge the readership is misleading, especially so since on 19 May 2014, most of the interest was clearly focused on the demand letter (59% of the total viewership) and the corresponding increase in the views for the Article was due to interest in the demand letter and not in the Article itself. In comparison, the Article only had 3.6% of the total viewership on that day. Similarly, it would be equally misleading to use the statistics on the home page for 20 May 2014 as the interest was on the two most read articles, as the rankings of viewership of the articles show. The two articles – the article published on 20 May 2014 itself and the demand letter – took up 61% of the total viewership. In comparison, the Article only made up 0.07% of the total viewership – not even 1%. As such, the interest and attention were clearly on these two articles and erroneously allowing the statistics for the home page to be used would unreasonably blow up the actual number of people that read the Article.

71. As I have explained, the article published on 20 May 2014 and which I was asked to take down is not defamatory nor aggravating. Mr Lee himself admitted that I do not mention him in a defamatory light and the only mentions of him in the article were factual descriptions of his role in the GIC. As such, if Mr Singh is to argue that the views for the 20 May 2014 article should be included as well, this would be grave injustice plainly because the article is not defamatory and aggravating. As I have told Mr Singh in court, if Mr Singh finds the article or any of the other three articles and

video defamatory that I was also asked to take down defamatory, then Mr Lee can sue me for defamation for these articles. Mr Singh is not at liberty to decide if these articles are defamatory because Mr Singh is not the law.

72. Mr Singh also attempted to exaggerate the reach for the republication of the Article. For example, in Paragraph 79 of his Opening Statement, where the table outlines the 11 blogs and websites where republication occurred, in S/No. 3, Mr Singh attempted to use the figure of 1,577 likes to justify the reach of the link at singaporedaily.net. However, as I took Mr Lee through, it became apparent that the likes did not refer to any republication of the Article, rather that the likes were for a consolidation of an image and 23 links (not even actual articles) to various articles, and a viewer would need to click one of those link to read the Article. Where the Offending Words and Images do not comprise the link nor are they stated in the link, it is therefore impossible for a reader to access the Offending Words and Images without clicking on the link to access the Article or a republication. If so, the links suffice as nought when the link, by itself, does not represent any meaningful viewership. In fact, of the 11 blogs and websites, 8 of them are links, which thus render them meaningless, and therefore irrelevant, and cannot be meaningfully construed as “republication”. Of the other 3 blogs and websites, two (S/No. 1 and S/No. 7) have ceased to exist, and one (S/No. 11) reproduced part of the Offending Words and Images but has also similarly disappeared from the online space. In short, none of these republications exist anymore and even as there are links to the Article, these links are not defamatory on their own and the blog statistics of the Article would be the only accurate gauge of the reach. Where the blog statistics have already been provided above, and where the republication of the links do not contain meaningful representation and where the other republication have already

disappeared, the only useful information that can be relied on are therefore the blog statistics, which I have volunteered and provided willingly.

L. The other articles that Mr Singh brought up are obviously not aggravating

73. Mr Singh also made the claim that the two articles written on 11 June 2015, pertaining to the application for the Queen's Counsel, and on 30 June 2015, where I updated on my blog about the hearing for the defamation, were aggravating. I can only say that this is another attempt by Mr Singh to grasp at straws. The very fact of the matter is that Mr Singh knows that I have never at any one time said that Mr Lee had misappropriated the CPF monies of Singaporeans, and that it is now clear and sundry to all that I have never even had the intention to do so, simply because the thought did not even cross my mind. As such, it cannot be more devious of Mr Singh to continue to take random articles to pin me down on. In none of these two articles did I even make any defamatory remarks. Also, in the 11 June 2015 article, I had described the hearing for the application for the Queen's Counsel, without making any defamatory remark. In the 30 June 2015 article, it cannot be more laughable when Mr Singh took issue with the sentences, "It is wrong that our children are unfairly persecuted just for criticising a man whom the government is trying to protect. It is wrong when our children and ordinary citizens are being persecuted when those close to the ruling party are allowed to go scot-free." Mr Singh asked if I was referring to myself as the "child". Do I look like a child to Mr Singh? Perhaps I do, but if Mr Singh had been following the news, there was a real child, Amos Yee, who was being persecuted by the government and I had spent about two months campaigning for his release. It was clear that the use of the word, "children", was thus used in reference to Amos Yee. What threw me off when Mr Singh then asked about "Singapore" and wanted to allude to Singapore as being Mr

Lee. It cannot be more laughable, preposterous and ludicrous Mr Singh's claims. Mr Singh might imagine his client, Mr Lee, to be Singapore, but Mr Singh can delude himself with the wildest fantasies that his mind can conjure up for him, but the fact of the matter is that Mr Lee is not Singapore. And Singapore is not Mr Lee. If I never said that Mr Lee had misappropriated the CPF monies, and if I have never intended to say so because such a thought never crossed my mind, and therefore I would not even repeat so, then clearly, there was nothing at which Mr Singh would have been able to use against me. It is therefore bemusing and puzzling Mr Singh's attempts to pin me down, which can only at best be considered wilful and at worst, unscrupulous.

M. I abided by all the requests that Mr Lee had made in his demand letter

74. When I received the letter of demand, I was asked to remove the Article that I was sued for, the links to the Article on my Facebook page and The Heart Truths Facebook page. I was also asked to publish an apology and undertaking on my blog, in terms of the draft which was enclosed in the letter, without any amendment, with prominence on the homepage of my blog and for it to remain on my blog for the same number of days that the Article remained on it. Mr Lee also wanted me to propose damages to pay to him.
75. I did exactly what I was asked. I removed the Article and the links to the Article on my Facebook page and The Heart Truths Facebook page.
76. I published the apology and undertaking on my blog in exactly the terms requested, without any amendment. In fact, I published it twice, the second voluntarily, to show my sincerity.
77. Also, not only did I publish the apology and undertaking for the same number of days that the Article remained on it, I also continued to leave the apology and undertaking

on my blog. The Article on my blog was only on my blog for 7 days but the apology and undertaking has remained on my blog for 466 days. This is 459 days more than what the prime minister has required, which means that it has been up for more than a year. And as long as my blog is not shut down by the government and WordPress, which my blog is hosted on, does not close down, the apology and undertaking will remain on my blog forever, and even after I die – this is the extent of my sincerity.

78. For the damages, I had initially proposed \$5,000 but the prime minister had considered it "derisory". Later on, I reached out to Mr Lee to negotiate for an out-of-court settlement and proposed \$10,000 but this was considered to be "unrealistic" and the prime minister would not accept it. However, the offer of \$10,000 was proposed even as I was out of a job. I was sincere in making amends and had thus increased the offer by 100%. It is to my regret that the offer was not accepted. I had sincerely wanted to find a solution out of this as dragging on with the case was not beneficial to the both of us, as I would have really liked to move on with my life, and focus on more important issues. Moreover, as a former healthcare worker, my salary was nowhere near extravagant. \$5,000 was already more than the income that I was earning, which I didn't consider "derisory" – I was trying to make a decent living out of it. Even then, my salary was higher than some Singaporeans who were earning a thousand or two, and there are about 30% of Singaporeans who earn less than \$2,000 today. To my mind, \$5,000 was not considered "derisory". It was an amount that I thought was what I could reasonably pay. In fact, when I made the offer of \$10,000 despite having a fixed income and having no formal employment for more than the past one year now, even though it is considered a large amount to me, I still made that offer because I sincerely wanted to amicably resolve the issue with Mr Lee.

79. Mr Lee said in court, "All I wanted was one apology." However, I should clarify that this is not the case. On top of the apology, Mr Lee had requested that I remove the Article and propose damages to pay him, all of which I had done, but which Mr Lee still did not accept. This is a point that I believe needs to be clarified.
80. In addition, not only did I publish the apology and undertaking on my blog, I also apologised to Mr Lee another 8 times before the hearing in court via letters from my lawyers to his and on my blog, as I have shown Mr Lee in court. I also apologised several more times in court itself.
81. Not only that, when Mr Singh highlighted that in the demand letter that I had posted, there was also a link to the Offending Words and Images, I then removed the said section and republished the apology and undertaking on my own accord - this is the extent of my sincerity.
82. Moreover, as of 29 August 2015, the first apology and undertaking already has 12,908 views. This is compared with the Article which was had only 9,122 views. When you include the second apology and undertaking which has 9,729 views, this would mean that the apology and undertaking would have been viewed a total of 22,637. This also means that the apology and undertaking has been viewed 12,908 more times than the Article, or more than twice over the Article. If anything, this should more than compensate for the effects of the Article. This is also in addition to the countless times that the apology and undertaking was also quoted in the media and as well as in several other online platforms, in part or in full. The apology and undertaking would thus have reached a widespread audience and would have fully vindicated the prime minister, if it was even in need of vindication in the first place.

