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DISTRICT JUDGE CHIAH KOK KHUN
23 January 2026

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 37

District Court Originating Claim No 3 of 2024

Between

Clarence Lun Yaodong

… *Claimant*

And

Tan Chin Aik Joseph

… *Defendant*

JUDGMENT

[Tort — Defamation — Publication — Internet defamation — Allegedly defamatory comments being posted online — Whether publication element in defamation law satisfied — Whether the comments were published by the defendant — Whether the comments were read by a substantial number of readers in Singapore]

[Tort — Defamation — Injunction — Final prohibitory injunction restraining future publication of allegedly defamatory statements — Applicable principles for granting final prohibitory injunction in defamation actions]

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Clarence Lun Yaodong
v
Tan Chin Aik Joseph

[2026] SGDC 37

District Court Originating Claim No 3 of 2024
District Judge Chiah Kok Khun
23 September, 3 November, 22 December 2025

23 January 2026 Judgment reserved.

District Judge Chiah Kok Khun:

Introduction

1 The parties to this defamation suit are advocates and solicitors.

2 The defendant had incorporated a law practice, Fervent Chambers LLC and invited the claimant to join him in the practice. In time, the defendant on his own accord, relinquished his directorship and shareholding of the practice to the claimant. Subsequently, the defendant became involved in run-ins with regulatory authorities, leading to the claimant terminating the defendant from the practice.

3 Thereafter the defendant published defamatory posts on Facebook which the claimant says referred to him. The claimant commenced the present action against the defendant in respect of a total of 13 defamatory publications ("the Pleaded Publications") published in December 2023 across five Facebook

accounts ("the Pleaded Accounts").[1] The Pleaded Accounts were de-activated as of 2 May 2024.[2] The claimant says that whilst there were numerous other instances of defamatory publications by the defendant on Facebook, he is not making claims in respect of those publications. The defendant denies that the Pleaded Publications were published by him; and that there was publication in Singapore to a substantial number of readers. The defendant elected not to give evidence at the trial of the action before me. Instead, he relied solely on the evidence of his expert witness who testified at the trial.

4 For the reasons below, I am allowing the claim in respect of the Pleaded Publications.

Issues to be determined

5 It should be noted at the outset that the defendant does not dispute that the Pleaded Publications referred to the claimant and that they were defamatory of him. The defendant also has not raised any of the defences of justification, fair comment or qualified privilege. As alluded to above, the defendant however disputes that the Pleaded Publications were published by him; and that there was publication in Singapore to a substantial number of readers. Therefore, the issues to be determined by me in the present case are as follows:

(a) Whether the Pleaded Publications were published by the defendant.

(b) Whether the Pleaded Publications were read by a substantial number of readers in Singapore.

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1 AEIC of the claimant at Para 3.

2 AEIC of the claimant at Para 35.

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(c) If publication is established,

(i) What would be the appropriate quantum of damages.

(ii) Whether a final prohibitory injunction should be ordered against the defendant.

Analysis and findings

The Pleaded Publications were defamatory and referred to the claimant

6 I turn first to examine the nature of the Pleaded Publications. The five Pleaded Accounts containing the Pleaded Publications have eclectic profile names. For ease of reference, I have directed the claimant to set out the Pleaded Publications in a table form. They are set out in the following table, arranged in chronology order of publication, with the profile names of the Pleaded Accounts, the defamatory words of the Pleaded Publications, and their meanings as pleaded by the claimant:[3]

TABLE 1

S/no	Date of Publication	Account	Defamatory Words	Meaning

[3] See pp 5-14 of the claimant's closing submissions.

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1 - 2	6 December 2023; 8.47am and 10.22am	1st Pleaded Account "Joseph Tan CA"	Joseph Tan Chin Aik had tasked the COMPANY SECRETARY Clarence LUN YAODONG to register a HOME OFFICE with HDB for himself etc etc … no wonder CLARENCE sabotaged JT into Madness and Unfitness for Law Practice … A Tale of 2 Deceivers - Clarence LUN YAODONG stealing a law firm …all hoping to get Away for Free without CONSEQUENCEs ?	That the claimant had used despicable and/or unethical means, whether by himself or with third parties, to trigger the defendant into unsound mind and/or insanity and/or rendering the defendant mentally unfit for legal practice; and that the claimant had usurped the directorship and shareholding of a law firm by illegal and/or unethical means.

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3	7 December 2023; 7.24am	1st Pleaded Account "Joseph Tan CA"	Playing A Fool with GOD food and GRACE by Clarence LUN YAODONG …	That the claimant is making a mockery and/or has no respect for the beliefs in the religion of Christianity.

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4	11 December 2023; 7.58am	4th Pleaded Account "Ridout Corruption Whitewashed"	CLARENCE LUN YAODONG as A Very Good Coach / Strategist for Kicking Out Good Men out of SGX MAIN BOARD Companies - As A Spokesperson Too !!! Lawyer CLARENCE LUN YAODONG coaching CEO TANOTO SAU IAN on the Affidavit of Lies - in accordance with what TONY LI HUA had paid $70k to CLARENCE LUN YAODONG for then - in early 2020 …	That the claimant had, in the course of his practice as an advocate and solicitor, engaged in corruption and/or received gratification and/or bribery from his clients; that the claimant had, in the course of his practice as an advocate and solicitor, colluded and/or acted in concert with various third parties to meddle and/or interfere with the internal management affairs of a body corporate client; and that the claimant had, in the course of his practice as an advocate and

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				solicitor, colluded and/or instigated his clients to fabricate false evidence and/or commit perjury.

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5	11 December 2023; 10.06am	4th Pleaded Account "Ridout Corruption Whitewashed"	Clarence LUN YAODONG as the BEST LAWYER STRATEGIST for SGX MAIN BOARD TAKEOVER - willing to COACH Clients on their AFFIDAVIT to be ADJUSTED with PERJURY and ACTING as SPOKESMAN for CLIENTS - the BEST in JB BATAM and SINGAPORE SGX REGCO too !!!	That the claimant had, in the course of his practice as an advocate and solicitor, engaged in corruption and/or received gratification and/or bribery from his clients; that the claimant had, in the course of his practice as an advocate and solicitor, colluded and/or acted in concert with various third parties to meddle and/or interfere with the internal management affairs of a body corporate client; and that the claimant had, in the course of his practice as an advocate and

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				solicitor, colluded and/or instigated his clients to fabricate false evidence and/or commit perjury.

