

Singaporean activist stands up to government censorship

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Kokila Annamalai, an anti-death penalty and social justice activist in Singapore, is facing potential prison time and fines for refusing to comply with government censorship.

Annamalai defied a directive under the *Protection from Online Falsehoods and Manipulation Act (POFMA)*, which is frequently used to silence dissent.

The *POFMA* grants ministers the power to order people to take down online content or post correction notices. People can also be pressured to issue an apology, so as to avoid defamation suits and other sanctions.

If a website or publication receives multiple *POFMA* directions in a short period of time, it can be listed as a “Declared Online Location” (DOL) and must post a notice to that effect on its site. It is a criminal offence to provide funding to a DOL.

Annamalai told *Green Left* that “the law gives ministers direct power to decide what is true and false”.

She said *POFMA* orders have become “increasingly ludicrous”.

“The viciousness with which they go after people with *POFMA* as a way to humiliate and discredit them ... it’s very damaging to freedom of information and expression.”

Annamalai explained that she and eight others had been asked to apologise and post a correction notice for sharing a media article once before, by the same minister, and she had complied: “It shook me. Not that I had been asked to do it, but that I did it.”

She said it was intimidating, with only an hour provided to put up the “correction”, before she could face investigations or a defamation suit.

“It was my first time confronting that form of silencing. I have experienced online smear campaigns, police investigations and even the government telling employers to fire me ... but for me, this is the worst kind of reprisal. It hit at my integrity.

“Because I immediately and deeply regretted complying, I promised myself — never again.”

The *POFMA* direction Annamalai received on October 5 was handed down by Kasiviswanathan Shanmugam, Minister for Law and Home Affairs, in relation to a post made by Annamalai and the Transformative Justice Collective (TJC) about the execution of Azwan bin Bohari on October 4.

The post explained that Azwan had been on death row since 2019 after being arrested under the *Misuse of Drugs Act* in 2015. It pointed out many inconsistencies and injustices in the way his

execution had been handled by the state.

Annamalai said that the *POFMA* direction required her to post a statement that contradicted “the things I have dedicated my life to”.

“It required me to say that death row prisoners abuse the court process. We fight very hard for their right to bring cases — I’m not going to call these efforts an abuse of process.”

The *POFMA* direction also required Annamalai to say that the “Prosecution bears the legal burden of proving the case against an accused person beyond a reasonable doubt”, which is “a lie”, she said.

“It’s abhorrent that accused persons in capital cases have the burden to rebut the presumption that they were trafficking — there are at least six presumptions in the *Misuse of Drugs Act* and at least three that apply to capital offences.”

Opposing the death penalty

While the anti-death penalty movement in the past had mainly consisted of individual lawyers and activists sporadically speaking out, there had been an “unofficial moratorium” on the death penalty for a few years, Annamalai said.

When executions restarted during the COVID-19 lockdowns, Annamalai and others founded the TJC.

“TJC works with families of death row prisoners, and we work with the prisoners through the families, as only lawyers and family members can visit.

“There are about 70 family members in our network, including the families of people who have already been executed.

“We campaign on death penalty abolition, progressive drug policy reform and prison and policing issues through an abolitionist and transformative justice lens.”

Annamalai said TJC’s methods “directly challenge authoritarian state power”, and the government has responded in hostile and repressive ways.

Just days before the *POFMA* notice, on October 3, TJC’s multimedia exhibition on the history of the anti-death penalty movement was cancelled by the Infocomm Media Development Authority in consultation with the home affairs ministry.

“State coercion and violence, including the use of the death penalty, is one of the key ways the government maintains authoritarian rule,” she said.

“More and more laws that erode civil liberties have been introduced in recent years, surveillance is growing at an alarming rate and police powers have been expanded and extended to other civil servants and civilians. The majority of incarcerated people, and an overwhelming majority who are on death row, are poor, migrant or ethnic minorities.

“The working class is further oppressed through the expansion of the police state, while the ruling and business elite gain even more power.

“Because we shine a light on the injustices entrenched in systems which the government wants to keep opaque ... because our ideology and tactics both challenge the government’s power to coerce, they continuously attack us.”

#IDefyPOFMA

Annamalai put up a [blog post](#) explaining her decision to refuse the *POFMA* direction on October 22, titled: "I Defy: Why I am not complying with my *POFMA* Correction Direction".

"I defy the *POFMA* Correction Direction that Minister for Law and Home Affairs K Shanmugam instructed me to publish on 5 October ... because it is unlawful and beyond his powers," Annamalai's statement said.

"It is a gross abuse of power to force those with an opposing view to discredit and humiliate ourselves, to publicly 'confess' to spreading falsehoods when we have done no such thing.

"The Minister can't have his say on my Facebook page too. It is a sacred space to me, the space I learnt to find my voice," she wrote.

"I could not go ahead with [posting the *POFMA* correction]," she told *GL*. "[The government] can decide what they want to do, but I have to be able to sleep at night ... whether it's in a prison cell or at home."

Soon after the blog post was uploaded, other people posted #IDefyPOFMA on their own social media pages, as well as sharing Annamalai's original post that was the subject of the *POFMA* notice.

"This is the largest act of online civil disobedience so far in Singapore," Annamalai said. "This is a post that has been declared false and they have posted it in defiance, rejecting this act of censorship.

"Because this is the first time a resident of Singapore is defying *POFMA* order, I think it felt important to people who have been concerned about *POFMA* and other repressive tools to express solidarity.

"These kinds of collective actions are rare in Singapore. It is an expression of a political culture that activists in various movements have been working hard to nurture, given how much fear and stigma there is around dissent in Singapore.

"The desire for Singapore to democratise is growing among ordinary people ... many people who posted were not experienced activists, they are ordinary people who wanted to take a stand," Annamalai said.

"The #IDefyPOFMA action is not just about being in solidarity with me or TJC, it's about pushing back against the erosion of civil liberties in Singapore more broadly."

Annamalai said she does not expect the authorities to act swiftly with investigations or in bringing charges against her.

"I haven't been called for investigations yet, though it's almost been a month. It'll probably take years for a case like this to conclude. I suspect that these things get dragged out so that the public loses interest and it makes it harder to build momentum around the issue."

International solidarity

Annamalai said she wants the international community to know that Singapore "is an authoritarian state where even a one-person silent protest is criminalised".

“It is a highly unequal society where workers work some of the longest hours in the world, social protections are weak and many people are struggling to make ends meet. At the same time, Singapore is a playground — and a tax haven — for the rich.

“Regardless of what the government’s powerful PR machine may have the world believe, Singapore has many issues, just like any other country. It is a wealthy country, yes — but this wealth is neither made, nor redistributed, fairly.

“More than 1 million migrant workers are exploited and live in truly degrading conditions, with such heavily diminished rights that it is akin to an apartheid system. Much of the country’s wealth is built on these workers’ backs.

“I would urge people to seek out independent sources of research and reportage about Singapore, educate themselves about the realities of Singaporean society ... We should not prop up authoritarian regimes as model systems or ideal societies.

“We feel a lot stronger fighting for democracy and justice here, knowing that there are communities around the world who are fighting for the same in their own societies, and we are all bound together in our shared dream for better futures. We are all in this struggle together.”

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