83. Honestly, I am at a loss at what I should do to show my sincerity. In every step of the way, I have never intended to defame Mr Lee at all, because it simply did not cross my mind that Mr Lee had misappropriated the CPF monies. Therefore, I could not possibly have intended to defame him in the Article that I was sued for, nor could I want to aggravate the situation, because the impetus that Mr Lee claimed that I have was simply not there - I do not want to defame him.

84. Mr Lee said that, "All I wanted was one apology." I have published at least two apologies and undertakings, and I have apologised to him another 8 times before the hearing, and this is not including the numerous times I had also apologised to him in court. Honestly, I am at a loss. What else am I to do to prove that I have never had the intention to defame Mr Lee - because it simply did not cross my mind - and how many more apologies do I need to make? I am willing to do more, but I am afraid that no matter how much I do so, Mr Lee does not seem to believe in my sincerity. What am I supposed to do?

N. No injury caused to the reputation or credibility of the plaintiff as a Prime Minister

85. I did not have a chance to cross-examine Mr Lee on how his reputation was affected. However, as I did not want to take up too much of Mr Lee's time, I did not ask if he could attend court again to be cross-examined. In fact, on the day that Mr Lee was cross-examined, Mr Singh had asked if I could expedite my cross-examination so that Mr Lee could leave early for his appointment. I agreed to do so as I do not want to have to keep Mr Lee. This was why I rushed through my examination and also forgotten some questions. But I hope to show that it is my sincerity to accede to Mr Lee's requests and that I am sincere in making amends.

86. Under international human rights law, “compensation for actual financial loss, or material harm, caused by defamatory statements should be awarded only where that loss is specifically established”.¹
87. In fact, in the Court of Appeal decision of *Jameel (Yousef) v Dow Jones* [2005] EWCA Civ 75, it was held that “in the rare case where a claimant brings an action for defamation in circumstances where his reputation has suffered no or minimal actual damage, this may constitute an interference with freedom of expression that is not necessary for the protection of the claimant's reputation. In such circumstances the appropriate remedy for the defendant may well be to challenge the claimant's resort to English jurisdiction or to seek to strike out the action as an abuse of process.”²
88. Accordingly, for the assessment of damages in the present case, it is essential that the court examine the actual harm and damage that was caused by the offending article to Mr. Lee’s reputation or good standing in society.
89. There have also been further events that occurred after the offending article was published that would show that the offending article did not damage Mr. Lee’s reputation or good standing in society.
90. For instance, on 11 December 2014, the plaintiff received the honorary Seoul citizenship by the Seoul Metropolitan Government – an award given to notable persons for having “contributed to Seoul’s development as well as the life of Seoul’s residents, setting an excellent example for both citizens and foreign residents”.

¹ *Defining Defamation: Principles on Freedom of Expression and Protection of Reputation*, Principle 15(c)

² *Jameel (Yousef) v Dow Jones* [2005] EWCA Civ 75,
<http://www.bailii.org/ew/cases/EWCA/Civ/2005/75.html>, para 40

91. Further, on 28 February 2015, the plaintiff's Facebook page reportedly hit a milestone as it recorded more than half a million likes since the page started in April 2012. Since then, the number of likes has been growing steadily and as of 7 August 2015, the number of total likes has reached 825,957, or close to a million likes. As for Twitter and Instagram, Mr. Lee reportedly had 68,000 and 31,000 followers respectively in April 2014. As of 7 August 2015, these numbers have also multiplied exponentially to 200,800 and 117,000 respectively.

92. Even though I did not have the opportunity to examine Mr Lee on his reputation, I hope to show that Mr Lee's reputation remains intact. In fact, according to The Straits Times, the number of people who liked Mr Lee's Facebook page has ballooned from 138,000 in 2013 to 842,892 likes as of 29 August 2015, or close to a million likes. The number of followers on his Twitter and Instagram have also increased by several fold from only 68,000 and 31,000 followers respectively in April 2014, to 209,000 followers on Twitter and 127,000 followers on Instagram, as of 29 August 2015. When you take a look at the postings on Mr Lee's Facebook and the corresponding comments, you can also see a string of praises of Mr Lee. A quick glance on Mr Lee's Facebook page shows how well-liked he is and how he continues to enjoy a good reputation.

93. For example, on 12 August 2014, Mr Lee posted an update, and said that, "Ten years ago today, I was sworn in as PM." Inside the comments were several comments which praised Mr Lee. There were several comments which praised him on his honesty:

- Md Khokon: "Honest man mr, lee"
- Alan Ong: "Hi PM, I'm always a supporter of PAP but until the recent highlights on the CPF. Whether our CPF is being invested or not is not my concern. My concern is you have to uphold the integrity of our government. We need a honest, reliable

team to run our country. Hope you can address this issue during your national day rally. As long as you are truthful and honest, I will continue to support your team.”

- Denise Ang: “You are a good & honest man!”
- Suresh Shinde: “Pray India should get sensible, honest, humble PM sometime.”
- Chris Teo: “Thank you PM Lee for your leadership. Singapore is in a much stronger position because we have honest and capable leaders like yourself to lead to country.”

There were also several comments which praised Mr Lee for his “integrity”:

- Thea Chek: “Thank you, Sir. I appreciate very very much the integrity, foresight, courage, diligence and compassion you have shown in your leadership. We can't imagine the amount of effort and sacrifice you and your team have put in to make this country tick like clockwork. Truly grateful!!!”
- Eleanor Oh Dear PM Lee, thank you for all that you do. I am proud to call myself a Singaporean. May you continue to lead with compassion, integrity & the knowledge that many of us are grateful for what you & our other leaders have done for the country. Respectfully, Eleanor

There were also several comments which praised Mr Lee for his “courage”:

- Damien Sim Tzu Chien: “It takes a lion heart to apologize during the 2011 GE and try to fix things right, non of your predecessors would have the moral courage to do it. Thank you for the 10 years of service Mr.PM.”
- Timothy Yeo: “Thank you for being the fantastic leader that you are. Leadership is certainly not easy and has many perils, especially in Singapore where the microscope is on every move, every policy. Thank you for your courage and humility in taking up the leadership mantle and leading our nation.”

94. There were also at least 20 comments which said that they were “fortunate” to have Mr Lee as their leader and/or to be born in Singapore. There were also about 70 comments which said that they were proud to have Mr Lee as their leader and/or to be born in Singapore. According to Yahoo, “The Facebook post garnered over 15,000 Likes, over 500 shares and more than 600 comments. “Among the comments posted, Facebook user Chinny Liew said, “Sir, I truly think that MM and you are doing a great job in developing our country. I had lived in Switzerland for 4 years and the US for 6, at the end of the day, I still come home. Because I truly feel that the government here have heart for their citizens. A lot of people has a lot of comments and negativity towards the government, I feel that's because they had not truly lived overseas, they did not have the real experience. But that's just my opinion.” Yahoo also said that, “This was the most popular comment, which garnered close to 300 Likes.” Yahoo! Singapore also listed out several other Twitter congratulatorys to Mr Lee.

95. The week before the hearing, Mr Lee also posted a Facebook status, where he said, “We have maintained a clean and non-corrupt system in Singapore for half a century because we have zero tolerance for corruption. When we discover wrongdoing, we do not hesitate to act. We will not allow any cover up, even when it is awkward or embarrassing for the Government.” Again, there were several comments which praised Mr Lee for his “honesty” and “integrity”:

- Radhika Achinta Bajaj: “Thank you for being so honest and non corrupt -A Shining example showing the world its possible to lead honest lives and not be corrupt in any way and making sure those who try to are punished”
- Philip JS: “Through my experiences traveling to many countries, Singapore is very secured and honest place to dwell. I am very proud of my Singapore ministers who

have very good integrity shown to the world. Please continue with your honest work so that Singapore will progress faster.”

- Sarah Ang: “You are much loved by the people of Singapore like I and my friends. May you and your family be blessed with God's favour. Thanks for standing firm on what is right and integrity in your dealings.”

96. This is just a snapshot of the comments but the comments on Mr Lee’s public Facebook page clearly shows that his reputation remains intact and he has been vindicated. Indeed, from Mr Lee’s Facebook posting, you can see that even Mr Lee acknowledged that he has “maintained a clean and non-corrupt system in Singapore”, which shows that even Mr Lee’s know that his reputation has not been adversely affected and that he continues to enjoy a good reputation. The overflowing praises which praise Mr Lee as an honest man who is non-corrupt and with integrity also only goes to prove that not Mr Lee’s reputation is well-protected and flourishing. Indeed, it cannot be clearer that Mr Lee’s reputation has in fact only gotten better, and my actions as well as the widespread publication of my apology and undertaking has served to vindicate Mr Lee overwhelmingly.

