

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2026] SGHC 69

Originating Claim No 13 of 2025 (Assessment of Damages No 3 of 2026)

Between

Shanmugam Kasiviswanathan

... Claimant

And

Xu Yuanchen

... Defendant

Originating Claim No 14 of 2025 (Assessment of Damages No 2 of 2026)

Between

Tan See Leng

... Claimant

And

Xu Yuanchen

... Defendant

JUDGMENT

[Damages – Assessment – Defamation – Principles applicable to
determination of appropriate quantum of damages]

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Shanmugam Kasiviswanathan
v
Xu Yuanchen and another matter

[2026] SGHC 69

General Division of the High Court — Originating Claim Nos 13 and 14 of 2025 (Assessment of Damages Nos 3 and 2 of 2026)

Audrey Lim J

26 February, 12 March 2026

31 March 2026

Judgment reserved.

Audrey Lim J:

Introduction

1 HC/OC 13/2025 (“OC 13”) and HC/OC 14/2025 (“OC 14”) are claims in defamation by Mr Shanmugam Kasiviswanathan (“Mr Shanmugam”) and Mr Tan See Leng (“Mr Tan”) respectively against Mr Xu Yuanchen (“Mr Xu”), in relation to an article that Mr Xu had caused to be published.

2 On 26 August 2025, the claimants obtained judgment in default of a notice of intention to contest or not contest. On 27 November 2025, the claimants obtained an order for the assessment of damages in OC 13 and OC 14 to be heard and tried together. I thus render one decision, in the assessment of damages, in relation to both proceedings.

Background

The parties

3 Mr Shanmugam is the Coordinating Minister for National Security and Minister for Home Affairs. At the material time, he was the Minister for Law in addition to being the Minister for Home Affairs. He has also been a Cabinet Minister since 1 May 2008 and a Member of Parliament since 3 September 1988.¹

4 Mr Tan is the Minister for Manpower and the Minister-in-charge of Energy and Science & Technology in the Ministry of Trade and Industry. At the material time, he was the Minister for Manpower and Second Minister for Trade and Industry. He has also been a member of Parliament and a Cabinet Minister since 2020.²

5 Mr Xu is the Chief Editor of the website The Online Citizen (“TOC”) (“TOC Website”).³

The article and publications

6 The claims in OC 13 and OC 14 are founded on a TOC post that was published on or around 12 December 2024, titled “Bloomberg: Nearly half of 2024 GCB transactions lack public record, raising transparency concerns” (“Article”).

¹ Mr Shanmugam’s affidavit of evidence-in-chief (“Shanmugam’s AEIC”) at [6]–[7].

² Mr Tan’s affidavit of evidence-in-chief (“Tan’s AEIC”) at [5].

³ See <https://theonlinecitizen.com/about>; Shanmugam’s AEIC at [8]–[10]; Tan’s AEIC at [6]–[8]; 7CBOD 444–446.

7 The relevant extract of the Article states as follows (“Extract”):⁴

Singapore’s exclusive Good Class Bungalow (GCB) market, increasingly defined by secrecy and the use of trusts, is at the centre of a growing debate over transparency.

Recent revelations about high-profile transactions involving lawmakers have added an ironic twist to the situation, with those tasked to uphold transparency partaking in opaque dealings.

High-Profile Transactions and Public Scrutiny

Bloomberg recently reported that Minister for Manpower Tan See Leng purchased a GCB in Brizay Park in 2023 for S\$27.3 million.

However, despite The Online Citizen’s (TOC) search of the Urban Redevelopment Authority’s (URA) Private Residential Property Transactions database and other online sources, no public records of the transaction could be found aside from Bloomberg’s revelation.

This isn’t Dr Tan’s first foray into the GCB market. In 2016, *The Business Times* reported that he acquired a GCB along Peirce Road for nearly S\$24 million while serving as managing director and CEO of IHH Healthcare Bhd.

Minister K Shanmugam transferred Astrid Hill GCB to UBS Trustees for S\$88 Million

Meanwhile, TOC highlighted an earlier transaction involving Law Minister K Shanmugam.

In August 2023, the minister sold a GCB in Queen Astrid Park for S\$88 million.

This transaction, facilitated through a trust known as Jasmine Villa Settlement, left the identity of its ultimate beneficiary undisclosed.

Despite the significant scale of this sale, mainstream Singapore media has yet to report on it.

These developments exemplify the growing trend of using trusts to obscure ownership details in the GCB market.

Transparency Concerns in the GCB Market

⁴ Statement of Claim in OC 13 (“OC 13 SOC”) at [5]; Statement of Claim in OC 14 (“OC 14 SOC”) at [5]; 1CBOD 39–44.

Bloomberg notes that nearly half of GCB transactions in 2024 lacked property caveats, legal filings that record ownership and ensure transparency.

This trend allows buyers to keep transactions hidden from public scrutiny, raising concerns about oversight in the high-value property market.

The involvement of lawmakers in such opaque dealings raises questions about transparency and accountability.

Critics argue that participation in transactions that exploit legal mechanisms for privacy stands in contrast to the values of openness and fairness these officials are expected to uphold.

[...]

