



Ministry of Law  
100 High Street  
#08-02 The Treasury  
Singapore 179434

August 11, 2016

Dear Sir/Mdm,

The Asia Internet Coalition (AIC) respectfully submits in writing our comments to the Administration of Justice (Protection) Bill introduced in Parliament on July 11, 2016.

The AIC is an industry association comprising Apple, Facebook, Google, LINE, LinkedIn, Rakuten, Twitter and Yahoo!, and we seek to promote the understanding and resolution of Internet policy issues in the Asia-Pacific region. Our aim is to ensure that people can enjoy the maximum economic, social and cultural benefits from the online world in the years ahead, and that they can do so safely, securely and confidently.

The AIC notes that the Administration of Justice Bill (the “Bill”) is intended to put in place a statutory framework for the law of contempt of court, by defining the types of conduct that amount to contempt and setting out punishments that can be meted out by the Courts.

AIC notes that the Bill outlines the liability of online publishers. Section 13 defines a “publisher” as any person that publishes the matter amounting to contempt, including Internet Content Providers (as defined in the Broadcasting Act) (Subsection 17).

Section 13 further provides for the Attorney-General to direct a publisher “to refrain from or cease publishing” content that amount to contempt, failing which the publisher shall be liable to a fine not exceeding S\$20,000 or to imprisonment not exceeding 12 months or both (Subsection 5).

In the above regard, AIC notes that the Bill provides for certain “friction” and defences with respect to Internet intermediaries. In particular, AIC refers to Section 13(7) where “leave of the High Court must be granted” before the Attorney-General may direct a publisher in accordance with the Section; and Section 18 that provides for “Innocent Publication or Distribution” that would exempt publishers and distributors if publishing and distributing was done without the person’s (not the author) authority, consent or knowledge.

In principle, AIC is of the view that Internet intermediaries should not be held liable for content generated on their platforms by their users. On a technical basis, it is exceedingly difficult for the majority of online platforms to implement monitoring and take-down of illegal content online, in part because users may amount to the millions or billions, and in other part because of the multiple regulatory jurisdictions around the world.



Despite this, many large, global Internet-based service companies, including AIC members, have developed and implemented proven voluntary “notice and take-down” processes to allow consumers, organisations and governments to “flag” illegal content and request its removal. We appreciate that certain types of content do not belong on the Internet and our platforms have terms of reference and/or community guidelines and standards that govern what type of sharing is allowed, and what type of content may be reported and removed. The system we have in place works efficiently on a global scale, and are being used by countless individuals, organisations and governments – including in Singapore – around the clock.

AIC would like to request the Minister’s clarification in Parliament for the record that the Bill’s intent is not to impose intermediary liability on social media, blogs or other similar platforms.

Finally, insofar as provisions for Internet intermediaries are deemed necessary, AIC is of the view that such orders should be:

- specific, clear, unambiguous, and consistent with human rights principles;
- issued by an independent body that is explicitly authorized to adjudicate on censorship — namely, a judge or other independent authority;
- directed to the creator of content — not intermediaries — except in exceptional circumstance such as when the creator cannot be contacted after repeated efforts;
- subject to due process (including the right of appeal); and
- subject to clear rules providing for transparency.

AIC once again thanks the Ministry for considering our comments and request for clarification in Parliament.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hans Vriens', is written over a light blue horizontal line.

Hans Vriens  
Secretariat  
Asia Internet Coalition