97. As mentioned, on 11 December last year, Mr Lee was also given an honorary Seoul citizenship. Channel NewsAsia also reported that, “Mr Lee received honorary citizenship from London earlier this year.” These show that not only is Mr Lee still respected in Singapore, he also enjoys a good reputation internationally. From these comments and from the comments on Mr Lee’s Facebook page, it is clear that Mr Lee’s reputation remains intact. In fact, Mr Lee continues to enjoy a good reputation. Evidently, Mr Lee’s reputation has not been affected by the Article. In fact, it seems that Mr Lee’s reputation has even grown, with the likes on his Facebook growing, as

well as the honorary citizenships coming after that. It is also helped by the fact that I have published two apologies and undertakings to Mr Lee, as well as made numerous apologies to Mr Lee both before the hearing and during the hearing, which have helped to vindicate Mr Lee and assuaged his reputation. In addition, the apologies and undertakings remain on my blog and continue to be seen by everyone, which allows Mr Lee's reputation to continue to be maintained. As such, in view on the strength of Mr Lee's reputation and the next to no effect that the Article has caused to his reputation, it would suffice that minimal or no damages be awarded to Mr Lee.

98. To date, Mr. Lee has yet to specifically show how the offending article has caused damaged his reputation. Taking into account the points raised in the above, it appears that Mr. Lee continues to acquire a strong support from the people and that the offending article has had minimal or negligible impact on Mr. Lee's reputation or good standing in society. While it is clear that reputation of a person is protected under the law of defamation, it should also be recognized that an award of compensation without the need for the plaintiff to clearly establish the harm suffered could be an outright interference to the freedom of expression in Singapore.

O. Mr Singh's accusations against me are false and improper

99. It has been difficult for me over the past one year. My sincerity towards Mr Lee is genuine. I continue to feel truly apologetic to him for the distress and embarrassment that he had felt. Also, I never had the intention to say that Mr Lee had misappropriated the CPF monies of Singaporeans because this thought simply did not cross my mind at all.

100. As such, I am saddened that Mr Singh continues to paint me as someone who is "calculated" to hurt Mr Lee and to also say that I had lied. It is hurtful to me. I think what has been forgotten is that, though Mr Lee is the Plaintiff, and had felt distress and embarrassment, many times the stress and hurt that I have felt have been ignored. I have not spoken about them because I am not the Plaintiff. Already, it is unfortunate what Mr Lee feels. Why talk more about my emotions? But it has not been easy for me. At some points, it has even been painful. I have cried several times in front of my parents and family. How do you face them, when the suit that you are facing from the prime minister also brings glare and attention to them? Many times, I feel guilt for bringing this upon them. Sometimes, I feel that I am a disappointment to them. Throughout this whole period, I have to keep assuring them that I never had the intention to defame Mr Lee. After I was sued, I had to have several heart-to-heart talks with my family to explain to them what I have been trying to do on my blog and the Article in question.

101. My aim has always been to raise awareness among Singaporeans about what is going on in Singapore and what the government has been doing, so that Singaporeans can do the right thing to protect ourselves, and so that we can eventually have better lives, and lives which are taken care of and protected. This is what I really care about. At no point in time do I feel any animosity towards Mr Lee nor think of him in the manner Mr Singh has described me of, and these are my genuine feelings and my genuine thoughts. I cannot bring myself to hurt even an ant, let alone Mr Lee.

102. As such, when I was hurled accusations from Mr Singh that I was "calculated" and that I had "lied", really, how do you defend yourself when a senior counsel would use such words to berate you, even as they are untrue? At times, I wonder if I have become the victim. Just because I have been found to have defamed the prime minister

doesn't give Mr Singh the free rein to act in such an irresponsible manner against me. It is hurtful.

103. As I had asked Mr Lee in court, I asked if he could predict what he will in future. In fact, Mr Lee had also said in the past, "None of us can imagine what Tanjong Pagar will be like 50 years from now", and, "What will the world be like 20 years from now? Nobody can predict exactly how events will unfold." As such, Mr Lee also admitted in court that he cannot know what he would do in future nor can he predict the future. If, as the prime minister, Mr Lee would not be able to do this, then how can I, an ordinary citizen, be anymore "calculated"?

104. I also asked Mr Lee if he had known right from the start that he would send the subsequent letters that he had sent to me, after the demand letter. Mr Lee admitted that he wouldn't have known if he would. Similarly, if Mr Lee wouldn't have known, then how would I have been able to prepare for the letters that would come my way, when I do not even know that these letters would keep coming, and definitely not how Mr Lee would be thinking at that time. As such, I am perplexed and confused when Mr Singh kept accusing me of being "calculated". How would I have been able to plan for any of my actions, when I did not even know what Mr Lee's actions would be? In fact, oftentimes, when I receive yet another letter from Mr Lee, I immediately agreed to Mr Lee's demands to take down articles or to act in accordance to his demands. I simply had no time to think most of the time. The fear I felt was real. Here was the prime minister - the highest authority of the land - who was sending letters to me. This is a defamation suit that we are talking about. It is not a joking matter. I was taking everything very seriously. How then can I be "calculated"?

105. The fact is that when the demand letter came, I wanted to comply with every demand and I wanted to end the matter quickly. I knew the gravity of how I could potentially be made bankrupt and I simply did not want to aggravate the matter. Thus I had believed that if I had abided by all the demands, the matter would have been settled. I am sincere in closing the matter. The honest truth is that I would not have been able to plan for any subsequent steps, not only because I do not know what Mr Lee would be thinking, but because I wanted to amicably resolve the matter as quickly as possible. I did write the articles and made the video thereafter, and also sent out the emails, but as I have explained, these are neither defamatory nor aggravating thus, and there was no intention on my part to further aggravate or defame. As such, I can swear from the bottom of my heart that I was sincere and genuine in making amends to Mr Lee. As such, how can I be "calculated"? If anything, Mr Lee was in control of the situation. Mr Lee and Mr Singh would be more determinate in what their next moves would be, and I am the one who would have to wait in fear for what is to come.

106. Most people do not get sued on a regularly basis, especially not with defamation. No one in their right mind would invite a defamation suit. The consequences of a defamation suit, in all cases in Singapore involving the prime ministers, have ended up with grave damages. As an ordinary Singaporean and the first to be sued, I simply cannot afford to pay such damages. In my writings, I have always been clear to use facts and statistics to ensure that my writings are based on evidence. If I were to use erroneous information, then people wouldn't have taken what I write seriously. My aim has always been to let Singaporeans know what is going on in Singapore, so that they can protect themselves. My writings are focused on that. If the government has taken care of Singaporeans, I would be more than happy to stop writing, so that I can even become a cleaner or waiter, as I had said in court. I do not want to defame the prime

minister and never have the intention, simply because it is not in my character and integrity to do so, and simply because my main aim has always been for the greater good of Singapore. If the government would protect Singaporeans, Singaporeans would be protected and the prime minister, as a Singaporean, would also be protected. It has always been about the greater good.

107. As such, when Mr Singh continued to paint the picture that I am "lying", I am greatly saddened, and confused once more. Yet, when I caught Mr Singh making the same mistake which he accused me of lying of, Mr Singh went numb, and kept silent for a while when he realised that every accusation of lying that he has made of me, he has made himself. If Mr Singh, as a senior counsel, who is expected to be held to the highest regard of the law, have lied in the very definition that he has sought to imply on me, then could Mr Singh throw the very accusation of lying at me, if it would only be a pot calling the kettle black? In Mr Singh's letter dated 4 June 2015, he had said that, "From 19 to 21 May 2014, the letter of demand was at the top of the Home Page". However, as I pointed out to him in court, this is untrue, because by 20 May 2014, there was already another article at the top of the Home Page. By Mr Singh's standards, I therefore put to him that he has lied. Mr Singh bit his tongue when he knew that it was true, and that he has lied by his own standards. But he kept silent. Not only that, Mr Singh had claimed that he has never stop me from making talking about the CPF but when I showed proof that he indeed has in one of his letters when he told me not to make "similar other posts, videos or other means" about the CPF, Mr Singh also clammed up, once again clearly showing that he has lied, by his own definition, yet again.

108. But those weren't the only time Mr Singh had to take a step back, after I pointed out how he was being irresponsible in his manner of speaking and questioning. At the start of the cross examination, he tried to get me to admit that I had said that the "government" had misappropriated the CPF monies. But I eventually found out what Mr Singh's ploy was, and asked him pointedly if he was asking about whether I had said that the "government" had misappropriated the CPF monies, or whether it was Mr Lee. When Mr Singh knew that I had recognised the ploy he was using, he kept ignoring my questions about what exactly he was trying to ask and kept trying to skip to the next question. He kept pushing me aside, until Your Honour had to tell Mr Singh to respond to me. That was when I could clarify on my stance and remind Mr Singh to be clear with his logic and questioning. Mr Singh does not have a right to connect what I say about the government spuriously with Mr Lee, when I simply have no intention whatsoever to do that. To make such an unreasonable connection will not only be irresponsible but will be an unfair miscarriage of justice. I am being bounded to defend myself but this does not mean I have to defend myself against such false and reprehensible charges, which are concocted and untrue. It is an invasion to my character and integrity. How can I defend myself when the swords thrown at me are poisoned?