The irony is stark: policymakers responsible for overseeing regulations are part of the system that enables such opacity.

[...]

While the use of trusts is legal and not inherently unethical, the lack of mandatory disclosure rules fuels scepticism.

Singapore imposes a 65% tax on residential property purchases through trusts, payable upfront in cash, but enforcement challenges persist given the secrecy surrounding beneficiaries.

[...]

For Singapore, renowned for its governance and transparency, the intertwining of political figures with opaque real estate practices underscores the need for stronger safeguards.

The dual revelations of Minister Tan’s purchase and Minister Shanmugam’s sale illustrate the urgency of addressing secrecy in this elite property sector to preserve public trust.”

8 The claimants further rely on publications across TOC’s social media platforms on or around 12 to 13 December 2024, namely, X, Telegram, Facebook, WhatsApp, Instagram, and YouTube (“TOC’s Social Media Platforms”),⁵ all of which contained links to the Article. Furthermore, as at 3 January 2025:⁶

⁵ OC 13 and OC 14 SOC at [6].

⁶ OC 13 and OC 14 SOC [10(a)–(h)]; Shanmugam’s AEIC at [15], [18]–[24]; Tan’s AEIC at [13], [16]–[22].

(a) The Article on the TOC Website received 45 comments. The TOC Website and Article are accessible to the public in Singapore.⁷

(b) The TOC Facebook post had 194 reactions, 100 comments and 34 shares; and the TOC Facebook page had 255,000 followers. The privacy setting of TOC’s Facebook post was set to “public” and thus the post could be read by the public in Singapore at large.⁸ Further, as at 14 November 2025, TOC’s Facebook page had 287,000 followers.⁹

(c) The TOC X post had 307 views. As at 19 January 2025, the TOC X page had 41,247 followers. The followers of the TOC X page include users whose X profiles state their location as Singapore. The TOC X post can be accessed, read or downloaded by X users if a user does not “follow” the TOC X page and/or persons who are X users but do not log into their X accounts.¹⁰ Further, as at 14 November 2025, the TOC X post had received 336 views.¹¹

(d) The TOC Instagram post received 104 likes, 4 comments and 46 shares; and the TOC Instagram page had 17,900 followers. The TOC Instagram post is accessible to any person (including in Singapore) who has an Instagram account and can also be accessed by someone who

⁷ OC 13 and OC 14 SOC at [10(a)]; Shanmugam’s AEIC at [18]; Tan’s AEIC at [16]; 1CBOD 45–46.

⁸ OC 13 and OC 14 SOC at [10(c)]; Shanmugam’s AEIC at [19]; Tan’s AEIC at [17]; 1CBOD 100, 154.

⁹ Shanmugam’s AEIC at [19(a)]; Tan’s AEIC at [17(a)]; 1CBOD 158.

¹⁰ OC 13 and OC 14 SOC at [10(d)]; Shanmugam’s AEIC at [20]; Tan’s AEIC at [18]; 1CBOD 88, 215, 219–223.

¹¹ Shanmugam’s AEIC at [20(f)]; Tan’s AEIC at [18(f)]; 1CBOD 90.

does not have an Instagram account if “shared” to directly.¹² Further, as at 14 November 2025, the TOC Instagram page had 43,800 followers.¹³

(e) The TOC Telegram message received 40 reactions and 1,500 views; and the TOC Telegram channel had 7,019 subscribers. The TOC Telegram message is accessible to any person, including the public in Singapore.¹⁴ Further, as at 14 November 2025, the TOC Telegram message had received 41 reactions and 1,600 views; and the TOC Telegram channel had 7,123 subscribers.¹⁵

(f) The TOC WhatsApp channel had 16 followers. The TOC WhatsApp channel is a public channel and is accessible to any person, including the public in Singapore.¹⁶ Further, as at 15 November 2025, the TOC WhatsApp channel had 344 followers.¹⁷

(g) The TOC YouTube video had 5,591 views, 53 likes and 41 comments; and the TOC YouTube channel had 52,800 subscribers. The video is accessible to any person including the public in Singapore.¹⁸ Further, as at 8 January 2025, the video had 5,779 views, 54 likes and

¹² OC 13 and OC 14 SOC at [10(e)]; Shanmugam’s AEIC at [21]; Tan’s AEIC at [19]; 1CBOD 227, 233.

¹³ Shanmugam’s AEIC at [21(e)]; Tan’s AEIC at [19(e)]; 1CBOD 231.

¹⁴ OC 13 and OC 14 SOC at [10(f)]; Shanmugam’s AEIC at [22]; Tan’s AEIC at [20]; 1CBOD 92, 252.

¹⁵ Shanmugam’s AEIC at [22(c)], [22(f)]; Tan’s AEIC at [20(c)], [20(f)]; 1CBOD 94.

¹⁶ OC 13 and OC 14 SOC at [10(g)]; Shanmugam’s AEIC at [23]; Tan’s AEIC at [21]; 1CBOD 116.

¹⁷ Shanmugam’s AEIC at [23(c)]; Tan’s AEIC at [21(c)]; 1CBOD 262–264.

¹⁸ OC 13 and OC 14 SOC at [10(h)]; Shanmugam’s AEIC at [24]; Tan’s AEIC at [22]; 1CBOD 143–144, 266.