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6	11 December 2023; 11.45am	4th Pleaded Account "Ridout Corruption Whitewashed"	Actually CLARENCE LUN YAODONG ("PUSSY2020") (HP [phone number redacted]) is the WORST but yet the BEST we have seen of A 'christian' CORRUPT LAWYER STRATEGIST making it VERY VERY VERY RICH now - Clarence LUN YAODONG as the BEST LAWYER STRATEGIST for SGX MAIN BOARD TAKEOVER - willing to COACH Clients on their AFFIDAVIT to be ADJUSTED with PERJURY and ACTING as SPOKESMAN for CLIENTS - the BEST in JB BATAM and SINGAPORE SGX REGCO too.	That the claimant had, in the course of his practice as an advocate and solicitor, engaged in corruption and/or received gratification and/or bribery from his clients; that the claimant had, in the course of his practice as an advocate and solicitor, colluded and/or acted in concert with various third parties to meddle and/or interfere with the internal management affairs of a body corporate client; and that the claimant had, in the course of his practice as an advocate and

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				solicitor, colluded and/or instigated his clients to fabricate false evidence and/or commit perjury.

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7 - 8	22 December 2023; 10.55am and 1.45pm	1st Pleaded Account "Joseph Tan CA"; 5th Pleaded Account "Crypto Mediation Clinics"	Despite the Bribes of Positions and Opportunities offered me in late 2019 by a TONY Li Hua then to take up certain cases against his rivals in USP GROUP LIMITED ("USPG") to have ourselves Planted into USPG thru COORDINATING a COLLUSION of CONCERTED PARTIES of a EGM2020USPG, I was not tempted by SUCH -…- Instead, CLARENCE LUN YAODONG ("CL") took it up … Some time in 2020, CL generated a Committal Proceeding for boosting his revenue at FOXWOOD LLC against JAMES YIP and another previous ID of USPG to generate PUBLICITY for CL as A Great Lawyer in the following announcement …	That the claimant had, in the course of his practice as an advocate and solicitor, engaged in corruption and/or received gratification and/or bribery from his clients; that the claimant had, in the course of his practice as an advocate and solicitor, conducted legal representation of his clients in a manner other than in the interests of his clients; and that the claimant had, in the course of his practice as an an advocate and solicitor, colluded and/or acted in concert with various

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				third parties to meddle with the internal management affairs of a body corporate client.

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9	27 December 2023; 12.46pm	2nd Pleaded Account "Lawyers Mess Chronicled"	We believe CLARENCE LUN YAODONG to have been instructed by CEO ERIC TANOTO SAU IAN to have JOSEPH TAN CHIN AIK Sabotaged and Done - To Be Silenced as MENTALLY UNFIT … However, in the case of CLARENCE LUN YAODONG, he had touted himself to be the BEST HIRED GUN to ERIC TANOTO SAU IAN and TONY Li Hua with his Team from FOXWOOD LLC for an EGM in January 2020 to have the Whole Board of Directors of USP GROUP LIMITED kicked out.	That the claimant had used despicable and/or unethical means, whether by himself or with third parties, to trigger the defendant into unsound mind and/or insanity and/or rendering the defendant mentally unfit for legal practice; that the claimant had, in the course of his practice as an advocate and solicitor, colluded and/or acted in concert with various third parties to meddle with the internal management affairs of a body corporate client; and that the

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				claimant had, in the course of his practice as an advocate and solicitor, been boastful and shown no respect for fellow legal practitioners.

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10 - 13	28 December 2023; 5.38pm, 5.54pm, 5.56pm, 5.59pm	3rd Pleaded Account "Lawyers Whistle Blown"	Blackmail is a type of threat. For example, in this case, CEO ERIC TANOTO SAU IAN must have got to know from his buddy CLARENCE LUN YAODONG who had put JT in fear of being Blacklisted by AGC not to have applied for his Practicing Certificate on 1-3-2021 and to wait until he had seen Dr Ung for a psychiatric report to be cleared of PTSD. CLARENCE LUN YAODONG had BLACKMAILED JT by THREATENING to inform the rest of the staff in FERVENT CHAMBERS LLC and the Board and Management of USP GROUP LIMITED of AGC ASKING that JT report to IMH in 2021.	That the claimant had used despicable and/or unethical means, whether by himself or with third parties, to trigger the defendant into unsound mind and/or insanity and/or rendering the defendant mentally unfit for legal practice.

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7 As noted above, the defendant does not dispute the elements of reference and defamatory meanings in respect of the Pleaded Publications. In any event, a perusal of the words contained in the Pleaded Publications shows that it is unarguable the Pleaded Publications referred to the claimant. I also accept that the meanings as set out in the table are capable of being the natural and ordinary of the words contained in the Pleaded Publications, and that they are defamatory of the claimant. For completeness, I note as alluded to above, the defendant has not raised any defence of justification, fair comment or qualified privilege.

8 I therefore find that the Pleaded Publications referred to the claimant, and they are defamatory of him. I also find that there are no defences available to the defendant.

The Pleaded Publications were published by the defendant

9 The defendant's case however is that the claimant does not have a *prima facie* case of defamation if he is unable to prove the element of publication. As such, although the defendant did not testify as a witness during the trial, there would be no need for the court to draw an adverse inference from his absence because the claimant has not even made out a *prima facie* case of defamation.[4]

10 In this respect, the defendant relies heavily on the High Court decision of *Qingdao Bohai Construction Group Co, Ltd v Goh Teck Beng* [2016] 4 SLR 979 ("*Qingdao Bohai*"). The defendant's proposition is that by the decision of *Qingdao Bohai*, it is important to have a computer forensic expert to investigate and analyse electronic evidence that would show the following:

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[4] Paras 3-5 of the defendant's closing submissions.

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(a) The Internet user who posted the offending Internet material. This is the first component of publication. This involves a range of electronic evidence as analysed by the defendant's expert: see *Qingdao Bohai* at [75].

(b) An inference of publication in Singapore to a substantial number of readers. This is the second component of publication. This involves electronic evidence on the number of viewers of the Facebook posts and whether these viewers were based in Singapore: see *Qingdao Bohai* at [67(a)] and [137].[5]

11 In this regard, the defendant notes that in the present case, the claimant failed to provide any activity log of the defendant's Internet protocol ("IP") address showing a sequence of activities using the Facebook accounts that contained the Pleaded Publications. The claimant has also elected not to call an expert witness to investigate and analyse the electronic evidence that is critical for proving publication.[6]

12 The defendant contends that in contrast, he had called an expert witness, Mr Chang James Tan Swee Long ("Mr Chang")[7] who opined as follows:[8]

> The claimant has only provided screenshots of the alleged defamatory Facebook posts. Screenshots of Facebook posts can be edited without any visual sign of modification. As there are no Uniform Resource Locator (URL) links to the alleged defamatory Facebook posts and no Facebook IDs provided by the claimant, I am unable to verify whether the said posts were published on the internet in the first place. In view of above,

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5 Para 6 of the defendant's closing submissions.