109. As I then shared with Mr Singh, I understand that if he had made a mistake in what he has written, and therefore that even as it might be construed that he would have lied by his own standards, I am willing to accept that he has made a mistake and understand that on his part, it was an honest mistake. However, I do not know if Mr Singh would accept my reasoning or if he would continue in his attempt in maligning me as having lied. If Mr Singh would continue to do so, then I can only respect that it is his right to do so. But as a human to another, who has the empathy and compassion to understand Mr Singh's doings, I forgive him for his mistake and I forgive him for

what he has done to me. I can only hope that justice will prevail and Mr Singh will find it in himself to accept my genuine mistakes.

P. Legal opinions provided by non-governmental organizations during proceedings in domestic courts

110. What shocked me towards the end of the hearing was how Mr Singh suddenly devised the allegation that I was using foreign pressure to accuse the court. When he said that, I was at a loss of words and dumbfounded. I had half a mind to let him rattle on, because on top of the previous accusations that he had made about me, all of a sudden he threw in another accusation, one which I cannot even wrap my head around because it is so out of the world. Really, at which point do you decide to give up and just let Mr Singh throw stones at you? I almost felt like giving up, really. You know, I am only one person. I have fought this case on my own for more than the past one year. It is difficult. It is tiring. How do you fight a case on something which you never had the intention to do? I want to make things easy for Mr Lee and I have apologised sincerely to him many times. But when Mr Singh drops a bomb like this, really, how do you respond? How am I to explain this other than to say that I have not?

111. If Mr Singh could make such an accusation, then can I similarly say that with all the foreign dignitaries that the government ministers, members of parliament and President have been meeting, are they all conspiring with foreign insurgents to try to unsettle Singapore? Or with the funding that the government is giving to the International Monetary Fund, the Asian Development Bank and several other agencies, does this mean the Singapore government is interfering in the politics of the other Asian, African and South American governments and trying to overthrow their

governments? I mean, this is the kind of logic that Mr Singh is putting to me, then if the government is acting on a larger scale with larger amounts of money involved, should we then make accusations that the Singapore government is a danger to Singaporeans and to the world? Surely, we cannot be! Moreover, if Mr Singh would think so lowly of agencies such as the Media Legal Defence Initiative (MLDI), Article 19 or even the International Commission of Jurists (ICJ), then why doesn't he speak to them? Why doesn't he ask them what their intentions are for assisting me in my funds for the legal case? Did Mr Singh even try to speak to them before making such an accusation? Did Mr Singh ask to present them as witnesses? He did not. In fact, he conjured up this figment of his imagination, and gave the impetus for the media to pick up on the issue and paint me into a corner. I was horrified by what was done. By obfuscating this issue, Mr Singh just created another opportunity for the media to besmirch, whether it was intended or not.

112. Maybe let me point Mr Singh to the ICJ's profile. The ICJ comprises of "60 eminent judges and lawyers from all regions of the world", it says on its website. Mr Singh can very easily see who the members are, and in fact, I am sure that as a senior counsel and in preparation of the case, he would know who they are. Is Mr Singh suggesting that the 60 judges and lawyers are corrupt people who would go against the very basis of the law to use me so as to interfere in another country? Certainly, if Mr Singh would make such an accusation against these 60 judges and lawyers, such cannot be made so flippantly and without evidence and proof. I find it distasteful that Mr Singh, in his capacity as a senior counsel - and the highest position conferred to a lawyer in Singapore - would dare make such a remark that is so highly undignified.

113. Perhaps if I may need to remind Mr Singh again, I am the Defendant of the case tasked to defend myself from a bankruptcy which the media has reported to be as high as \$400,000. Simply, I do not have the funds to fight this case, even with the funds that I have received from Singaporeans who have supported me to fund raise. For that, I am grateful. As I have said in court, I was able to fund raise \$110,000 from Singaporeans, and on top of that, receive another £5,000 (\$10,500) from the MLDI. And even then, it is still not enough to cover the costs that I have incurred so far, for the \$70,000 that I had paid to my first legal counsel, the \$29,000 that I had to pay to Mr Singh for his costs in relation to the summary judgment, for the \$6,000 that I had to pay to Mr Singh for his costs for the application to bring in a Queen's counsel to defend me, for legal fees for my last legal counsel and for all the other miscellaneous costs and fees which have gone into the tens of thousands, in relation to the suit. If I had not had the support of Singaporeans and these organisations, there would be no way I would have been fight the suit. When that happens, what does Mr Singh expects me to do? Give up? Or be “cowed” into submission?

114. The plaintiff’s counsel alleged that the legal opinion submitted by the ICJ in support of the defendant amounts to an “attack against Singapore” or was meant to exert pressure on domestic courts or its judges.

115. The submission of legal opinions to support parties to a case, especially when the case is emblematic of the human rights situation in a particular context, is a common practice in international, regional, and domestic courts around the world. In the past, legal opinions and amicus curiae of non-governmental organizations like the ICJ have provided courts a broader view of the legal matters involved in particularly important cases. For example, the European Court of Human Rights has not only received

submissions by non-governmental organizations, but has also relied on them in its judgments.³ By taking into consideration the arguments and findings of NGOs, the European Court acknowledges the expertise of these organizations and the usefulness of their written observations.⁴ The Inter-American Court of Human Rights has also received several written submissions by non-governmental organizations such as Amnesty International, Lawyers' Committee for Human Rights, and the ICJ.⁵

116. At the domestic level, national and international NGOs have submitted legal opinions before courts in Canada, India, Indonesia, Japan, the United Kingdom, the United States and in many other countries of civil and common law traditions.⁶ The fact that so many courts around the world allow these kinds of submissions from non-governmental organizations is a clear sign that this widespread practice is not seen as negative. On the contrary, this practice has in fact helped courts in that it provides useful information that sometimes courts are not able to obtain due to logistical or technical constraints.

Q. Public office holders should use available resources to address matters of public interest before resorting to legal means

117. During his cross-examination of me, Mr Singh tried to spend half a day trying to pin me down as having said that the prime minister had misappropriated the CPF monies of Singaporeans. However, he was unsuccessful in doing so. Mr Singh

³ *Observer and The Guardian v United Kingdom*, European Court of Human Rights Application No. 13585/88, judgment of 26 November 1991, para. 60; *Chahal v the United Kingdom*, European Court of Human Rights (Grand Chamber) Application No. 22414/93, judgment of 15 November 1996, paras. 102 & 144.

⁴ Anna Wilkowska-Landowska, "Friends of the Court": The Role of Human Rights Non-governmental Organizations in the Litigation Proceedings", in: *Human Rights Law Commentary*, University of Nottingham School of Law, vol. 2, 2006, p. 109.

⁵ *Idem*, p. 111.

⁶ Steven Kochevar, "Amici Curiae in Civil Law Jurisdictions", in: *The Yale Journal of Law*, No. 122, 2012-2013, pp. 1659, 1660 & 1662.

repeatedly questioned me if I had intended to say that the "government" was misappropriating the CPF funds. On at least two occasions, I had to point out to Mr Singh that his question was pertaining to whether I had said that the "government" has misappropriated the CPF monies and that his question was not about whether I had said that the "prime minister" has misappropriated the CPF monies. Mr Singh was disingenuous in trying to connect my questioning of the government's use of the CPF monies to it being a question of questioning of Mr Lee. This is a misleading connection that Mr Singh tried to make. The fact of the matter is that Mr Singh knows that I have never said that Mr Lee had misappropriated the CPF and this is something Mr Lee admitted to as well. As such, Mr Singh knows that he cannot ask me a question of whether I had actually said so, and thus he tried to sneakily frame the question to connect the government to Mr Lee, in a contrived and false manner. I had to put Mr Singh in his place by reminding him that he is the lawyer who is representing the prime minister, and that he is not the lawyer who is representing the government. Quite simply put, as I had to explain to Mr Singh, he is not the AGC and he should not have been in court to question about the management of the CPF monies on behalf of the government. Moreover, the correct procedure would be for the AGC to investigate and not to take out a defamation suit against an individual to clarify. I had to put it quite clearly to him, in fact several times, that if the CPF monies of Singaporeans have been misappropriated, then it is up to the government's lawyer, the AGC, to investigate and identify if there was any misappropriation of the CPF monies, and then to identify who it was and to take the necessary steps to act upon the person(s) involved, as I am sure Mr Singh would be aware of. Simply, Mr Singh is not the AGC and just like he was conflating the prime minister with other entities, it looks like Mr Singh is also confused in his role and conflating himself as well. Indeed, there were simply too many

conflations that Mr Singh had tried to make, when he tried to say that Mr Lee is the government and that Mr Lee is Singapore, and vice versa. But when I had no intentions of making such links nor do they make sense in my mind, what exactly was Mr Singh trying to do other than to injure me? I am afraid Mr Singh is not at liberty to interpret the law with such latitude, such as to draw in arguments which are clearly separate from the case. Also, Mr Singh was unable to clearly define his line of argument and I believe that it is pertinent to take apart Mr Singh's line of logic and not allow him to obfuscate the issue further.

