



FOR IMMEDIATE RELEASE
2 JULY 2020

**HEARING OF CONTEMPT PROCEEDINGS
AGAINST MR LI SHENGWU**

On 2 July 2020, the High Court heard the AGC's application for an order of committal against Mr Li Shengwu for contempt of court.

Background

2 The proceedings concern a Facebook post Mr Li made to his Facebook "Friends" on 15 July 2017, which stated (amongst others) that the Singapore Government "is very litigious and has a pliant court system" (the "**P**ost"). The Post was subsequently republished widely and attracted considerable public and media attention in Singapore. As Mr Li refused to apologise for his statement, the AGC commenced these proceedings on 4 August 2017.

3 Leading up to the hearing, the AGC applied for Mr Li to produce documents that he had referred to in his defence affidavit, and posed various questions for Mr Li to answer on oath (which he applied to set aside). The documents and questions related to how many Facebook "Friends" he had at the time of the Post, how many of them were resident in Singapore and how many of them were members of the media. These applications were fixed for hearing on 3 February 2020.

4 On 22 January 2020, less than a week before written submissions were due in the applications, Mr Li abruptly announced that he would no longer be participating in these proceedings. He also discharged his solicitors. On 3 February 2020, the High Court ordered Mr Li to produce the documents referred to in his defence affidavit within 14 days, *ie*, by 17 February 2020. Mr Li was also required to answer the AGC's questions by the same date. To date, Mr Li has not done either.

5 On 3 February 2020, Mr Li was also ordered by the Court to attend the hearing today to be cross-examined. Despite repeated reminders from the AGC

of the date and venue of the hearing, and his obligation to attend, Mr Li was absent in Court today.

Summary of the AGC’s arguments before the Court

6 The AGC made the following arguments in its written and oral submissions to the Court.

7 In order to prove that Mr Li committed the offence of scandalising contempt, it must be proved that (a) Mr Li intended to publish the Post; (b) the Post posed a real risk of undermining public confidence in the administration of justice; and (c) the Post did not constitute fair criticism.

8 The first requirement was clearly met as Mr Li never disputed that he published the Post *intentionally*.

9 Second, Mr Li’s publication of the Post undoubtedly posed a real risk of undermining public confidence in the administration of justice:

a. The plain meaning of the words used in the Post – particularly, that the Government “has a pliant court system” – is that the Singapore Judiciary is not independent in the discharge of its duties and is in fact subservient to the Singapore Government. In fact, the words used in the Post are strikingly similar to the words used in other cases (“compliant judiciary”) where the Singapore Courts have found contempt to be established.

b. Mr Li’s Post was published directly to his Facebook “Friends”, which likely comprised a substantial number of people in Singapore, including members of the media. Tellingly, Mr Li chose to withdraw from these proceedings once it became clear that he would be required to produce evidence to show exactly how many Facebook “Friends” he had, and whether any of them were members of the media. Mr Li has deliberately and persistently *withheld* this information, in open defiance of a Court order, and intentionally avoided cross-examination on these assertions: see paragraphs 4–5 above.

c. At the time that Mr Li published the Post, it was entirely foreseeable that it would be widely republished in the public domain, given that:

i. Mr Li was the grandson of the late Minister Mentor Lee Kuan Yew (“**MM Lee**”) and had held himself out to the public as

being qualified to comment on Singapore's politics and media on account of his connection to the Lee family. His claims about the Government and the Judiciary would therefore have attracted great public and media interest in the Post.

ii. The Post was published amid the highly publicised dispute over 38 Oxley Road and allegations of abuse of power by Mr Li's father and aunt against his uncle, the Prime Minister of Singapore. The timing of the Post ensured that it would capture widespread public attention.

iii. The Post was particularly inflammatory as it denounced the court system that Mr Li's grandfather, MM Lee, had safeguarded his entire public life. The Post directly contradicted MM Lee's consistent and spirited defence of the integrity and independence of the Singapore Courts. In fact, Mr Li endorsed – as part of the Post – a 2010 article from the New York Times which described MM Lee as the leader of an “authoritarian regime”.

iv. Mr Li had no basis to expect that his Facebook “Friends” would not share the Post with others. He took no steps to prohibit them from, or warn them against, republishing the Post, which was inherently susceptible to being captured on screen and shared widely.

These circumstances all but assured that the Post would be widely republished.

10 Third, the Post could not constitute fair criticism made in good faith. Mr Li's attack on the independence of the Singapore Judiciary was totally unsupported by either argument or objective evidence.

11 In the event that Mr Li is found to be guilty of scandalising contempt, the AGC submitted that he should be sentenced to a fine of at least \$15,000 (with two weeks' imprisonment in default of payment). This takes into account the nature and gravity of Mr Li's contemptuous allegation, the widespread republication of his statement, and his clear lack of remorse and reprehensible conduct in these proceedings. A substantial fine is also necessary to deter Mr Li and other would-be contemnors from making similar baseless allegations impugning the independence of the Singapore Judiciary.

12 After hearing arguments today, the High Court reserved judgment.

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ATTORNEY-GENERAL'S CHAMBERS
MEDIA AND COMMUNICATIONS UNIT

For queries, please contact:

Ms Dawn Ang
Senior Assistant Director
Tel: 6908 9448
Email: dawn_ang@agc.gov.sg

Ms Lai Xue Ying
Manager
Tel: 6908 3067
Email: lai_xue_ying@agc.gov.sg