6 Paras 10-11 of the defendant's closing submissions.

7 A digital forensics consultant at Infinity Forensics (Private) Ltd.

8 Bundle of AEIC, Volume 2 ("2BA"), p42-43 at para 13.7 (s/no. 1) and para 13.8 of the defendant's expert report.

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> there is a lack of electronic evidence to show that the defendant published the alleged defamatory Facebook posts.

13 As seen, the defendant's expert is of the view that he is unable to verify whether the Pleaded Publications were published on the Internet in the first place. He says that there is a lack of electronic evidence to show that the defendant published them.

14 The defendant further contends that that anyone can register and sign up for a Facebook account and impersonate the defendant, highlighting the importance of electronic evidence to show that the defendant was the author of the Facebook posts. Thus, the claimant's reliance on screenshots is inadequate to discharge the burden of proof. As opined by the defendant's expert, screenshots can be edited without any visual sign of modification.[9] The defendant's case is therefore that the claimant has not shown that the defendant published the Pleaded Posts.

15 It would be apposite to first set out in full the key passages in *Qingdao Bohai* that are relevant to the present case. The High Court stated as follows at [35]-[36]:

> 35 The main issue with the Online Articles as well as the News Articles in the present case is the publication element in the law of defamation. Generally, in order to prove that the defendant published the offending material, the plaintiff must establish that the defendant has, by any act, conveyed or communicated the material to at least one other person who has received it. As can be seen from the legal meaning here, publication for the purposes of the law of defamation is bilateral in nature. In *Golden Season Pte Ltd v Kairos Singapore Holdings Pte Ltd* [2015] 2 SLR 751, the High Court cited (at [54]) *Dow Jones & Company Inc v Gutnick* (2002) 210 CLR 575 ("*Gutnick*") (at [26]) for the proposition that publication is a bilateral act. Therefore, publication has two components: (a) an act that makes the defamatory material available to a third party in a

9 2BA, p55.

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> comprehensible form ("the first component"); and (b) the receipt of the information by a third party in such a way that it is understood ("the second component") (*Wayne Crookes and West Coast Title Search Ltd v Jon Newton* [2011] 3 SCR 269 at [55]). As the plaintiffs have brought the present suit in Singapore, it is also necessary for the publication to have occurred within Singapore (Doris Chia & Rueben Mathiavaranam, *Evans on Defamation in Singapore and Malaysia* (LexisNexis, 3rd Ed, 2008) ("*Evans*") at p 59).
>
> 36 To satisfy the requirements of the first component of publication in the context of Internet defamation, the plaintiff must establish, on the balance of probabilities, that the defendant as the Internet user had uploaded or posted the material on the Internet. In this sense, by uploading or posting the material on the Internet, the defendant had made the offending material available to a third party. This is the first component of publication.

16 As seen, it was held by the High Court that in order to prove that the defendant published the offending material, the plaintiff must establish that the defendant has, by any act, conveyed or communicated the material to at least one other person who has received it. It is also necessary for the publication to have occurred within Singapore. Publication comprises the following two components referred to by the High Court:

(a) an act that makes the defamatory material available to a third party in a comprehensible form; and

(b) the receipt of the information by a third party in such a way that it is understood.

17 In respect of the first component of publication, to satisfy its requirements in the context of Internet defamation, the plaintiff must establish, on the balance of probabilities, that the defendant as the Internet user had uploaded or posted the material on the Internet. By so uploading or posting the material on the Internet, the defendant would have made the offending material available to a third party under the first component.

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18 As seen, the High Court however made it clear that this does not mean that electronic evidence is the only means by which the responsibility of a defendant for material appearing on the Internet can be established. The High Court makes the point explicitly at [74] as follows:

> 74 As can be observed, in three of the above cases, the defendant's identity was established through the use of electronic evidence: *Takenaka* (forensic examination and analysis); *Vaquero* (IP addresses); and *Applause Store* (activity log for defendant's IP address). That said, this does not mean that electronic evidence is the only means by which the responsibility of a defendant for material appearing on the Internet can be established. Indeed, electronic evidence was not relied on in *Warman*. However, as Alliott J cautioned in *Takenaka*, cogent evidence is needed to meet the requisite standard of proof in order to discharge the burden of proof. Typically, the use of electronic evidence to link a defendant to any particular material appearing on the Internet would be the most obvious way to achieve this requirement of cogency, since such evidence is objective in nature. If a plaintiff chooses to rely on other evidence, then he must ensure that such evidence is similarly cogent. In this regard, I note that the evidence in *Warman* pointed almost inexorably to the conclusion that the defendant was the perpetrator.

19 It is seen that whilst the use of electronic evidence to link a defendant to any particular material appearing on the Internet would be the most obvious way, the High Court held that the use of electronic evidence is not the only means by which the responsibility of a defendant for material appearing on the Internet can be established. Cogent evidence which is not electronic in nature can be adduced to meet the requisite standard of proof. This contrasts with the defendant's suggestion that the claimant must produce the activity log of the defendant's IP address showing a sequence of activities using the alleged Facebook accounts that contained the alleged defamatory Facebook posts in order to prove publication by the defendant. It also answers the defendant's complaint that the claimant failed to call an expert witness to investigate and

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analyse the electronic evidence to prove publication.[10] Contrary to the defendant's contention, direct evidence of publication in the form of a computer forensic expert to investigate and analyse electronic evidence is not the only avenue of proving publication on the Internet. Plainly, electronic evidence is not the only means by which the responsibility of a defendant for material appearing on the Internet can be established. Neither is expert evidence the only way to prove publication. What is important is the cogency of the evidence, and not the nature of the evidence.

20 As regards the second component of publication, the High Court held that there is no presumption of law that material appearing on the Internet has been published. The High Court stated at [41] as follows:

> 41 To summarise, publication on the Internet can be proved either *directly or indirectly*. There is no presumption of law that material appearing on the Internet has been published, and it is therefore insufficient for a plaintiff to simply allege that the defamatory material was posted on the Internet and was accessible in Singapore. The second component of the element of publication has to be satisfied.
>
> [emphasis added]

21 It is therefore insufficient for a plaintiff to simply allege that the defamatory material was posted on the Internet and was accessible in Singapore. It is pertinent to note however that the High Court goes further to hold that publication on the Internet can be proved either directly or indirectly. The High Court reiterated the avenue of indirect proof of publication at [136]:

> 136 The plaintiffs argue that publication of the Online Articles in Singapore can be inferred on account of: (a) their accessibility on the Internet; and (b) the results of using search terms on search engines. Again, the starting point in relation to the accessibility of the Online Articles on the Internet is that there is no presumption of law that material appearing on the

[10] Paras 10-11 of the defendant's closing submissions.

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> Internet has been published, and it is therefore insufficient for a plaintiff to simply allege that the defamatory material was posted on the Internet and was accessible in Singapore by a substantial number of third party readers. There must be some facts in evidence to support *an inference of publication* in Singapore to a substantial number of third-party readers.
>
> [emphasis added]

22 As seen, the proof of publication on the Internet can be inferred. What is required would be some facts in evidence to support an inference of publication in Singapore to a substantial number of third-party readers.