118. I had to remind Mr Singh several times that he is a senior counsel. It is reprehensible that Mr Singh could not string his logic in a coherent manner and was jumping through the hoops. First, on whether I had said that the government had misappropriated the CPF monies of Singaporeans, what I have always said was that the government has not been transparent and accountable to Singaporeans on the management of the CPF monies and that the government needs to take responsibility to answer to Singaporeans. Second, Mr Singh wanted to draw the link that I had said that the government had misappropriated the CPF funds, and to link it to mean that I have said that the prime minister had misappropriated the CPF funds. But Mr Singh was unsuccessful in doing so, as I told him repeatedly in court. The reason why Mr Singh was not able to draw this link was because I never meant to say it. Plainly put, if I have never intended to say that the prime minister has misappropriated the CPF monies, then I will never say it. And thus no matter how many times Mr Singh can try to frame his question to implicate me, he will never succeed in doing so, because not only do I have no intent, it also did not cross my mind that the prime minister had misappropriated the CPF monies. As I have affirmed numerous times, my critique has always been directed at the "government" and its management of the CPF monies. And as I had put it to Mr

Singh, if he wants to take issue with this, he is not the right person to do it and the defamation suit is not the right channel.

119. As I had said, Mr Singh is not the AGC and the AGC is not Mr Singh. I find it discomfoting that I was being sued for defamation over a personal matter, but at which the hearing was conducted, it was as if I was being questioned over something other than the defamation suit. But not only did Mr Singh tried to conflate the defamation suit with extraneous matters, he also used confounding arguments. First, Mr Singh asked me to take down four articles and a video which are clearly not defamatory and aggravating. Second, he kept taking my words out of their context to malign me and pin the blame on me. Third, Mr Singh also kept finding fault with the articles that I write on my blog, such as with the 9 articles that he took issue with when he wanted me to pay costs to him at the early part of this year, and each time with claims of aggravation. But pray tell, how would these 9 articles be aggravating when many of these write-ups were also about my personal life? Indeed, it has been proven over and over again that none of them were defamatory, which even Mr Lee had admitted to in court, and were therefore not aggravating. Clearly then, this can only be a reflection of the overly-wide latitude that the defamation suit has given to Mr Singh to define the case, and cannot be but a clear abuse of the law. It is clear that Mr Singh is overstepping his boundaries.

120. Most strangely, Mr Singh tried, in court, to make a connection between Mr Lee and Singapore. Mr Singh first tried to connect my questioning of the government to that of Mr Lee spuriously. He then asked if I was criticising the PAP. Mr Singh then brought in Singapore. But as I had to put Mr Singh in his place in court, I had to remind Mr Singh that Mr Lee is not Singapore, and Singapore is not Mr Lee. And if Mr Singh

thinks that I have defamed the PAP, then he can ask the PAP to sue me. Or if Mr Singh thinks that I have defamed Singapore, then he can ask Singapore to sue me. Where even a 3-year-old child can tell that Mr Lee is not Singapore and this case is not about the PAP, this is clear-cut intent of obfuscation by Mr Singh, unless of course I am mistaken, then it should not be a defamation suit that we are fighting. But this is a defamation suit and I would think it appropriate that Mr Singh treats it as so and not use the defamation suit as an excuse to bring in everything else besides the defamation to fight against me. It is inappropriate, callous and unruly.

121. The prime minister also said in an interview with the Time magazine on 23 July 2015: "If you make a defamatory allegation that the Prime Minister is guilty of criminal misappropriation of pension funds of Singaporeans, that's a very serious matter. If it's true, the Prime Minister should be charged and jailed. If it's not true, the matter must be clarified and the best way to do that is by settling in Court. If it's untrue, it will be shown so. If it's true, the Prime Minister will be destroyed." If I may humbly submit, the prime minister might have also understood the procedures wrongly. If the prime minister deems that misappropriation has occurred, then he should task the AGC to investigate on this matter. I do not think that a defamation suit is the best way to "clarify" on the facts of the "matter", as it is understood that the defamation suit is intended to protect the reputation of individuals and not be used to "clarify" on any alleged misappropriation, as the prime minister seems to want to use the defamation suit to do. And therefore, I would humbly submit that the prime minister would have procedurally, not taken the appropriate legal action in clarifying this matter. Moreover, in the defamation suit, the onus is on the Defendant to provide information to "clarify" and the Plaintiff is not required to do so. This would not have been helpful in fully "clarifying" on the "matter", and would still not be helpful to fully vindicate the prime

minister's reputation. Perhaps if the prime minister's intention is to "clarify" on the facts of the pension funds, then it might be wiser for him to appoint the AGC to investigate this matter, prior to the commencement of this defamation suit, so that we could have more factual and legal basis to argue on the merits of the case with more justification.

122. As I had said several times in court, the prime minister has numerous resources at his disposal, as the head of government, and as a prime minister and the chairman of GIC. If the prime minister believes that "the matter must be clarified", the best way for him to do it would be to ask the CPF Board, GIC and Temasek Holdings to be fully transparent and to publish full reports, so that clarification can be made with resolute. In fact, if the prime minister had done so without taking out a defamation suit against me, this would also put him in better stead. As I had also asked the prime minister in court, I had asked if, before he had sent the letter of demand to me, whether he had used the resources at his disposal to clarify on the matters of the CPF, and whether he had sent a letter to me to ask me to amend or remove the Article, in part or in full, without the threat of legal action. The prime minister admitted in court that he had not done so.

123. The prime minister also said in court that the government has dealt with some matters of the CPF, but to be clear, the government has not clarified on the matters pertaining to the CPF that I had written about in the Article. For example, the government still does not want to let Singaporeans know how many Singaporeans are unable to meet the CPF Minimum Sum (now known as the Full Retirement Sum) even though the CPF Minimum Sum has been in place for nearly 30 years, since 1987. The government still does not want to publish full, transparent and accountable reports from the CPF, GIC and Temasek Holdings even though it is now known that the GIC and

Temasek Holdings have taken the CPF of Singaporeans to use, either presently or in the past.

124. As I have explained, the prime minister is an office holder and insofar as the prime minister believes that he should be paid high damages “in his capacity of a Prime Minister, but also in his capacity as the Chairman of GIC”, as Mr Singh had said in his Opening Statement, on the same note, because he is the highest political office holder of the land, the prime minister also has the utmost duty and responsibility to use the resources at hand to respond to any public criticism of the government's use of the CPF monies of Singaporeans, and not to act with such immediacy by taking out legal suits on individuals. Such legal action would only have the effect of stamping out any criticism which could otherwise have been more constructively managed.

125. The court has to take into consideration that the prime minister's very first action was to sue, rather than to use the other available resources at his disposal to respond. I believe it is in the interest of Singapore and Singaporeans to outline the right of the political office holders' use of the law and the steps that they should take to ensure that the sanctity of Singapore's law and its use are upheld to the strongest regard, and that our political office holders are also held to their greatest responsibility. It would be inefficient if matters of public interest are taken to court to be addressed when there are other established channels for such matters to be clarified in a less resource-intensive manner and with greater clarity. This is something that our system has to clarify on.

R. The law cannot and should not be so flexibly used where matters of public interest are of concern

126. Honestly, I wish that it doesn't need to come to this, with the defamation suit. Even now, I still believe that the defamation suit can be resolved amicably. It is the reason why when I saw Mr Lee in court, the very first thing I did was to apologise to Mr Lee. It is the reason why I published the apology and undertaking, and apologised numerous times over the course of the year, it is also why I published a subsequent apology and undertaking when I believed that there was a need to. It was also why I tried to settle out of court three times, and doubled what I offered in damages, even as I am out of a job. I am sincere in trying to let this chapter in my life close, so that both Mr Lee and I can move on. It is my sincerest wish that we can find an amicable way forward.

127. As I had shared with Mr Lee, if he had spoken to me before sending the demand letter, to clarify with me on the points in the Article, I would have been very ready to amend and remove portions deemed defamatory. I would still also be willing to carry an apology and undertaking as well. In fact, if Mr Lee would also like me to publish any factual clarification and to debate the points raised in the Article, I would have been very happy to do so. But not only that, as the prime minister and the chairman of GIC, Mr Lee has an abundant of resources of his disposal, which he could have used to clarify on the matters brought up in the Article. It is to my dismay and disappointment that none of these actions were taken. Mr Lee's first action was to sue me, as he has admitted in court. Then how are we to "clarify" on any "matters", if indeed this was what Mr Lee had said that he wanted to do? If so, we wouldn't be able to "clarify" on any "matters", would we? Isn't the defamation suit then counterproductive and counterintuitive to Mr Lee's true intentions then? As I had said in court, with great power comes great responsibility. It is my humble belief that before Mr Lee sued me, he could have clarified on the matters raised in the Article not only because he has the

resources at his disposal, but also because it is his duty and responsibility as the prime minister and GIC chairman, as well as the power that he has been conferred, to duly adopt the appropriate means to “clarify”, before any legal methods are used.

