

## Litigation Alert

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### Prime Minister of Singapore Moves for Summary Judgment in Novel Defamation Lawsuit

In papers filed today with the High Court of Singapore, Prime Minister Lee Hsien Loong moved for summary judgment in his defamation lawsuit against blogger Roy Ngerng Yi Ling. The prime minister's action is the first defamation suit of its kind against an online critic and has wide-ranging implications for reputational recovery in Southeast Asia.

#### Background

Two months ago, Roy Ngerng was a relatively low-profile, public-hospital employee who created a personal blog called "The Heart Truths" on WordPress.com, a popular website that allows anyone in the world to "start a blog or build a website in seconds without any technical knowledge." Today, he is embroiled in a defamation suit brought by the most powerful person in the country in yet another case that highlights the impact of the Internet.

On May 15, 2014, Ngerng published a blog entry titled "Where your [Central Provident Fund (CPF)] Money is Going: Learning from the City Harvest Trial." The post began with an infographic depicting key players in the high-profile prosecution of City Harvest Church, whose leaders are accused of misappropriating tens of millions of dollars in church funds. Directly below the City Harvest Church infographic, Ngerng pivots to an infographic depicting Prime Minister Lee: "Meanwhile, something bears an uncanny resemblance to how the money is being misappropriated." Ngerng writes: "[W]hy is it that Singaporeans have saved a massive \$253 billion in the CPF but nearly 90% of us are unable to meet the CPF Minimum Sum, are unable to take our money out and are unable to retire? Do you see something amiss? You are not the only one." The blog entry closes by accusing the prime minister's political party of "tak[ing] our retirement for themselves to earn high interests on it, while devaluing our CPF and our ability to retire."

On May 18, 2014, lawyers for the prime minister sent a demand letter to Ngerng, stating "[t]he Article means and is understood to mean that Mr. Lee Hsien Loong, the Prime Minister of Singapore and Chairman of GIC, is guilty of criminal misappropriation of the monies paid by Singaporeans to the CPF. This is a false and baseless allegation and constitutes a very serious libel against our client, disparages him and impugns his character, credit and integrity." The letter predictably demanded that Ngerng remove the blog post and issue an apology, but also took the extraordinary step of demanding that Ngerng "compensate [the Prime Minister] by way of damages; and indemnify him" against all costs and expenses incurred in the matter.

On May 23, 2014, Ngerng published the following on his blog:

“I recognise that the Article means and is understood to mean that Mr Lee Hsien Loong, the Prime Minister of Singapore and Chairman of GIC, is guilty of criminal misappropriation of the monies paid by Singaporeans to the Central Provident Fund. *I admit and acknowledge that this allegation is false and completely without foundation.* I unreservedly apologise to Mr Lee Hsien Loong for the distress and embarrassment caused to him by this allegation. I have removed the Article and the links to the Article and undertake not to make any further allegations to the same or similar effect.”

Through his attorneys, Ngerng even “made an offer of damages” to the prime minister in the amount of \$5,000 due to the “modest living and income he derives from working as a health care worker.” The prime minister’s lawyers referred to the settlement offer as “derisory” and sued Ngerng on May 30, 2014. Today, the prime minister moved for summary judgment.

## **Analysis**

Imagine if a 25-year-old blogger in his basement accused President Obama of stealing from the Social Security Trust Fund. This is undoubtedly a serious accusation, and even a poorly sourced attack on one’s reputation can spread like a virus if not carefully managed. A week before the complaint was filed, Ngerng issued a public retraction, removed the offending blog post and admitted that the allegations were “false and completely without foundation.” With this retraction in hand, the prime minister had a powerful tool to quell further dissemination of the allegation.

Instead, the prime minister filed a lawsuit that triggered predictable consequences in the age of the Internet. The international media picked up the story, and a 25-year-old hospital worker became a cause celebre. Ngerng’s allegedly defamatory statements have been republished on several websites, and the entire blog entry in question remains publicly available at [therealsingapore.com](http://therealsingapore.com). Ngerng’s blog has become a running diary of important developments in the case.

The Singapore Constitution states that “every citizen of Singapore has the right to freedom of speech and expression.” However, courts have held that “no one is entitled under the guise of freedom of speech and expression to make irresponsible accusations, . . . otherwise public confidence in the administration of justice will be undermined.” Much like the United States, the High Court of Singapore will deny summary judgment where “there is an issue or question in dispute which ought to be tried.” Rules of Court Order 14, Rule 3.

The court will now examine the underlying blog post to “determine the natural and ordinary meaning of the Offending Words and images pursuant to Order 14, Rule 12 of the Rules of Court.” In other words, Ngerng’s public apology will not be dispositive for the purpose of summary judgment. As a result, the prime minister may have to deal with additional negative publicity if the court denies his summary judgment motion. The damage from a reputational attack can be devastating for a public figure and have serious commercial consequences for a company, but the goal of reputational recovery is to kill a false story, not win a lawsuit.

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