23 For completeness, I also refer to the allusion to the *Jameel* doctrine in *Qingdao Bohai.* The *Jameel* doctrine essentially pertains to claims that concern nominal publication and which are therefore liable to be dismissed as an abuse of process of the court under the doctrine. The High Court in *Qingdao Bohai* held as follows at [135]:

> 135 To summarise, the only witness whose evidence I accept as direct proof of publication is that of Xu Zhengpeng, and this is only in relation to Articles1, 2 and 4. This is a convenient juncture to flag out the defendants' argument that this is a suitable case to classify the claim as one of nominal publication, and which should therefore be dismissed in accordance with the *Jameel* doctrine. Generally, publication to one person will suffice though the scale of the publication will affect the damages. However, *Jameel* has applied the abuse of process principle as a gloss on, or an exception to, this rule. I will return to the *Jameel* doctrine below at [144]–[149].

24 The *Jameel* doctrine stemmed from a decision of the English Court of Appeal. The High Court *Qingdao Bohai* referred to our Court of Appeal decision in *Yan Jun v AG* [2015] 1 SLR 752 ("*Yan Jun*") to explain the application of the *Jameel* doctrine in Singapore. The High Court stated at [146]-[147] as follows:

> 146 In Singapore, *Jameel* was considered by the Court of Appeal, albeit in obiter, in *Yan Jun v AG* [2015] 1 SLR 752. The Court of Appeal cautioned (at [118]) that:

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> It is also pertinent to note that since *Jameel* was decided under a set of procedural rules which are fundamentally different from those in Singapore … and because it entails – in part, at least – the (potentially far reaching) proposition that an action may be struck out on the basis that the *publication* of the defamatory material is limited, or the *amount* claimed as damages is *de minimis*, the principle enunciated in that case should be approached with the *necessary circumspection* by the Singapore courts.

[emphasis in original]

147 However, the Court of Appeal eventually acknowledged (at [120]) the applicability of the general principles of *Jameel* in Singapore, and proceeded to apply it to the facts of the case:

> In light of our decision above at [111]–[114], it is, *strictly speaking*, not necessary for us to decide whether the Judge was correct in following *Jameel*. That having been said, there is a relatively significant body of authority in England endorsing the general principle established in *Jameel*, viz, that a claim which discloses no real and substantial tort is liable to be struck out for being an abuse of process of the court, and the real concerns (as we have seen above) relate to its *application*. This last-mentioned point is not surprising in view of the fact that the line-drawing required is not only fact-centric but may also be difficult to effect in borderline situations. ***Further, and leaving aside the differences in the rules of civil procedure between England and Singapore, Jameel also contains some general principles that may be applicable in the Singapore context***. Hence, applying the principle in *Jameel* to the facts of the present case, we would be of the view that this was far from being a borderline situation and that the Judge was therefore correct in following and applying *Jameel* and holding that the Appellant's claim in defamation did not disclose a real and substantial tort. This would have served as a *yet further reason* as to why the Appellant's claim in defamation should fail.

[emphasis in original]

25 It is seen that the Court of Appeal in *Yan Jun* held that the principle enunciated in that case should be approached with the necessary circumspection by the Singapore courts. This is because the general principle established in *Jameel*, *viz*, that a claim which discloses no real and substantial tort is liable to

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be struck out for being an abuse of process of the court, is fact-centric in application and not applicable in borderline situations.

26 With the holding in *Qingdao Bohai* put in context and perspective, I turn now to analysis the evidence of publication in the present case.

27 The claimant called a factual witness, Mr Guo Rendi ("Mr Guo"), who is also the claimant's paralegal. Mr Guo, who has viewed all of the Pleaded Publications, captured various screenshots and screen recordings of the Pleaded Publication (except for one). He attested to the existence of the Pleaded Accounts and the Pleaded Publications at the material time.[11] In court, Mr Guo affirmed the authenticity of the screenshots and screen recordings. These screenshots and screen recordings pointed to the defendant's ownership of the Pleaded Accounts. This is except for the 3rd Pleaded Account which was de-activated on the day of the commencement of the present action. The evidence includes the contents of past publications on the Pleaded Accounts, dating back to 2020. I note that it is not the defendant's case that Mr Guo tampered with or manipulated the screenshots and the screen recordings produced by him.

28 Further, Mr Guo attested to his contemporaneous recording of the timestamps at which the Pleaded Publications were published. He also attested to the fact that he had seen the Pleaded Publications on his laptop on 31 December 2023.[12] Mr Guo's evidence in this regard was not discredited by the defendant.

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11 AEIC of Guo Rendi at para 8.

12 AEIC of Guo Rendi at para 9.

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29 In contrast, the defendant's expert, Mr Chang's opinion is centred on the absence of URLs and Facebook IDs.[13] On that basis, he described an "inability to verify" the existence of the Pleaded Publications. However, as discussed above, *Qingdao Bohai* at [41] holds that publication on the Internet can be proved either directly or indirectly. Direct evidence of publication in the form of a computer forensic expert to investigate and analyse electronic evidence is not the only way to prove publication on the Internet. Whilst the most obvious way, the High Court held that the use of electronic evidence is not the only means by which the responsibility of a defendant for material appearing on the Internet can be established.

30 Furthermore, the factual evidence adduced by Mr Guo constitutes *prima facie* evidence that the Pleaded Publications were published by the defendant. With the claimant adducing *prima facie* evidence of publication by the defendant, the evidentiary evidence shifts to defendant to show that the Pleaded Publications were not published by him. As seen above, Mr Chang's opinion is centred on the absence of URLs and Facebook IDs.[14] The thrust of his evidence is the inability to verify the existence of the Pleaded Publications. He is not asserting that the Pleaded Publications did not exist, or that the defendant was not the owner of the Pleaded Accounts. He is asserting the absence of evidence to show the Pleaded Publications existed and that the defendant was the owner of the Pleaded Accounts. In the face of Mr Guo's positive evidence in the form of screenshots adduced to prove the existence of the Pleaded Publications, Mr Chang's opinion does not displace the evidentiary burden now placed on the defendant to show otherwise. The evidentiary burden remains with the defendant to adduce positive evidence that the Pleaded Publications were not

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13 AEIC of Chang James Tan Swee Long at para 9(a).

14 AEIC of Chang James Tan Swee Long at para 9(a).

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published by him. The defendant has not discharged his burden to do so. See *Britestone Pte Ltd v Smith & Associates Far East, Ltd* [2007] 4 SLR(R) 855 at [60]; *SCT Technologies Pte Ltd v Western Copper Co Ltd* [2016] 1 SLR 1471 at [16]-[19] generally on the shifting of the evidentiary burden.