128. I had also shown as evidence in court that the Channel NewsAsia has once reached out to me via Twitter to ask me to include a reference to them in my blog post, and which I did readily and even asked if they would like changes made to the amendments that I have made. As such, if the prime minister had similarly reached out to me, I would have been more than happy to make any amendments which he would require. Not only would I do this to Channel NewsAsia and the prime minister, I would have done so for anyone – this is the extent of the honesty that I undertake upon myself to act in. On top of that, if the prime minister has sought to clarify on my blog, I would have been very willing to do so, so that readers can have first-hand clarification not only from the government, but from the prime minister himself. It would at least let readers leave with a stronger understanding of “matters” and allow “matters” to be “clarified”, as the prime minister had said he wanted. Unfortunately, Mr Lee did not use any of the non-legal methods before he sued me, as he had also admitted in court. Worse still, the government never did fully clarify on the matters I raised in the Article pertaining to the CPF. Not only that, the government has chosen to still not be fully transparent and accountable to Singaporeans on the management of our CPF funds.

129. Freedom of opinion and expression are fundamental rights of every human being and are indispensable for the fulfillment and enjoyment of many other human rights. It has been widely known in international law that the right to freedom of

expression is a cornerstone in the existence itself of a democratic society.⁷ According to the UN Human Rights Committee, this right includes “the expression and receipt of communications of every form of idea and opinion capable of transmission to others such as political discourse, commentary on one’s own and on public affairs”.⁸

130. The right to freedom of expression, as many others, is not absolute. It may be limited in certain circumstances and only if specific conditions are met. However, in any case these limitations can be justified based on the protection of State authorities from public opinion or criticism; in fact, due to the nature of the activities and functions of State authorities, they are legitimately subject to public scrutiny.⁹ The European Court of Human Rights has also reasoned in this way and has highlighted that “the limits of permissible criticism are wider with regard to the government than in relation to a private citizen, or even a politician.”¹⁰ It added that “[i]n a democratic system the actions or omissions of the government must be subject to the close scrutiny not only of the legislative and judicial authorities but also of public opinion”.¹¹ Furthermore, certain forms of speech such as political speech or speech regarding matters of public interest are accorded a heightened degree of protection, as has been consistently recognized in the Inter-American Human Rights System.¹² This standard is especially pertinent regarding the media in general, which includes bloggers. According to the European Court of Human Rights, the media has a duty to impart information and ideas

⁷ UN Human Rights Committee, General Comment No. 34, *Article 19: Freedoms of opinion and expression*, UN Doc CCPR/C/GC/34 (2011), para. 12.

⁸ General Comment 34, *op. cit.*, para. 11.

⁹ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc A/HRC/14/23 (2010), para. 82 and General Comment 34, *op. cit.*, para. 84.

¹⁰ *Şener v. Turkey*, European Court of Human Rights Application No. 26680/95, judgment of 18 July 2000, para. 40.

¹¹ *Ibid.*

¹² Inter-American Commission on Human Rights. Office of the Special Rapporteur for Freedom of Expression, *Inter-American legal framework regarding the right to freedom of expression*, OEA Ser.L/V/II CIDH/RELE/INF (2009), paras. 99 & 101.

on all matters of public interest and is even allowed to recourse to a degree of exaggeration, or provocation.¹³

131. Matters of public interest could be described as matters that affect people at large in such a way that everyone is entitled to make fair comment; in these situations the public is legitimately concerned at what is going on; or what may happen to them or to others.¹⁴ Matters of public interest could include “all three branches of government – and, in particular, matters relating to public figures and public officials – politics, public health and safety, law enforcement and the administration of justice, consumer and social interests, the environment, economic issues, the exercise of power, and art and culture.”¹⁵

132. In the present case, I have been discussing about the Central Provident Fund (CPF) on my blog that, according to the CPF Board official website, would allow Singaporean citizens and permanent residents to set aside funds for retirement. For this purpose, Singaporean employers and employees make monthly contributions to the fund. In short, the CPF receives and manages the money of Singaporean taxpayers; money that will support them during their retirement. Therefore, the way in which the CPF is managed is and will always be, without a doubt, a matter of great public interest as it touches on the wellbeing of Singaporean citizens and residents. This means that anyone among the Singaporean society is entitled and legitimised to publicly discuss and raise concerns regarding the management of the CPF and, as has been explained above, the right to freedom of expression protects this kind of statements. In sum, what

¹³ *Fressoz and Roire v. France*, European Court of Human Rights Application No. 29183/95, judgment of 21 January 1999, para. 45.t

¹⁴ *London Artists Ltd v Littler*, England and Wales Court of Appeal Civ 3, 10 December 1968.

¹⁵ *Defining Defamation: Principles on Freedom of Expression and Protection of Reputation*, p. 10.

I have always been doing on my blog has been to discuss an issue that is a matter of public interest in Singapore; therefore, should be protected by the right to freedom of expression.

133. As such it is pertinent that our law guards against such a liberal use of the law, especially in relation to its use by a public office holder against an ordinary citizen, and especially when questions are raised on matters of public interest. As Mr Singh's line of questioning has shown, as much as the defamation suit has been carried out as part of a personal matter, even Mr Singh has attempted to draw the government, the PAP and Singapore into the picture, in his questioning. Not only that, several government officials and agencies, including the prime minister's press secretary, Ms Chang Li Lin, the Consul-General of Singapore in Hong Kong Jacky Foo and the Ministry of Health, have all deemed it to be such matters of public interest that they have all spoken up in relation to the defamation suit. Ms Chang had said: "as the Court has found, Mr Ngerng falsely alleged that "the plaintiff, the Prime Minister of Singapore... is guilty of criminal misappropriation of the monies paid by Singaporeans to the CPF". It is therefore entirely proper for me to deal with this matter as the Prime Minister's Press Secretary." The Tan Tock Seng Hospital also pointed out that one of the reasons why I was fired was because of the defamation suit.

134. As such, then even as the defamation suit should rightfully be a private matter, there are many public elements and issues of public interests as the above-mentioned government agencies and officials have reiterated. Of course, that the matter is of public interest, that I was sued for defamation conflates and complicates the matter. More so, I am perplexed as to why I was sued personally, but yet if the government so deems the matter to be one of great public significance, why wasn't the queries that I had brought

up been dealt with or fully clarified? If so, it cannot be all the more troubling that a legal personal initiative was taken but where there is a greater imperative for the public to be duly clarified with, that this did not happen.

135. In fact, Mr Foo had said, “A leader who does nothing when he is accused of criminally misappropriating monies from the state pension system must engender mistrust in his honesty and leadership.” But surely, doing something does not mean using the defamation suit as the only recourse when the prime minister, in his capacity, would have several other cheaper and more effective recourse that he could have used to build “trust”? Then why didn't this happen? The law has to guard against public officials turning to the law as their first attempt to mediate when there are certainly many other procedures that have been put in place that would allow public officials to be able to more efficiently deal with the matter. For one, legal recourse is a highly expensive matter and a tedious and drawn out process. For both public officials as well as ordinary Singaporean citizens, it would be wise and worthwhile for engagement to be done in a more systematic and streamlined manner, via the non-legal established channels and for such matters, especially one of public interest, to be properly addressed via such channels. To allow the legal recourse to be so frivolously used, if I may, this can potentially lend such use to abuse in future. Where then the public matter is not adequately clarified while the citizen punished, this would create an even greater imbalance than the legal system should have allowed, and such would be unwise in terms of the greater development of our society, when such fundamental issues of public interest are not addressed.

136. For then if this is allowed, it can only prevent citizens in future for speaking up, even if they would be speaking up for the good of the country and in the interests of the

people, where the law is not clear in its demarcations and its allowance to be used by public officials, this would create a blanket chilling effect that would necessarily mean Singaporeans would be less likely and less willing to speak up on public matters. But if this were to happen, witter our nation, would it not, if citizens no longer feel the right to partake in matters of national interest? As it has already been seen, where Singaporeans feel disempowered and have not spoken up, wages for the poor and middle-income were largely depressed for about 10 years or so, before enough voices online were able to make it an issue. But isn't 10 years too long a time where we allow the lives of the people to languish, before we finally take up the issue to champion for our workers? But such is the climate of fear that has settled through many parts of Singapore, where the fear to speak up has compromised the very ability of Singaporeans to be engaged and to improve Singapore.