41 comments; and as at 14 November 2025, the channel had 64,900 subscribers.¹⁹

9 The claimants also point out that Mr Xu continued to refer to and draw attention to the Article in subsequent publications.²⁰ Between 23 December 2024 and 3 January 2025, Mr Xu published four other articles on TOC that referred to and/or contained links to the original Article. The four articles, or links to them, were also put on TOC’s Social Media Platforms. The four articles (including viewership, comments, *etc.*) are as follows:

(a) First, an article titled “What MinLaw didn’t POFMA: Revealing insights Into Singapore’s luxury property market” was published on or around 23 December 2024. Further: (i) the TOC Facebook post had received 347 reactions, 131 comments and 47 shares as at 3 January 2025; (ii) the TOC X post had 381 views on 3 January 2025 and 413 views on 17 November 2025; and (iii) the TOC Telegram message had received 52 reactions and 3,566 views on 19 January 2025; and 52 reactions and 3,800 views on 15 November 2025.²¹

(b) Second, an article titled “Defending Press Freedom: The Ministers’ Legal Threats Over Their GCB Transactions” was published on or around 25 December 2024. Further: (i) the first TOC Facebook post had received 458 reactions, 148 comments and 78 shares as at 3 January 2025; and 453 reactions, 150 comments and 97 shares as at 5 August 2025; (ii) the second TOC Facebook post had received 637

¹⁹ Shanmugam’s AEIC at [24(b)], [24(d)]; Tan’s AEIC at [22(b)], [22(d)]; 1CBOD 274, 277–278.

²⁰ OC 13 and OC 14 SOC’s at [10(k)]; Shanmugam’s AEIC at [25]; Tan’s AEIC at [23].

²¹ OC 13 and OC 14 SOC’s at [10(k)(i)]–[10(k)(v)]; Shanmugam’s AEIC at [25(a)]–[25(e)]; Tan’s AEIC at [23(a)]–[23(e)]; 1CBOD 341; 2CBOD 98, 102, 105, 109.

reactions, 348 comments and 76 shares as at 3 January 2025; (iii) the TOC X post received 343 views as at 3 January 2025 and 365 views as at 16 November 2025; (iv) the third TOC Facebook post had received 488 reactions, 217 comments and 47 shares as at 3 January 2025; and 491 reactions, 216 comments and 46 shares as at 5 August 2025; and (v) the TOC Telegram message received 8,817 views and 51 reactions as at 19 January 2025; and 9,800 views and 51 reactions as at 16 November 2025.²²

(c) Third, an article titled “SDP urges transparency over buyer of Shanmugam’s GCB at Astrid Hill” was published on or around 26 December 2024. Further: (i) the first TOC Facebook post received 374 reactions, 181 comments and 44 shares as at 3 January 2025; (ii) the second TOC Facebook post received 644 reactions, 270 comments and 70 shares as at 3 January 2025; (iii) the TOC X post received 265 views as at 3 January 2025 and 288 views as at 16 November 2025; (iv) the TOC Instagram post received 118 likes, 3 comments and 6 shares as at 3 January 2025, and this increased to 123 likes on 5 August 2025; (v) the TOC Telegram message received 43 reactions and 5,764 views as at 19 January 2025, and this increased to 6,600 views on 16 November 2025; and (vi) the TOC YouTube video received 7,521 views, 112 likes and 116 comments as at 3 January 2025; and 9,582 views, 129 likes and 127 comments by 16 November 2025.²³

²² OC 13 and OC 14 SOC at [10(k)(vi)]–[10(k)(xi)]; Shanmugam’s AEIC at [25(f)]–[25(k)]; Tan’s AEIC at [23(f)]–[25(k)]; 2CBOD 151, 195, 206, 494; 3CBOD 274, 280, 283, 288, 491, 495.

²³ OC 13 and OC 14 SOC at [10(k)(xii)]–[10(k)(xix)]; Shanmugam’s AEIC at [25(l)]–[25(s)]; Tan’s AEIC at [23(l)]–[23(s)]; 3CBOD 549; 4CBOD 15, 260, 265, 268, 278, 314, 318, 329–331, 375–376.

(d) Fourth, an article titled “Ministers silent on legal proceedings as Bloomberg and TOC refuse demands” was published on or around 3 January 2025. Further: (i) the TOC Facebook post received 230 reactions, 104 comments and 10 shares as at 4 January 2025; and this increased to 387 reactions, 183 comments and 40 shares on 5 August 2025; (ii) the TOC X post received 169 views as at 4 January 2025 and this increased to 237 views on 16 November 2025; and (iii) the TOC Telegram message received 18 reactions and 1,600 views as at 4 January 2025; and this increased to 48 reactions and 5,600 views on 16 November 2025.²⁴

As can be seen above, these social media posts collectively garnered thousands of views, reactions, comments and shares.²⁵

10 The claimants additionally rely on instances of third-party republications of the Article which include the following:²⁶

(a) a forum post on “SG Talk” published on or around 12 December 2024 containing a link to the Article;²⁷

(b) a Facebook post by one “Cecilia Tan” published on or around 16 December 2024 with a link to the TOC YouTube video containing a verbatim narration of the Article;²⁸ and

²⁴ OC 13 and OC 14 SOC at [10(k)(xx)]–[10(k)(xxiii)]; Shanmugam’s AEIC at [25(t)]–[25(w)]; Tan’s AEIC at [23(t)]–[23(w)]; 4CBOD 385, 445; 5CBOD 5, 156, 161, 164, 168.