31 In any event, I note the claimant's evidence goes further. The evidence adduced shows a name-changing history of the Pleaded Accounts. The name-changing history also links the Pleaded Accounts to one another. At the same time, the linkages connect the Pleaded Accounts to the defendant. The table below sets out the evidence adduced by the claimant of the series of name-changing of the Pleaded Accounts and their connection to the defendant:

TABLE 2

S/no	Change of account name	Evidence of name-changing history	Evidence linking the defendant to ownership of the accounts

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1	1st Pleaded Account: "Joseph Tan CA" to "Lunny Whistling Tanoto"	There were two versions of back-to-back Facebook posts dated 27 September 2023 where the names of the publisher were "Joseph Tan CA" and "Lunny Whistling Tanoto" respectively.[15] In one of the screen recordings captured by Mr Guo relating to the account named "Tanoto Sau Ian" account, he had clicked on the hyperlink "Joseph Tan CA" which led him to the Facebook account "Lunny Whistling Tanoto". Mr Guo has explained under cross examination that when a specific Facebook account with an old username was tagged to a Facebook post, the old username will remain on the face of the Facebook post even though the username might have been changed subsequent to publication, with the effect that clicking on the old username would lead to the	It is seen that "Joseph Tan CA" would stand for the defendant's name "Joseph Tan Chin Aik". Hyperlinks to private or personal documents of the defendant, including, (a) a psychiatric report of the defendant from the Institute of Mental Health dated 21 March 2022 ("21 March 2022 IMH Report"); (b) a letter from the Law Society of Singapore to the defendant dated 22 April 2022 ("22 April 2022 LS Letter"); and (c) a police report lodged by the defendant against Mr Tanoto Sau Ian dated 5 January 2023 ("5 January 2023 Police Report"), had been uploaded on the 1st Pleaded Account on 13 April 2023. This is shown in a screen recording which was captured by Mr Guo on 25 January 2024.[17]

[15] AEIC of claimant, paras 61, 64.

[17] AEIC of claimant, paras 65-66.

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		profile of the Facebook account reflecting the new username.[16]	A post referring to Mediation Clinics LLP (UEN No. T23LL0990C), of which the defendant was a manager and which was incorporated on 10 September 2023, was published on the 1st Pleaded Account on 27 September 2023.[18] The defendant's phone number "[phone number redacted]" and references to Mediation Clinics LLP was reflected on the introductory caption of the 1st Pleaded Account "Joseph Tan CA" which was screenshotted and published on the 4th Pleaded Account "Ridout Corruption Whitewashed" on 23 September 2023. In the 6 December 2023 Facebook posts, reference was made to an entity called "A.JT LAW" whose registered address is the defendant's residential address.[19]

16 NE 23 September 2025, p72, lines 12-16.

18 AEIC of claimant, paras 65-66.

19 AEIC of claimant, paras 55-56.

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2	2nd Pleaded Account: "Lawyers Mess Chronicled" to "Tanoto Sau Ian"	Mr Guo has captured two versions of an identical Facebook post dated 21 November 2022 (captured on 24 January 2024 and 2 February 2024) where the names of the publisher were "Lawyers Mess Chronicled" and "Tanoto Sau Ian" respectively, both of which reflected "1 comment".[20]	Screenshots of excerpt of the 22 April 2022 LS Letter dated had been published on the 2nd Pleaded Account on 21 September 2022.[21]
3	4th Pleaded Account "Ridout Corruption Whitewashed" to "Lee King Anne" to "Lim Hui Koon"	Mr Guo has captured two versions of the 15 August 2023 Post (captured on 24 January 2024 and 2 February 2024) wherein the publisher was stated to be "Ridout Corruption Whitewashed" and "Lee King Anne" respectively.[22]	A screenshot of the defendant's WhatsApp messages with the claimant, wherein the claimant had informed the defendant of police reports being lodged against him on 26 August 2022 was published on the 4th Pleaded Account "Ridout Corruption Whitewashed" on 28 August 2022.[24]

20 AEIC of claimant, para 80.

21 AEIC of claimant, para 78.

22 AEIC of claimant, paras 105-106.

24 AEIC of claimant, para 98.

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		Mr Guo has captured two versions of the 18 September 2023 Posts, where the defendant's name was mentioned and an excerpt of a psychiatric report which closely resembles that of the 21 March 2022 IMH Report, where the publisher was stated to be "Ridout Corruption Whitewashed" and "Lim Hui Koon" respectively.[23]	Photographs of the defendant whilst he was overseas in the past, including one with one Lawrence Tan was published on the 4th Pleaded Account "Ridout Corruption Whitewashed" on 15 August 2023.[25] An excerpt of the psychiatric report which resembles the contents of the 21 March 2022 IMH Report on the defendant was published on the 4th Pleaded Account "Ridout Corruption Whitewashed" on 18 September 2023.[26]
4	5th Pleaded Account "Current Chronicle" to "Crypto Mediation Clinics" to "Tanoto Sau Ian"	The defendant has in his 3 January 2024 Message to the claimant, admitted to being in possession and/or control of the Facebook account "Current Chronicle" as described in the 16 April 2021 letter from the Attorney-General's Chambers ("AGC").[27]	The defendant has in his 3 January 2024 message to the claimant admitted to being in possession of the Facebook account "Current Chronicle" as described in a letter from the AGC dated 16 April 2021.[31]

23 AEIC of claimant, para 108.

25 AEIC of claimant, para 100.

26 AEIC of claimant, paras 101-103.

27 AEIC of claimant, paras 29-30.

31 AEIC of claimant, paras 29-30.

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		Mr Andrew Chan Chee Yin ("Mr Chan"), an advocate and solicitor who gave evidence at the trial before me, had taken a screenshot of a version of a Facebook post dated 31 March 2021 which was stated to be published by "Current Chronicle" and forwarded it the claimant.[28] Mr Guo has similarly located a post which contains the same contents and which was published on the same date by "Crypto Mediation Clinics".[29]	A Facebook post published on the 5th Pleaded Account "Crypto Mediation Clinics" on 7 April 2021 contained a private WhatsApp message transcript between the claimant and the defendant on 7 April 2021 where the claimant had informed the defendant of his termination from Fervent Chambers LLC.[32] In a screen recording captured by Mr Guo on 25 January 2024, he had accessed a post published under the 5th Pleaded Account "Crypto Mediation Clinics" on 13 September 2023 which provided a hyperlink to the PDF file of the 16 April 2021 letter.[33] The PDF file provides a clickable link which leads Mr Guo to the profile picture of the defendant published on the 5th Pleaded Account "Crypto Mediation Clinics".[34]

28 AEIC of claimant, at tab 3.

29 AEIC of claimant, at tab 4.

32 AEIC of claimant, at tab 5.

33 AEIC of claimant, para 114.

34 NE 3 November 2025, p33 lines 17-33.

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		Mr Guo has captured two versions of the 13 September 2023 Post (on 24 January 2024 and 2 February 2024) which provided the access to the PDF file of the 16 April 2021 letter wherein the publisher was stated to be "Crypto Mediation Clinics" and "Tanoto Sau Ian" respectively.[30]	

32 As seen in Table 2, there is a pattern to the name-changing of the Pleaded Accounts. In my view, it is apparent from the above that the name-changing is deliberate. By tracking the course of the change of names, the Pleaded Accounts are seen to be connected to one another. By so interconnecting, all the Pleaded Accounts are ultimately traceable to the defendant.