137. Where then do we draw the line? Where public officials may find it too convenient to use the law, and to allow individuals to use the law to settle even matters which have an element of public interest to them, yet where the government would then not partake in its corresponding responsibility to respond to matters of public interest, then the court has to take a firm stand on this and not allow the law to be so easily slighted and misused. In the balance of the freedom of speech and the resultant chilling effect and social degeneration, the court has to take an earnest look at reforming the law and especially its use by public officials, so that we do not allow the law to be made a mockery of while the lives of Singaporeans become systematically compromised by the lax application of the law. We need to protect the lives of Singaporeans. It is a duty and responsibility that we must uphold. And public officials cannot be above the law. Indeed, Article 12 of the Constitution says that, "All persons are equal before the law and entitled to the equal protection of the law" and Article 14 says that, "every citizen

of Singapore has the right to freedom of speech and expression ". As such, we must ensure that our law will protect the very constitution that is enshrined, just because the constitution is intended to prevent the imbalance of justice from occurring, where public officials can sometimes forget their role as being servants to its citizens and in citizens sometimes compromising on their rights to speak up, and therefore we need to ensure that the law will protect the interests of all citizens as being above the law, and that public officials will use the resources at their disposal to account to the citizens, so that the freedom of speech of Singaporeans will still be protected, and that we will still contribute to the functioning of Singapore into the long term. We must.

S. There should be no damages awarded to prevent a chilling effect

138. When I first received the demand letter, I was very worried. It is this same chilling effect that I spoke about that pervaded my senses. Would I have to stop writing? Would I not be allowed to provide Singaporeans with the information for which they would be able to read and know about Singapore? I was scared that I would be cut off from this channel. In fact, such fear pursued me throughout the trial. I was worried that after the summary judgment, I would have to stop writing. Thankfully the injunction allowed me to continue to write about the CPF and on matters of public interest. As I have never had the intention to say that the prime minister had misappropriated the CPF monies of Singaporeans, and because this thought never came to my mind, there would be no way that I would repeat this, and as such, I was very willing to abide by the injunction. But even as the case went on, I did not know when I might have to stop writing. Even when it came to the hearing on the damages, I was afraid that I would have to stop writing. Such is the chilling effect that has even has an impact on me. But this is precisely how the uncertainty of the use and application of the law has, and how

in its use by public officials and the unclear boundaries which therefore put citizens like me, in a position where we fear, even illogically, because we find it difficult to discern within the law the clarity that would allow us the space to debate, and which thus results in people keeping quiet. But this cannot be the purpose of the law for the crippling of the freedom of speech necessarily cripples the ability for the citizens to be involved and to contribute to a well-functioning Singaporean society.

139. As I have explained, my fear that I would have to stop writing was not unfounded. I had real basis for such a fear. I was asked to take down the four articles and video even though they were clearly not defamatory and therefore not aggravating. In the letter that Mr Singh sent on 26 May 2014, I was told that I should not make "similar other posts, videos or other means", similar to the four articles and video I was asked to take down, even as they have been shown to be non-defamatory. By saying this, it was clear that a blanket ban that was being pushed onto me, and that I was being forced to comply, or otherwise I would have "aggravated" the matter, and would then be made to suffer financial loss for it. But such a widespread ban can only be considered unjust and uneven, and definitely not constitutional or even fair, when these articles and video were clearly about the CPF and where even the prime minister has admitted that I do not mention him in a defamatory light and he has not sued me for them. It was a very real fear that I saw at that time that the defamation suit could be an attempt to stop me from writing about the CPF altogether. But surely, this cannot be. Surely, the defamation suit was not meant to stop me from writing about the CPF completely? As a citizen of Singapore, surely as an equal citizen, I should have the right and ability to speak up, for the protection of myself and my fellow citizens, especially since I was speaking up on an issue of clear public interest?

140. As such, the court has to guard against such a liberal use of the law and the defamation suit and the uncertainty that the law presents itself. It is precisely because the defamation suit confers such wide-ranging abilities for any plaintiff, and where public officials are given such free rein to use the law, and the defamation suit, that in its lack of definition and clarity, that it could be so easily use by any such plaintiff, that can put the defendant in a highly unfair situation, and especially where the case is one which is brought by a public official against a Singaporean citizen, such inherent and built-in unfairness simply does not bode well for the functioning of a democracy, where the resultant effects are that the citizen would choose to self-censor and silence him or herself.

141. On top of this, where the citizen, as is my case, is made to pay extravagant damages, this will send a signal not just to me, but to many other Singaporeans that we would have to self-censor and keep our thoughts to ourselves. This will result in a chilling effect. But the negative effects are many. Where we would have, say 50 people who would give suggestions on how to improve on a system in Singapore, there would only be 5 because the rest are scared. This would mean we are losing out on a lot of other ideas which could make Singapore better. Where the numbers become smaller and smaller, what if one day we no longer have good ideas to manage Singapore? Not only that, for citizens who have learnt to self-censor, where at school, we would learn not to question, and at work, we would learn to only take orders, but where our citizens learn to comply and oblige, what if problems occur, who will question them and who will think out of the box to fix them? Where the train breakdowns occur, and where it has been found that many engineers had spoken up about them but were shut off and eventually decided to keep silent, thereby causing the worst train breakdowns in Singapore's history this year, why then did people learn to keep quiet? But there are

many practical reasons why the freedom of speech has to be protected, and it is not just because it is a fundamental human right that has to be protected. There are very real and practical effects to the citizens' lives and the well-functioning of our Singaporean society. We need to protect the freedom of speech, only because we need to protect the future and the sustainability of our country. We need to do this.

142. An extravagant damages, or even any damages, that I would have to pay will only cause Singaporeans to regress into a fearful mode, and such self-censorship will only be disastrous for the future of our country. We need to guard against it, and to guard against the over-liberal use of the law by our public officials. This is a responsibility we have to the citizens of Singapore and to the longevity of Singapore.

143. In addition, I have tried my best to show that I have carried myself in an upright and honest conduct throughout – this being my guiding principle in life. The position and standing of Mr Lee remains protected and well-guarded, and his reputation has in fact improved tremendously and even outshined itself. I have also shown that when I had published the Article, I had taken the utmost effort to ensure that factual information was published. I had also taken care to omit phrases which I thought would be misleading from the chart that I drew. At no point in time during the publication of the Article, and before or after its publication did I ever said that Mr Lee had misappropriated the CPF monies of Singaporeans, or that he had criminally misappropriated the monies, because as I have asserted, this thought did not even cross my mind at the time of writing. I had maintained a conduct that was focused on speaking up in the interest of Singaporeans, so that we would be able to seek transparency and accountability from the “government” on the management of the CPF monies. The Article was never intended to be a commentary on Mr Lee in whatever forms it can

take, and there was absolutely no intention on my part at all and whatsoever, in wanting to defame Mr Lee or say that he had misappropriated the CPF monies. In fact, I was eager to take down the Article, and subsequent articles and the video even as the latter articles and video are not defamatory nor aggravating. I had also very willingly published the apology and undertaking, and even voluntarily republished it on my own accord, as well as apologised numerous times via my lawyer as well as in court, and also on my blog. But this is the extent of my sincerity – I have never intended or wanted to defame Mr Lee at all and I was thus willing and swift in meeting the demands that the Plaintiff has requested, and had done so expeditiously. It is unfortunate that Mr Lee felt that the damages that I had offered is “derisory” and “unrealistic” but I had made offers which I wanted to be able to realistically honour, and therefore had proposed as such. To this day, I still wish that Mr Lee could have reached out to me before sending the legal notice. I would have been very glad and very willing to accede to any of his requests to amend or delete the Article, in part or in full, even without the letter of demand. I would have also been very willing to carry a clarification from Mr Lee as well. Indeed, Mr Lee, in his position as the prime minister and GIC chairman, would have the multitude of resources to respond to the Article, which would have been more effective at vindicating his reputation, than the legal action. I had also extended an invitation to Mr Lee to have an open dialogue, which I believe would have a better effect of clarifying on matters as well. However, none of this actions were taken, except for a legal suit. I continue to act to the best of my ability, in trying to resolve the matter, and I hope that my sincerity and willingness to make amends will be a factor in the determination of the damages. In the end, I have done what I could and responded to the Plaintiff’s demands, even as Mr Lee has admitted that the articles and video that I was subsequently asked to take down were not defamatory, and even as Mr Singh had

even tried to stop me from talking about the CPF, by wanting to stop me from making “similar other posts, videos or other means”. At each and every step of the way, I have tried my level best to abide by the demands because I understand the gravity of the matter and was sincere in assisting Mr Lee in the process. On the same note, it is also the gravity of the Plaintiff’s position as the prime minister and GIC chairman which would also require a complementary commitment towards upholding the responsibility of the state, and thereby also honouring the relationship with the citizen, to also use the full range of the state’s resources to engage with the citizen, where if the citizen was not sufficiently engaged but instead conferred a lawsuit, when such as available and more efficient methods of communication and clarification were not used can only be a mockery of the position of the public office holder and which the court should seek to avoid in its judgment. Where the citizen is on equal ground with a public holder, as outlined in the Constitution, and where the freedom of speech, also enshrined in the Constitution, would necessarily protect the longevity of the country, the damages has to be seen in such a context as to not be awarded to encourage the frivolous use of the law and the resultant chilling effect, and thereby compromising on the country’s long term viability. In the interest of the above, and where I have acted in my utmost honesty and sincerity, I can only beg the court to award damages or none that would protect the sanctity of our Constitution and the sustainability of our country’s future.