²⁵ OC 13 and OC 14 SOC at [10(k)]; Shanmugam’s AEIC at [25]; Tan’s AEIC at [23].

²⁶ OC 13 and OC 14 SOC at [11(i)]; Shanmugam’s AEIC at [37]; Tan’s AEIC at [35].

²⁷ Shanmugam’s AEIC at [37(a)]; 7CBOD 356–369.

²⁸ Shanmugam’s AEIC at [15(f)], [37(b)]; 1CBOD 143; 7CBOD 373–376.

- (c) a forum post on Reddit published on or around 17 December 2024 containing a link to the Article.²⁹

The claimants’ demand to Mr Xu and commencement of proceedings

11 On 19 December 2024, the claimants wrote to Mr Xu through their solicitors (“DSC”) to demand that he: (a) remove the Article, the TOC Facebook post, and all related comments; (b) publish an apology and undertaking as set out in DSC’s letters; and (c) offer compensation that the claimants would donate to charity (“DSC’s 19/12/24 Letters”). The letters further stated that if these were not complied with by the deadline stated therein, the claimants would commence legal proceedings against Mr Xu.³⁰

12 Further, on or around 23 December 2024, Mr Xu was informed of the falsehoods contained in the Article, including by way of a “Factually” article entitled “Corrections regarding false statements of fact by Bloomberg L.P., The Edge Singapore, The Independent Singapore, and The Online Citizen” posted on www.gov.sg (*ie*, a Singapore government agency website).³¹

13 Mr Xu replied on 24 December 2024 (“Xu’s 24/12/24 Letter”) to state his refusal to comply with the demands in DSC’s 19/12/24 Letters. In his letter, Xu stated that the “Article in question [was] based on factual and verifiable public records”; the “Article explicitly acknowledge[s] that such practices are legal and not inherently unethical while raising legitimate concerns about transparency in Singapore’s GCB market”; and he “reject[s] the allegations that

²⁹ Shanmugam’s AEIC at [37(c)]; 7CBOD 383–391.

³⁰ OC 13 and OC 14 SOC’s at [14]–[16]; Shanmugam’s AEIC at [45]–[48]; Tan’s AEIC at [43]–[46]; 7CBOD 420–424, 426–430.

³¹ OC 13 and OC 14 SOC’s at [19(f)(iii)]; Shanmugam’s AEIC at [43]; Tan’s AEIC at [41]; 7CBOD 411–418.

the Article is defamatory and maintain[s] that the contents of the Article are true and entirely justified”.³²

14 On 6 January 2025, the claimants commenced OC 13 and OC 14.

15 In OC 13, Mr Shanmugam pleads as follows:³³

(a) The Extract, by itself and/or in context, mean and is understood to falsely mean, that Mr Shanmugam, who as Minister is part of an opaque system with no safeguards or disclosure requirements, exploited legal mechanisms for privacy in selling his property in a non-transparent manner, to keep his transaction secret and to avoid scrutiny, and thereby acted improperly.

(b) The Extract, as it means and would be understood to mean (as set out above), is false and baseless and is calculated to disparage and impugn him and his offices as the Minister for Law and Minister for Home Affairs of Singapore.

16 In OC 14, Mr Tan pleads as follows:³⁴

(a) The Extract, by itself and/or in context, mean and is understood to falsely mean, that Mr Tan, who as Minister is part of an opaque system with no safeguards or disclosure requirements, exploited legal mechanisms for privacy in purchasing a property in a non-transparent

³² OC 13 and OC 14 SOC at [17]; Shanmugam’s AEIC at [49]; Tan’s AEIC at [47]; 7CBOD 444–446.

³³ OC 13 SOC at [8]; Shanmugam’s AEIC at [38]–[39].

³⁴ OC 14 SOC at [8]; Tan’s AEIC at [36]–[37].

manner, to keep his transaction secret and to avoid scrutiny, and thereby acted improperly.

(b) The Extract, as it means and would be understood to mean (as set out above), is false and baseless and is calculated to disparage and impugn him and his offices as the Minister for Manpower and Second Minister for Trade and Industry in Singapore.

17 Although the claimants effected service of the originating process and documents in OC 13 and OC 14 on Mr Xu in Taiwan (where he is based), Mr Xu did not file or serve a notice of intention to contest or not contest the claims. On 26 August 2025, the claimants obtained an order for judgment in default (of the notice of intention) with damages to be assessed. In that order, an injunction was also granted to restrain Mr Xu from publishing or disseminating essentially the false and defamatory allegations.