33 Further, the contents of the Pleaded Publications as set out in Table 2, and also in Table 1 above comprised information which points to the publisher possessing intimate information about the defendant's involvement with Fervent Chambers LLC, the various difficulties faced by the defendant in renewing his practising certificate, including his personal medical issues, and matters relating to USP Group Limited ("USP"), a client of Fervent Chambers LLC that was at the centre of the unhappiness between the defendant and the claimant.

34 The information relating to the defendant includes the following:

[30] AEIC of claimant, at tab 36.

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(a) The circumstances relating to the incorporation of the Fervent Chambers LLC and the circumstances of the claimant becoming he director and shareholder; and the fact of the claimant and defendant being former colleagues at Fervent Chambers LLC.

(b) WhatsApp message transcript between the claimant and the defendant on 7 April 2021 wherein the claimant informed the defendant of the latter's termination from Fervent Chambers LLC.

(c) The delays in the renewal of the defendant's practising certificate for the Practice Year 2021/2022.

(d) Reference to a letter issued by Fervent Chambers LLC to the defendant on 16 April 2021 which enclosed the 30 March 2021 and 16 April 2021 letters from the AGC.

(e) Excerpts of the Institute of Mental Health Report dated 21 March 2022 on the defendant.

(f) The defendant's WhatsApp messages with the claimant, wherein the claimant informed the defendant of police reports being lodged against the latter on 26 August 2022.

35 In my view, having such information personal to the defendant featuring in the Pleaded Publications gives rise to a reasonable inference that the defendant owned the Pleaded Accounts and was the author of the Pleaded Publications.

36 The foregoing evidence taken together constitutes cogent evidence alluded to in *Qingdao Bohai* (at [74]) connecting the defendant to the Pleaded

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Accounts. I therefore find that the claimant has shown on a balance of probabilities that the Pleaded Publications were published by the defendant.

37 For completeness, I note that the claimant also contends that the name-changing history demonstrates a blatant lack of remorse and conduct calculated to interfere with the administration of justice, thereby amounting to malice and justifies an award of aggravated damages. I will return to this in the discussion below on the damages to be awarded.

The publication of the Pleaded Publications to readers in Singapore was not insubstantial

38 I turn now to the question of publication to readers in Singapore. As discussed above, the test as laid down in *Qingdao Bohai* (at [136]) is that there must be some facts in evidence to support an inference of publication in Singapore to a substantial number of third-party readers.

39 In my view, there is sufficient evidence in the present case to support such an inference in respect of the Pleaded Publications. At the outset, I note in respect of the 1st Pleaded Account "Joseph Tan CA" that the account indicated "920 friends". In other words, at least 920 Facebook users were able to view the account. In respect of the 5th Pleaded Account "Crypto Mediation Clinics", we have seen above that it was the same Facebook account as "Current Chronicle"; and the defendant had deliberately effected the change of name. The account "Current Chronicle" depicted that there were "151 friends". This would mean therefore that at least 151 Facebook users would be able to view the 5th Pleaded Account "Crypto Mediation Clinics".

40 As regards the 4th Pleaded Account "Ridout Corruption Whitewashed", I note the two "likes" and one "comment" made in reference to the Pleaded

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Publication in question. Whilst it does not appear in relation to the 2nd Pleaded Account "Lawyers Mess Chronicled" and the 3rd Pleaded Account "Lawyers WhistleBlown" that the defendant had any "friends", as pointed out by the claimant, any Facebook users are able to view and access these accounts. This is apparent on the face of each of the Pleaded Publications, which depicted an icon indicating that the setting of the Facebook post is public in nature. In other words, members of the public who are not the "friends" of the Pleaded Accounts would also be able to view the Defendant's posts. That this is so remains unchallenged by the defendant.

41 What is of greater pertinence in my view however, is the fact that the defendant had hyperlinked and interconnected the five Pleaded Accounts. This would mean that a Facebook user who was viewing any one of the Pleaded Accounts would be able to view the other Pleaded Accounts. For instance, any one of the "920 friends" in respect of the 1st Pleaded Account "Joseph Tan CA" would be able to view the Pleaded Publications under the other four Pleaded Accounts. In other words, the five Pleaded Accounts can be seen as one account, with a common access to the posts under them. With that being the case, taken collectively, it is reasonable to infer that a substantial number of Facebook users have viewed the Pleaded Publications under the Pleaded Accounts. In this regard, it should be noted that the claimant's testimony that the five accounts are hyperlinked and interconnected was not challenged nor contradicted by the defendant.[35]

42 I also note that the parties are Singaporeans who are based in Singapore. They are both lawyers who had practised in the local jurisdiction at some point in time. It is reasonable to assume that the majority of the "friends" of the

[35] NE day 1, p 28, lines 1-17.

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Pleaded Accounts and the viewers of the Pleaded Publications were based in Singapore when they accessed and viewed the Pleaded Publications. At the same time, there is no reason to believe that there was any significant number of viewers of the Pleaded Publications who were based outside of Singapore.

43 The defendant's complaint is that the claimant has not provided the evidence of the identities of the viewers of the Pleaded Publications, or that any of them had viewed the posts; or that they were based in Singapore. However, as discussed above, publication of defamatory materials on the Internet can be proved either directly or indirectly. The High Court reiterated the avenue of indirect proof of publication: *Qingdao Bohai* at [41]. What is required would be some facts in evidence to support an inference of publication in Singapore to a substantial number of third-party readers: *Qingdao Bohai* at [136]. Whilst the evidence in the present case is indirect in nature, it does not detract from the cogency of the evidence. I find that there is sufficient evidence to support an inference of publication of the Pleaded Publications in Singapore to a substantial number of third-party readers.

44 For completeness, I turn next to the *Jameel* principle. As discussed, the Court of Appeal in *Yan Jun* held that the principle enunciated in the *Jameel* case should be approached with the necessary circumspection by the Singapore courts. To re-cap, this is because the general principle established in *Jameel*, *viz*, that a claim which discloses no real and substantial tort is liable to be struck out for being an abuse of process of the court, is fact-centric in application and not applicable in borderline situations.