144. Simply put, there is no grounds to ask for damages because Mr Singh has blatantly obfuscated the issue and sought to abuse the court process by impugning not only my character without integrity to my honesty but to also mislead the court by wilfully distorting information and taking them out of their context, to unabashedly present a farce which cannot and should not be tolerated or be accepted in the eyes of

the law, which otherwise would perverse the very sanctity of the legal system that we have sought so hard to build upon the rule of law.

T. I still believe that we can amicably resolve this

145. In his Swearing In Speech in 2004, Prime Minister Lee Hsien Loong said, “Our people should feel free to express diverse views, pursue unconventional ideas, or simply be different. We should have the confidence to engage in robust debate, so as to understand our problems, conceive fresh solutions, and open up new spaces.” He also said, “We must give people a second chance, for those who have tasted failure may be the wiser and stronger ones among us.” I had asked Mr Lee in court if he could also give me a “second chance”. However, Mr Lee has declined to do so. It is my hope that Mr Lee will still see it within himself to do so, so that we can become “wiser” and stronger”.

146. At the last general election, Mr Lee said, “If we didn't get it right, I'm sorry. But we will try better the next time.” He also said, “We're sorry we didn't get it exactly right, but I hope you will understand and bear with us.” I had asked Mr Lee in court if he would give me a “next time” but Mr Lee declined to do so. Even though Mr Lee declined to give me a “second chance”, in spite of having said sorry to him numerous times, I continue to hope that he would “understand” and “bear” with me, and to give me a “next time”. I believe too that if there is to be a “next time”, that Mr Lee should use the full range of resources at his disposal as the prime minister and GIC chairman to deal with the matter. But be assured that there will be no next time on my part, as I have never intended to defame the prime minister nor has it cross my mind that Mr Lee had misappropriated the CPF monies, as such I simply cannot and will not make such an accusation which I did not think of.

147. Mr Lee also said at the Public Service Leadership Advance on 30 September 2013, “You have to go that extra mile to build that extra trust, to get people to open up and to tell you what is really happening. Then you can make up your mind about what you need to do, based on facts, based on reality, based on what is working or not working on the ground”. It is still my hope that as a public servant, Mr Lee will “go that extra mile to build that extra trust” with me. I still believe that we can find an amicable solution to this.

U. My aim has been to always advocate for the government to protect Singaporeans

148. At the end of the day, I am a very simple man, even naive, as some have told me. And I am a dreamer, I dream of a more beautiful Singapore, where our old will be taken care of, where our young are free to play, where our poor are not poor and where our rich give back to our country and where we have a truly happy society and a truly happy Singapore. And this is what I really believe in and what I believe can happen in Singapore.

149. Singapore has so many things going for us. A perfect location, to some, a perfect weather. We have a people who work hard and who used to enjoy the fruits of their labour. We have a kind-hearted people but who many are turning angry. It all didn't use to be like this. Our forefathers fought for our land. Our first generation leaders helped to build it up. I was born in 1981, just in time to be part of the golden age of Singapore, and yet also in time to see its silent wane. A Singapore where only the elites can see success is one where all will not see it for long. For our country, for our children and for the greater future of all of Singapore and Singaporeans, we cannot allow the wrong

in our country to go unsettled, we cannot allow the ills in our country to go astray. We have to decide to recognise what has gone wrong and to set things right.

150. For far too long, many have stayed silent, fearful of what would happen to them. But as the rest of us submerge ourselves in this fear, how long more before our country submerge because of our complicit silence against what is wrong in our country? The reason why I speak up is because I want my country to do well. I want the peoples of my country to be protected. I speak up because I do not want to see my fellow countrymen be bullied. If I have a voice, I need to use it. Otherwise, what is the point of having a voice? It is not to command, to bully or even to lead. It is to give hope, to give strength, and to give courage. For only with these can a people grow and stay united, and only with this will they join hands and fight for a better tomorrow.

151. I am a really simple person. I see my country and countrymen affected, and so I speak up. It is the very same sense of duty and friendship that got me to make friends with friends from the other races. It is the same duty and compassion that got me to work with children with autism. It is the same duty and hope that got me to work for 8 years to raise awareness on HIV, because I believe in creating a more caring and understanding society. It is a duty and responsibility to our fellow man and woman, it is a service to the people, for when we serve our fellow people, they will in turn serve us and we can bring our place to greater heights.

152. As I stare outside the window in the quiet of the night, I wonder to myself what I am doing. While other people are busying with their careers, in the prime of their lives, I have been jobless for the past one year and been uncertain about my future. You know, I fight because I believe we can create a better future, and when that happen, I

am more than happy to content myself as a waiter or a cleaner. I do not aspire to have big dreams, but I do aspire to a life where we can all live in peace and dignity, together.

153. I have never intended to defame the prime minister. I do not even care about what he does in his personal time. You know, throughout this whole time, for more than the past one year since I got sued, I do not have any hatred or anger towards the prime minister. I might be shocked and taken aback at having received the letter of demand and being sued, but I have never hated him, this I say even in private conversations with people I know. It has been a long time since I hated anyone, or anything. I mean it when I say that I started my blog because I have reached a level of happiness and awareness, and which I wanted to share. What drives me in my eagerness to speak out against the PAP is my anxiousness to want to create a better Singapore for Singaporeans and the people who reside on the island. For the PAP and its associates, I hold no ill will against them for I do not know them. Moreover, who am I to judge what they do, just as what would I know about what I would do until later on in life, for this is the benefit of hindsight, some of us the fortune to have it a bit faster more than others. But who of us have the right to think ourselves better than another?

154. But I fear that this is a mindset that is taking root in our country, as people fear for their own lives and start to fight over one another to get ahead. But is this the way our country should be? A tinge of sadness crosses my mind. Life is like clockwork, you are born, you live, you learn, maybe not, and then you die. Some earn a lot of money which becomes meaningless when they become ash, then so does their cash. And some learn the meaning of life and take it with them if they believe in an afterlife. All I want to do is to do what's right - no, not to defame or insinuate, these which I do not believe in. When I talk about what is right, it is to believe that in what you are doing, out of the

greater good for what can transpire. Sometimes I cannot wait to stop doing what I do, when I am no longer needed and when people have learned to find their own voices, then I can go and sit by a little cottage house, and drink tea while I look at the rolling hills stretch beyond me, for I do want a simple life. But sometimes duty calls.

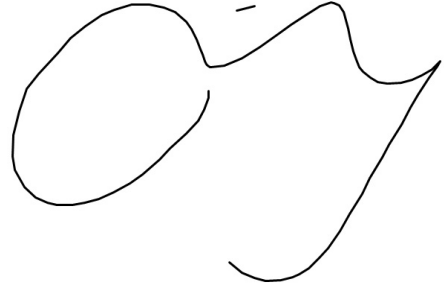
155. I do not hate Mr Lee. Neither do I hold any ill feelings towards him. In fact, I understand that it is not easy to be him, him a product of his circumstances just as mine a product of mine. But from a humble background of mine, it cannot possibly compare to the immensity of his. All I can say is that I wish him well and I hope he lives a good life. My conscience is clear and I can say to myself that there was no intent whatsoever to want to hurt him and this I can say and know that I will sleep well at night, and will not go to hell, if there is a hell. For until the end of time, as I have sworn in court, my heart remains true and the smile on my face intact, this the consolation for what has tide me through.

156. I can only wish that Mr Lee will have the big-heartedness to forgive what I never meant to do to him, for it never did cross my mind. I can only hope that when our paths cross again, that it will be one of peace and of hope, and where we can both work towards our own vision of our future.

157. At the end of the day, my aim has always been to advocate for a government that will implement policies to take care of and protect Singaporeans, so that Singapore will be a more equal place, and where our people will be happier, and where our society will grow and become a better place for all to live in, and where the people here will be able to grow to their fullest potential. This is all that I believe in.

158. If I am persecuted for having such a belief, then I would ask, if it is your belief to fight for your countrymen because it is your duty to your country and to the people, is it wrong?

Dated this 31st day of August 2015

A handwritten signature in black ink, consisting of a large, rounded initial 'R' followed by a series of connected, somewhat jagged lines that form the rest of the name.

ROY NGERNG YI LING

DEFENDANT-IN-PERSON