18 Further, as the court held in *Shanmugam Kasiviswanathan v Lee Hsien Yang* [2024] 5 SLR 194 (“*KS v LHY*”) at [20], and which I agree, Mr Xu’s failure to file a Defence means that the facts in the claimants’ respective Statements of Claim (“SOCs”) are taken to be admitted by him. Here, Mr Xu has chosen not to participate in the proceedings, as can be seen from Xu’s 24/12/24 Letter (written prior to the claimants commencing OC 13 and OC 14). Even in a letter to the Registrar of the Supreme Court of Singapore on the day of the assessment of damages, he stated categorically that he was not submitting to the jurisdiction of the Singapore courts for the assessment of damages or any other substantive stage of the proceedings.³⁵ However, whilst his failure to file a Defence may mean admitting the facts that have been pleaded to substantiate damage, the

³⁵ Mr Xu’s email dated 26 February 2026 to the Supreme Court Registry (attaching a letter of the same date).

quantum of the damages (where the claim is for an unliquidated amount) must still be assessed (*Toh Wee Ping Benjamin v Grande Corp Pte Ltd* [2020] 2 SLR 308 at [40]).

19 Against the above background, I turn to the assessment of damages.

Relevant factors in the assessment of damages

20 The claimants have pleaded that they should be awarded aggravated damages in addition to general damages.

21 General damages are compensatory in nature and its purpose is to console the claimant for the distress he has suffered from the publication of the statement, to repair the harm to his reputation and to vindicate his reputation (*Arul Chandran v Chew Chin Aik Victor* [2001] 1 SLR(R) 86 (“*Arul Chandran*”) at [53] and *Lim Eng Hock Peter v Lin Jian Wei* [2010] 4 SLR 357 (“*Peter Lim*”) at [4]).

22 To determine the appropriate quantum of general damages, the following circumstances are relevant (*Koh Sin Chong Freddie v Chan Cheng Wah Bernard* [2013] 4 SLR 629 (“*Freddie Koh*”) at [23]–[24] and *Peter Lim* at [7]–[8]):

- (a) the nature and gravity of the defamation;
- (b) the conduct, position and standing of the claimant and the defendant;
- (c) the mode and extent of publication;

- (d) the natural indignation of the court at the injury caused to the claimant;
- (e) the conduct of the defendant from the time the defamatory statement is published to the very moment of the verdict;
- (f) the failure to apologise and retract the defamatory statement;
- (g) the presence of malice; and
- (h) the intended deterrent effect of the damages.

23 Aggravated damages are also compensatory in nature and are awarded when the defendant’s conduct before and during trial has aggravated the hurt to the claimant’s feelings (*Goh Chok Tong v Jeyaretnam Joshua Benjamin* [1998] 2 SLR(R) 971 (“*GCT v JJB*”) at [51]). Examples of such conduct that are aggravating include a failure to make any apology or withdrawal, and malice (*Freddie Koh* at [51]; *Arul Chandran* at [56]).

24 I turn to the factors that the claimants are relying on.

The nature and gravity of the defamation

25 The more closely the defamatory statement touches the claimant’s personal integrity, professional reputation, honour and core attributes of his personality, the more serious it is likely to be (*Freddie Koh* at [25]; *Peter Lim* at [12]). It follows that the quantum of damages would rise in proportion to the severity of the defamation (*KS v LHY* at [31]).

26 As I had granted interlocutory judgment on liability, Mr Xu can no longer challenge the claimants’ pleaded meaning of the Extract (see [15(a)] and

[16(a)] above). Based on the pleaded meaning, I find Mr Xu’s defamatory allegations are very grave. They directly impugn the claimants’ personal integrity, character and professional reputation. The allegations attack their character by portraying them as individuals who are part of an opaque system and circumvented transparency requirements to avoid scrutiny of their conduct, therefore suggesting that the claimants had done something improper. As Cabinet Ministers, these allegations disparage not only the claimants’ personal but professional reputation as well. This is therefore a factor that points towards the award of higher damages.

The parties’ position and standing

27 It is well-established that the higher the claimant’s standing, the higher the damages that will be awarded. The courts have also “consistently awarded higher damages to public leaders ... because of the greater damage done not only to them personally, but also to the reputation of the institution of which they are members” (*Peter Lim* at [12]).

28 At the material time, Mr Shanmugam was the Minister for Law and Minister for Home Affairs of Singapore, while Mr Tan was the Minister for Manpower and Second Minister for Trade and Industry of Singapore. In addition to being Members of Parliament, the claimants held and continue to hold high political office as Cabinet Ministers (see [3]–[4] above). They are undoubtedly public leaders and persons who have a high standing. The defamatory remarks do not merely impugn on their personal integrity, character and professional reputation, but also that of their offices as Cabinet Ministers; and it damages their moral authority to lead (*Peter Lim* at [13]). As the Court of Appeal explained in *Peter Lim* (at [12]):

“[a]ny libel or slander of [a public leader’s] character with respect to [his] public service damages not only [his] personal reputation, but also the reputation of Singapore as a State whose leaders have acquired a worldwide reputation for honesty and integrity in office and dedication to service of the people.”

This is a factor that points towards the award of higher damages.

29 As for the defendant’s position and standing, the courts have held that the higher the defendant’s standing and reputation, the greater the impact of the defamation and degree of injury (*Freddie Koh* at [37]).