45 The *Jameel* principle proceeds on the basis that if the publication of the defamatory material is limited, or the amount claimed as damages is *de minimis*, the claim is held to disclose no real and substantial tort and will be struck out:

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Yan Jun at [118]. In the present case, it follows from my finding above that it cannot be said that the publication of the Pleaded Publications is limited. It cannot even be said to be a borderline situation alluded to by the Court of Appeal. The *Jameel* principle has no application in the present case.

46 In view of all of the foregoing, I find that the Pleaded Publications were published by the defendant, and the publication to readers in Singapore was not insubstantial. As noted above, the defendant does not dispute that the Pleaded Publications referred to the claimant and that they were defamatory of him. As such and as the defendant has not raised any of the usual defences, I find the defendant liable for defaming the claimant.

The appropriate damages

47 I turn now to the question of damages.

48 It is trite that the purposes of general damages in defamation are as follows:

(a) to console the claimant for the personal distress and hurt he suffered caused by the publication of the defamatory statement;

(b) to repair the harm to the claimant's reputation; and

(c) to vindicate the plaintiff's reputation to the public.

(See *Lim Eng Hock Peter v Lin Jian Wei and anor and anor appeal* [2010] 4 SLR 357 ("*Peter Lim*") at [4]-[5])

49 It is also trite that the relevant factors in assessing the quantum of general damages for defamation include the following:

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(a) the nature and gravity of the defamatory statement;

(b) the conduct and standing of the claimant;

(c) the mode and extent of publication;

(d) the conduct of the defendant from the time of publication to verdict;

(e) the failure to apologise and retract the offending statement;

(f) the presence of malice; and

(g) the adverse effect of the publication on the claimant.

(See Gary Chan Kok Yew and Lee Pey Woan*, The Law of Torts in Singapore* (Academy Publishing, 2nd Ed, 2016) at para 13.134)

50 The claimant referred to three precedent cases in his submissions on the quantum of damages. However, precedent cases are seldom useful as the nature and type of defamation, the mode of publication, the conduct and standing of the parties are usually vastly different in each case. Each case turns very much on its own facts.

51 In the present case, as discussed above, the five Pleaded Accounts can be seen as one account, with common access to the posts under them. Following the earlier analysis, I have made the finding above that it is in taking the Pleaded Publications collectively that it can be inferred that a substantial number of Facebook users have viewed the Pleaded Publications under the Pleaded Accounts. Therefore, by the same token, for purposes of assessing damages, it will only be proper that the Pleaded Publications be viewed as one publication. Further and in any event, similar defamatory words were used across the 13

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Pleaded Publications. As such, the sting of the defamation was similar in many of the Pleaded Publications. In this regard, I also note the nature and gravity of the defamatory words.

52 Next, in regard to the extent of publication, I have made the finding above that any Facebook user was able to view and access the Pleaded Accounts. This is because the setting of the Facebook post was public in nature. Members of the public who were not the "friends" of the Pleaded Accounts would also be able to view the Defendant's posts. I note also the standing and conduct of the parties, and the failure of the defendant to apologise. I however note that the Pleaded Accounts have been de-activated by 2 May 2024.

53 Next, I consider the question of aggravated damages. The claimant has submitted that aggravated damages should be awarded.

54 I turn first to the approach in awarding aggravated damages in defamation suits. In *Goh Chok Tong v Jeyaretnam Joshua Benjamin* [1998] 2 SLR(R) 971 ("*Goh Chok Tong*") at [51], the Court of Appeal disagreed with the trial judge's approach of awarding separate awards for general damages and for aggravated damages. The Court of Appeal held that "The courts should award one single lump sum as damages." However, I note subsequently in *Peter Lim*, the Court of Appeal after making reference to *Goh Chok Tong*, elaborated on the approach as follows at [40]:

> 40 One point we wish to make at this juncture would be that whilst a single award can be made for damages in a defamation action, for the purposes of assessing the damages, a judge would necessarily (in his mind) have to come up with a figure for general damages and a figure for aggravated damages (or other types of damages, as the case may be). The sums would then be added together to constitute a single lump sum award for damages. Therefore, it would be odd if the court does not provide a breakdown of the sums awarded as general damages and as aggravated damages (or other types of

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> damages, as the case may be). Such an approach should be discouraged. …

55 Therefore, whilst a single award can be made for damages in a defamation action, the court is to provide a breakdown of the sums awarded as general damages and as aggravated damages.

56 I turn next to the main factors of aggravation, which are well established. They generally include the following:

(a) express malice;

(b) defendant's conduct after the publication;

(c) refusal or failure of the defendant to apologise; and

(d) a reckless unsuccessful plea of justification.

(See *Peter Lim* at [7].)

57 In regard to express malice, in *Golden Season Pte Ltd v Kairos Singapore Holdings Pte Ltd* [2015] 2 SLR 751 the Court of Appeal explained the meaning of malice in the law of defamation. The Court of Appeal held as follows at [92]:

> 92 Malice is generally proven in two ways. The first is where it can be shown that the defendant had knowledge of falsity or where there was recklessness or lack of belief in the defamatory statement. The second is where although the defendant may have a genuine or honest belief in the truth of the defamatory statement his dominant intention is to injure the plaintiff or some other improper motive. As explained by the Court of Appeal in *Lim Eng Hock Peter v Lin Jian Wei* [2010] 4 SLR 331 at [38]:
>
> > … The dominant motive test has no relevance if the defendant has no honest belief in the truth of what he is publishing. The fact that the defendant did not have

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> a dominant motive of injuring the plaintiff did not necessarily mean that the publication of the defamatory statements was not made with malice. The word 'malice' is used in a special sense in the law of defamation. If a defendant knows that what he is publishing is false, there is express malice in law. In the other parts of his speech, Lord Diplock referred to other instances of improper motives which would destroy the privilege, such as personal spite or the abuse of the occasion to obtain some private advantage unconnected with the duty or the interest which constitutes the reason for the privilege. In such instances, the defendant would lose the benefit of the privilege *despite his positive belief that what he said or wrote was true*. Where the defendant had no belief that what he published was true or, worse, if he knew that what he published was untrue (as in the present case), it would have been an *a fortiori* case that the protection of the privilege would have been lost. [emphasis in original]

58 Therefore, there are two ways to establish malicious intent on the part of the defendant in a defamation action:

(a) where it can be shown that the defendant had knowledge of falsity or where there was recklessness or lack of belief in the defamatory statement; or

(b) where although the defendant may have a genuine or honest belief in the truth of the defamatory statement, his dominant intention is to injure the claimant, or he has some other improper motive.

