



Settle or fight? Far Eastern Economic Review and Singapore Epilogue

Dow Jones lawyer Stuart Karle, in his capacity as counsel for the *Far Eastern Economic Review* (FEER), decided to challenge the Lees in court. After the Ministry of Information, Communications and the Arts stepped in, and when the Lees filed suit on August 22, reconciliation no longer seemed an option—leaving only capitulation or confrontation. Dow Jones believed that FEER had libeled neither Prime Minister Lee Hsien Loong nor his father, Lee Kuan Yew.¹

FEER took the steps it deemed appropriate. The magazine decided to keep on its website the July 2006 editorial which had prompted the lawsuit. In addition, it posted all the correspondence between Karle and the Lees' attorney. Finally, it contested the ruling from the Ministry of Information which retroactively changed the status of FEER and four other publications. Because FEER was not incorporated in Singapore but in Hong Kong, Karle refused to post S\$200,000 and name a local counsel.

In response, on September 28, 2006, the Ministry banned the *Review* from Singapore outright. Though it had only 1,000 subscribers in Singapore, the *Review* issued a statement lamenting the infringement on "the fundamental rights of our Singaporean subscribers [which] further restricts the already narrow scope of free expression in Singapore."² Singaporean authorities in turn reminded the Western press of its privileged guest status in the country.

In October, Karle and Dow Jones petitioned to have the libel case heard in Hong Kong since the *Review* was based there and had no staff in Singapore. Hong Kong also seemed to promise a more fair legal process; Singapore had never won a libel suit outside its own borders, and never lost one domestically. However, the petition failed and the trial got underway later that

¹ Chee Soon Juan, the subject of the offending article, publicly urged Karle to fight on. "I hope FEER will seriously fight this matter and not bow to the Lees," he said. John Burton and Justine Lau, "Economic Publication Urged to Fight Libel Suit," *Financial Times*, September 15, 2006.

² "Singapore Bans Far Eastern Economic Review Magazine," *International Herald Tribune*, September 28, 2006.

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month in Singapore. The government later refused FEER's request to retain a Queen's Counsel from Britain, a possible compromise since Singapore's legal system had its roots in British Common Law.³ Singapore insisted instead that FEER retain a local attorney.

In August 2007, Rupert Murdoch's News Corporation purchased Dow Jones. Shortly after the change in ownership, FEER dropped the history of the dispute with Singapore from its website, and the Dow Jones legal team that had contested the Singapore case was largely replaced.⁴

On September 24, 2008, the Singapore High court ruled that FEER had in fact defamed the Lees. Justice Woo Bih Li reached his conclusion by summary judgment (without a trial), as requested by the Lees. Justice Woo rejected FEER's argument that Hugo Restall's article was fair comment, ruling instead that the article made allegations of fact.⁵

In September 2009, Dow Jones announced that FEER would shortly go out of business for financial reasons. In October 2009, the Singapore Court of Appeal upheld the 2008 decision against FEER. Dow Jones denied any wrongdoing, but it paid a fine of S\$405,000 (US\$292,300).⁶ The Court of Appeal held that "constitutional free speech in Singapore is conferred on Singapore citizens only."⁷ In December 2009, the magazine stopped publication.

³ Agence France Presse, "Singapore Rejects Banned Magazine's Bid for British Lawyer," July 9, 2007.

⁴ Eric Ellis, "Will Rupert Murdoch Knuckle Under to Singapore?" *Asia Sentinel*, January 11, 2008.

⁵ BBC News, "Editor 'defamed' Singapore leader," September 24, 2008. See: <http://news.bbc.co.uk/2/hi/asia-pacific/7632830.stm>

⁶ Amnesty International, "Defamation case threatens press freedom in Singapore," November 18, 2009. See: <http://www.amnesty.org.au/news/comments/22128/>

⁷ Ibid.