30 Mr Xu is the Chief Editor of TOC. It is undisputed that TOC is not merely an individual’s blog or personal page. Rather, it positions itself as an independent news publication website. The TOC Website contains a separate section called “Singapore” that is prominently displayed at the top of the Website.³⁶ Notably, TOC has a considerable following, as evidenced by the TOC Facebook page having 255,000 followers as at 3 January 2025 (see [8(b)] above). TOC’s wide viewership and established role as a news source lend credence to its publications, thereby rendering it more believable to the ordinary reader. Accordingly, this factor points towards the award of higher damages.

The mode and extent of publication and republication

31 It is trite law that the wider the extent of publication, the greater the award of damages for defamation (*Peter Lim* at [33]). The claimants may prove the extent of publication either by direct evidence or by establishing a “platform of facts” from which the court can properly infer that substantial publication has taken place (*Freddie Koh* at [43]). In this regard, the court in *Lee Hsien Loong*

³⁶ OC 13 and OC 14 SOC at [10]; 7CBOD 444–446 (Xu’s 24/12/24 Letter at [11] and [21]).

v Leong Sze Hian [2021] 4 SLR 1128 (“*LHL v LSH*”) at [45] set out some of the considerations that might form the basis for this platform of facts, to determine whether substantial publication has taken place. On the facts, the extent of publication and republication of the Article was substantial (as can be seen from [8]–[10] above).

32 First, the Article was published on the TOC Website, which was easily accessible by anyone in Singapore or worldwide free of charge.³⁷ Whilst the Article received 45 comments on the TOC Website as at 3 January 2025, the number of comments do not suggest that there were only 45 persons who had accessed or read the Article as not everyone who reads an article will comment on it.

33 Second, the Article was also published through TOC’s Social Media Platforms. The engagement metrics across these platforms demonstrate substantial viewership. By November 2025, the Article had garnered approximately 230 reactions, 190 comments, 150 likes, 80 shares, and 7,710 views across TOC’s Social Media Platforms and the TOC Website collectively (see [8] above). As stated by the court in *LHL v LSH* (at [45]): (a) the number of “likes”, “shares”, “reactions” and comments which a post draws might provide insight into the number of individuals who accessed it, especially since not every individual who reads the post will necessarily respond in such a fashion; and (b) the number of “friends” and “followers” the poster has on the social media platform is also relevant in determining whether or not substantial publication has taken place. Notably, as at November 2025, the TOC Facebook page had 287,000 followers, the TOC X page had over 41,200 followers, the TOC Instagram page had 43,800 followers, the TOC Telegram channel had over

³⁷ OC 13 and OC 14 SOCs at [10(a)].

7,100 subscribers, the TOC WhatsApp channel had over 340 followers, and the TOC YouTube channel had around 64,900 subscribers (see [8] above).

34 Third, Mr Xu continued to amplify the defamatory content through subsequent publications. Between 23 December 2024 and 3 January 2025, Mr Xu published four additional articles that expressly referred to and contained links to the original Article. Each of these subsequent articles was then promoted across TOC’s Social Media Platforms, creating multiple pathways for readers to access the original defamatory content (see [9] above). By November 2025, these four additional articles had garnered approximately 3,500 reactions, 1,600 comments, 250 likes, 420 shares and 36,600 views across TOC’s Social Media Platforms collectively.

35 Collectively, the above social media publications significantly amplified the reach of the Article beyond the TOC Website itself, exposing the defamatory content to a much wider audience across multiple platforms.

36 Additionally, there was republication of the Article by third parties, including on “SG Talk”, Reddit and Facebook (see [10] above). While this demonstrates that the defamatory material gained traction beyond TOC’s Social Media Platforms and reached additional audiences through independent sharing, I do not place significant weight on this factor. The full extent of these republications is difficult to quantify given the lack of evidence adduced by the claimants. That said, I recognise that some extent of republication is foreseeable due to the “‘percolation phenomenon’ where, as a consequence of modern technology and communication systems, a story has the capacity to ‘go viral’ more widely and quickly than ever before; and which is especially the case for a plaintiff who is already in the public eye” (*Lee Hsien Loong v Xu Yuan Chen* [2022] 3 SLR 924 (“*LHL v XYZ*”) at [87]).

The conduct of the defendant

37 The court can consider a defendant’s conduct when awarding damages, including aggravated damages (*KS v LHY* at [59]). Such conduct encompasses behaviour throughout the proceedings, extending even to the hearing for assessment of damages (see *Lee Hsien Loong v Singapore Democratic Party* [2009] 1 SLR(R) 642 at [72] and [75]). In the present case, four instances of Mr Xu’s conduct are particularly relevant.

Failure to apologise

38 First, Mr Xu did not apologise or remove the Article despite being given the opportunity to do so when DSC’s 19/12/24 Letters were sent to him. In those letters, DSC stated that if Mr Xu complied with the demands stated therein, the claimants would treat the matter as resolved. However, by Xu’s 24/12/24 Letter, Mr Xu replied to state his refusal to comply with the claimants’ demands (see [11]–[13] above).