59 In the present case, the claimant contends that the defendant had malicious intent as his dominant intention is to injure the claimant. In this regard, the claimant points to the repetition of the sting of the defamation across the Pleaded Publications. The claimant also contends that the name-changing history demonstrates a blatant lack of remorse and conduct calculated to interfere with the administration of justice, thereby justifying an award of aggravated damages. I agree that the name-changing history is an aggravating

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factor in the light of my earlier discussion. In my view the name-changing also points to the defendant's dominant intention to injure the claimant.

60 Taking into consideration all of the foregoing discussion in regard to the factors in awarding general and aggravated damages, I am of the view that an award in the sum of $30,000 for general damages and the sum of $20,000 for aggravated damages is appropriate in the present case.

No basis for a prohibitory injunction

61 Besides damages, the claimant is also asking for a final prohibitory injunction to be granted against the defendant to prohibit him from repeating the defamatory words in the Pleaded Publications.

62 I turn first to the Court of Appeal decision in *Chin Bay Ching* v *Merchant Ventures Pte Ltd* [2005] 3 SLR(R) 142 ("*Chin Bay Ching*"). Whilst *Chin Bay Ching* concerned an application for an interlocutory prohibitory injunction, where the court would be more cautious in its approach, the guidance given by the Court of Appeal is instructive. The Court of Appeal stated as follows at [42]-[44]:

> 42 We now turn to the interlocutory prohibitory injunction granted by the judge to restrain Chin from further publishing the alleged defamatory statements. In her grounds of decision, the judge did not give specific reasons for granting the interlocutory prohibitory injunction. The conditions which must be satisfied before the court grants such an interlocutory prohibitory injunction are set out in *Duncan and Neill on Defamation* (Butterworths, 2nd Ed, 1983) at para 19.02 as follows:
>
> > The court has jurisdiction to grant an [interlocutory] injunction to prevent any further publication where the plaintiff can establish—
> >
> > (a) a prima facie case of libel or slander;

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> (b) that the defendant threatens or intends to make a further publication;
>
> (c) that if a further publication is made the plaintiff will suffer an injury which cannot be fully compensated in damages.
>
> 43 In *Gatley on Libel and Slander* (Sweet & Maxwell, 10th Ed, 2004), at para 25.2, the learned authors set out the applicable conditions for the issue of an injunction to restrain further publication to be the following:
>
> (1) the statement is unarguably defamatory;
>
> (2) there are no grounds for concluding the statement may be true;
>
> (3) there is no other defence which might succeed;
>
> (4) there is evidence of an intention to repeat or publish the defamatory statement.
>
> 44 From both these standard textbooks, it would be noted that one of the essential conditions which must be satisfied before a prohibitory injunction may be granted is that there must be evidence of a threat or intention to repeat the defamatory remarks. However, there is no evidence at all that Chin had threatened to repeat or intended to continue the publication of the allegedly defamatory statements. There was no basis for MVP to even think that Chin would write further to the Zhuhai authorities. Accordingly, the interlocutory prohibitory injunction should not have been granted. It had not been shown to be necessary. We would hasten to add that in only referring to this condition, it must not be taken that all the other conditions necessary for the grant of a prohibitory injunction had been satisfied.

63 In other words, over and above the twin-requirement that the statements in question must be clearly defamatory and that no possible defence would apply, there must also be evidence of a threat or intention to repeat the defamatory statements before an interlocutory prohibitory injunction will be granted in defamation cases. In my view, there is no reason why the requirement of evidence of a threat or intention to repeat the defamatory statements is not equally applicable in the case of a final prohibitory injunction.

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64 This is confirmed by the High Court in *Lee Hsien Loong v Roy Ngerng Yi Ling* [2014] SGHC 230 ("*Roy Ngerng*") which stated as follows at [55]:

> 55 A final injunction should only be granted when there are reasons to apprehend that the defendant will repeat the defamatory allegations: *Evans* at p 211; *Gatley* at para 9.41; *Duncan and Neill on Defamation* (Rt Hon Sir Brian Neill et al eds) (LexisNexis, 3rd Ed, 2009) ("*Duncan and Neill*") at para 24.14; *Carter-Ruck on Libel and Privacy* (Alastair Mullis and Cameron Doley gen ed) (LexisNexis, 6th Ed, 2010) at para 15.97; *Price, Duodu and Cain* at para 21-08. I note that such an approach is consistent with the earlier decisions on final injunctions granted in cases of defamation: *LHL v SDP* at [85]; *Chiam See Tong v Xin Zhang Jiang Restaurant Pte Ltd* [1995] 1 SLR(R) 856 at [10]–[11]; *Sukamto Sia* at [101]. In my view, the apprehension of further publication is the touchstone for deciding whether a final injunction ought to be granted for the following reasons. The defendant published words which I have found to be defamatory of the plaintiff. He has not pleaded the defence of justification and therefore does not claim the defamatory allegations to be the truth. The sole defence that the defendant pleaded is that Art 14 of the Constitution protects his right to publish such defamatory words even if they are not truthful. I have found this defence to be baseless. The defendant therefore has had the opportunity to defend his right to publish the Disputed Words and Images and a finding has been made against him. Where a defendant has manifested a propensity to repeat the same defamatory allegation of a plaintiff, it is not right that the latter should be put to further distress and expense of bringing another action should the defendant repeat the defamation.

65 It is seen that a final injunction should only be granted when there are reasons to apprehend that the defendant will repeat the defamatory allegations. In the present case, I am of the view that the claimant has not shown that there is evidence of a threat or intention to repeat the defamatory words in the Pleaded Publications. That the defendant repeated the defamatory words against the claimant in the Pleaded Publications across the Pleaded Accounts is a different question from whether there is evidence of a threat or intention to repeat the defamatory words in the future. In this regard, I note that by the claimant's own

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case, the Pleaded Accounts were de-activated as of 2 May 2024.[36] In the premises, I decline to grant a final prohibitory injunction against the defendant.

Conclusion

66 In summary, I find that there is cogent evidence connecting the defendant to the Pleaded Accounts. The claimant has shown on a balance of probabilities that the Pleaded Publications were published by the defendant. I also find that the publication to readers in Singapore was not insubstantial.

67 As the defendant does not dispute that the Pleaded Publications referred to the claimant and that they were defamatory of him, and as the defendant has not raised any of the usual defences, I find the defendant liable for defaming the claimant.

68 As for damages, I am of the view that an award in the sum of $30,000 for general damages and the sum of $20,000 for aggravated damages is appropriate. For the reasons detailed above, I decline to grant a final prohibitory injunction against the defendant.

69 Parties are to file written submissions on the question of costs, limited to three pages, within 14 days hereof.

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[36] AEIC of the claimant at Para 35.

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Chiah Kok Khun
District Judge

Clarence Lun Yaodong (Fervent Chambers LLC) for the claimant;
Tien De Ming, Grismond (Chen Deming) (Infinitus Law Corporation) for the defendant.

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