39 A failure to apologise does not always result in aggravated damages (see *LHL v LSH* at [114]; *M Badiuzzaman v Salma Islam* [2023] SGHC 311 (“*M Badiuzzaman*”) at [24]). For instance, in *M Badiuzzaman*, the court did not award aggravated damages because the defendants did not persecute their allegations against the claimants through other means nor conduct themselves egregiously, but simply ignored the claimants (*M Badiuzzaman* at [22]).

40 However, the present situation is markedly different. Mr Xu had repeatedly drawn attention to the Article by publishing four other articles between 23 December 2024 and 3 January 2025 that referred to and contained links to the original Article and by further promoting these articles on TOC’s Social Media Platforms (see [9] above). The Article was published on 12

December 2024. Even as at 14 November 2025 (when the claimants were preparing their affidavits of evidence-in-chief for the assessment of damages), the Article remained published and available on the TOC Website, and it still remains available for viewership online as of the date of assessment of damages on 26 February 2026.³⁸

Conduct drawing attention to the Article after commencement of proceedings

41 Next, the claimants claim that Mr Xu continued to draw attention to the Article following the commencement of OC 13 and OC 14, relying on various publications made on or after the commencement of these proceedings (see [42] below).³⁹ Preliminarily, I find that there is no prejudice to Mr Xu arising from the claimants' reliance on such evidence, nor was he taken by surprise. Mr Xu's conduct in making the further publications is a matter that arose only after the filing of the SOC's and thus could not have been pleaded at the material time. In any event, the claimants had pleaded that they reserved their right to rely on any matters arising after the SOC's in relation to publication and republication of the Article.⁴⁰ Mr Xu was also well aware of the proceedings filed against him, as they were brought to his attention at the material time.

42 It is clear that in defamation cases, the defendant's subsequent conduct is relevant to whether there is aggravation caused (or to mitigation) (*Tang Liang Hong v Lee Kuan Yew* [1997] 3 SLR(R) 576 at [129]). In addition to the various publications which drew attention to the Article as set out at [8]–[9] above, some further examples include the following:

³⁸ Shanmugam's AEIC at [14]; Tan's AEIC at [12]; 1CBOD 61–86; <https://www.theonlinecitizen.com/2024/12/12/bloomberg-nearly-half-of-2024-gcb-transactions-lack-public-record-raising-transparency-concerns/>.

³⁹ Shanmugam's AEIC at [27]; Tan's AEIC at [25].

⁴⁰ OC 13 and OC 14 SOC's at [23].

(a) On 6 January 2025, a TOC YouTube video titled “#4 Politically Speaking: Asset Declarations of Public Officials – Transparency and Accountability”, that made reference to the Article, was published. As at 15 November 2025, it received 26,370 views.⁴¹

(b) On 7 January 2025, a TOC YouTube video titled “Ministers silent on legal proceedings as Bloomberg and TOC refuse demands”, which contained a verbatim narration of the article of the same title (see [9(d)] above), was published. The description of the video also contained a link to that article. As at 16 November 2025, it received 36,750 views.⁴²

(c) On 26 March 2025, an article titled “Case conference on Shanmugam and Tan See Leng defamation suits against TOC chief editor set for 1 Apr” was published (“26 March Article”), which referred to the Article. On the same day, a TOC YouTube video with the same title as the 26 March Article was published, which contained a verbatim narration of it. The description of the TOC YouTube video also contained a link to the 26 March Article. As at 16 November 2025, the TOC YouTube video received 7,601 views.⁴³

Breach of injunction

43 Further, Mr Xu refused to comply with the injunction order made against him on 26 August 2025 (in the default judgments), which restrained him from publishing or disseminating the defamatory allegations. A copy of the default

⁴¹ Shanmugam’s AEIC at [27(a)]; Tan’s AEIC at [25(a)]; 5CBOD 201–204.

⁴² Shanmugam’s AEIC at [27(d)]; Tan’s AEIC at [25(d)]; 6CBOD 97.

⁴³ Shanmugam’s AEIC at [27(f)]; Tan’s AEIC at [25(f)]; 7CBOD 85, 172.

judgments in OC 13 and OC 14 was sent to Mr Xu via email on 15 September 2025 at the email address that he continues to use to correspond in relation to these proceedings.⁴⁴ Despite thus being aware of the injunction order, Mr Xu did not remove the Article from, and Article remains published and available on, the TOC Website and TOC’s Social Media Platforms.

Malice

44 Finally, I find there was malice. Malice in defamation means “any ill-will, spite or some wrong or improper motive” (*KS v LHY* at [65]). Malice may be proved: (a) by the defendant’s knowledge of falsity, recklessness, or lack of belief in the defamatory statement; and (b) where the defendant has a genuine or an honest belief in the truth of the statement, but his dominant motive is to injure the claimant or some other improper motive (*Freddie Koh* at [90]). Where a defendant publishes the defamatory material recklessly, without considering or caring whether it was true, he is treated as if he knew it to be false, and is taken to have acted in malice (*GCT v JJB* at [53]).

45 I find Mr Xu had published the Extract recklessly, without considering or caring whether it was true. DSC’s 19/12/24 Letters to Mr Xu had pointed out the falsehoods in the Article and how the Extract in the Article would be understood to (falsely) mean. On 23 December 2024, Mr Xu was again informed of the falsehoods contained in the Article by way of the “Factually” article (see [12] above). Despite having been put on notice as to the falsehoods in the Article, Xu replied in Xu’s 24/12/24 Letter that the Article is “based on factual and verifiable public records”; that as for Mr Tan, the reporting relied on publicly available information first published by Bloomberg L.P.; and that

⁴⁴ Shanmugam’s AEIC at [50]–[51]; Tan’s AEIC at [48]–[50]; Mr Xu’s email dated 26 February 2026 to the Supreme Court Registry.

he “reject[s] the allegations that the Article is defamatory and maintain[s] that the contents of the Article are true and entirely justified”. Even if Mr Xu could be said not to have known that the Extract was untrue at the time he first published it, there is no evidence that he made any enquiries to ascertain the truth of the Extract after DSC’s 19/12/24 Letters or the publication of the “Factually” article. Mr Xu also had notice of the subsequent injunction order in the default judgments. Yet, he continued to refuse to remove the Article from the TOC Website and TOC’s Social Media Platforms. Mr Xu’s conduct clearly showed that there was malice.

Quantum of damages

46 The claimants submit that each of them should be awarded damages in excess of the awards made in *LHL v XYZ* where this court awarded \$210,000 against the defendant, and in *KS v LHY* where the court awarded \$200,000 against the defendant.⁴⁵

47 While each case should be decided on its own facts, the court may refer to other cases involving similar circumstances in determining the broad range of damages payable within which the present case falls (*LHL v LSH* at [124]). Bearing in mind the various factors above including the nature and gravity of the defamatory words, the respective standing of the parties, the substantial extent of publication and republication, Mr Xu’s conduct, and the presence of malice, I award \$210,000 in total, in general and aggravated damages, to each claimant. This comprises \$160,000 in general damages and \$50,000 in aggravated damages. I am of the view that the present case is comparable to the cases of *LHL v XYZ* and *KS v LHY*.

⁴⁵ Claimants’ Closing Submissions at [125].

48 The nature of the defamation in the present case is very grave and, in my view, graver than in *LHL v XYZ*. In *LHL v XYZ*, the offending words were understood to mean that the plaintiff had misled his father, Mr Lee Kuan Yew (“LKY”), into thinking that the property at 38 Oxley Road had been gazetted by the government, thereby causing LKY to change his will and consider alternatives to demolition of the property; and that after it was revealed to LKY that the property had in fact not been gazetted, LKY removed the plaintiff as an executor of his will (at [15]). While I had found, in that case, that the defendant’s allegations impugned the plaintiff’s reputation and character by alleging that he was dishonest, the allegations related primarily to a family feud regarding LKY’s property and not, for instance, to misconduct by the plaintiff in his capacity as a public officer pertaining to public funds or to serious criminal conduct (at [121]). This is in contrast to the current matter, where the pleaded meaning of the Extract was that the claimants had exploited legal mechanisms in an opaque system to facilitate their property transactions and had thereby acted improperly. That said, the claimant in *LHL v XYZ* was the Prime Minister of Singapore.

49 Moreover, the extent of publication and republication in the present case was highly substantial – much larger than in *KS v LHY* and comparable to that in *LHL v XYZ*. In *LHL v XYZ*, the article containing the offending words was viewed over 114,000 times between August to November 2019 (at [82] and [85]). In *KS v LHY*, the defamatory Facebook post had attracted 2,765 reactions, 489 comments and 402 shares as at 5 April 2024 (at [48]). The court also considered that the defendant had continued to draw attention to the original defamatory post in subsequent posts, and that the offending words were republished substantially (at [49]–[50]). In the present case, the Article had garnered approximately 3,730 reactions, 1,790 comments, 400 likes, 500 shares, and over 44,000 views across TOC’s Social Media Platforms and the TOC

Website collectively (see [33]–[34] above). These figures include TOC’s four additional articles posted between 23 December 2024 and 3 January 2025 (see [9] above). The Article had further garnered at least another 70,720 views on YouTube following the filing of the SOC’s, as Mr Xu continued to draw attention to the Article (see [42] above). While I am cognisant that not every person who contributed to the engagement figures on TOC’s Social Media Platforms (*eg*, by a reaction or comment) would have necessarily viewed the Article, it is equally probable that non-followers of TOC’s Social Media Platforms accessed and viewed the Article through other avenues without contributing to the engagement figures on these platforms.

50 Finally, I observe that in both *LHL v XYZ* and the present case, the defendant’s conduct was similar. The defendant in both proceedings acted maliciously and failed to apologise when given the opportunity to do so (see *LHL v XYZ* [89]–[99]).

Conclusion

51 For all the reasons above, I award Mr Shanmugam and Mr Tan \$210,000 each (comprising \$160,000 in general damages and \$50,000 in aggravated damages).

52 I will hear parties on costs in both OC 13 and OC 14.

Audrey Lim J
Judge of the High Court

Davinder Singh s/o Amar Singh SC, Fong Cheng Yee David,
Hanspreet Singh Sachdev, Jeanne Goh, Sambhavi Rajangam
(Davinder Singh Chambers LLC) for the claimant;
The defendant absent and unrepresented.