

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

HC/MA 9023/2025/01

Between

**PRITAM SINGH**

And

**PUBLIC PROSECUTOR**

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**APPELLANT'S WRITTEN SUBMISSIONS**

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**For the Accused**

M/s Andre Jumabhoy LLC  
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**Dated this 24<sup>th</sup> day of October 2025**

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## (1) INTRODUCTION

1. The Appellant, Mr Pritam Singh (“**Mr Singh**”), was convicted after trial of two charges of wilfully making a false answer to a question material to the subject of inquiry put during examination before the Committee of Privileges (“**COP**”), pursuant to Section 31(q) of the Parliament (Privileges, Immunities and Powers) Act 1962 (“**PPIPA**”): see *Public Prosecutor v Pritam Singh* [2025] SGDC 90 (“**the GD**”).<sup>1</sup>
2. This case arises from a lie told by Raeesah Khan during a parliamentary sitting on 3 August 2021. On 4 October 2021, she repeated the lie. On 1 November 2021 Ms Khan gave her Personal Explanation admitting to the lie. When she did so, she was questioned by the Leader of the House on the reasons why she chose to repeat the untruth in Parliament on 4 October 2021, and she had this to say:

“Ms Indranee Rajah: ... So, I said that on 3 August. Two months later, when the Member was asked by the Minister for Home Affairs about this incident, which is two months' time to reflect, why did the Member then repeat the untruth?

Ms Raeesah Khan: Thank you. Like I mentioned before, I think there were two things that were going through my mind. The first was that I really wanted to protect the identity of the survivor and the survivors in the women's support group. And secondly, a lot of people did not know about this assault until very recently including my family. So, I was not ready at that point to come forward with this information. But after being able to have discussions with my family, with my friends and also informing the relevant people, it was it was clear that I wanted to make this apology; I wanted to make this personal explanation like I have done so today.”

3. A month later, the Committee of Privileges (“**COP**”) was set up to investigate Ms Khan’s actions. By then she had been ejected from the Workers’ Party. At the COP she changed her tune and sought to blame Mr Singh for maintaining the untruth.

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<sup>1</sup> ROP at p 2143 – 2404.

4. Ms Khan’s attempts to shift the blame at the COP are not so unusual. Many a time those who have done wrong seek to deflect attention from themselves and onto others, particularly where doing so will lessen their own culpability. Ms Khan’s actions call to mind the events that Arthur Miller wrote about in the *Crucible*; perhaps it is salutary to heed the word of the protagonist John Proctor, when he called out the false accusations:<sup>2</sup>

“... Is the accuser always holy now? Were they born this morning as clean as God’s fingers? I’ll tell you what’s walking Salem – vengeance is walking Salem. We are what we always were in Salem, but now the little crazy children are jangling the keys of the kingdom, and common vengeance writes the law!”

5. At the heart of the case lies a single question: did Mr Singh wilfully give false answers to the Committee of Privileges? The Prosecution said “yes” – yet failed to point to a single specific question or a single specific answer. Instead, the charges rested on a patchwork of words, loosely stitched together, retrofitted into a narrative that Mr Singh himself never gave. On this patchwork, the Principal District Judge Luke Tan (“**the DJ**”) convicted Mr Singh and imposed a fine of \$7,000 for each of the two charges: see the GD at [5] and [653].<sup>3</sup> To compound matters, the DJ convicted Mr Singh on the shifting stories of, frankly, incredible witnesses, filled evidential gaps with speculation, and imposed criminal liability based on assumptions.

## (2) SUMMARY OF THE MATERIAL FACTS

6. The facts of the case are set out extensively from [8] – [275] of the GD.<sup>4</sup> This case begins with a lie told by PW1 Ms Raeesah Begum Bte Farid Khan (“**Raeesah Khan**” or “**Ms Khan**”) in Parliament on 3 August 2021. During a speech on the motion “Empowering Women” in Parliament, she gave the following anecdote which she knew to be false (“**the Anecdote**”):<sup>5</sup>

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<sup>2</sup> The *Crucible* by Arthur Miller, Penguin Classics (2000), Act 2 page 72.

<sup>3</sup> ROP at p 2152 and 2403, respectively.

<sup>4</sup> ROP at p 2154 – 2238.

<sup>5</sup> ROP at p 2477; P1.

“In my line of work, I have accompanied people to Police stations to make reports on sexual violence. It is already incredibly difficult for survivors to feel comfortable making a report in the first place, but sometimes the responses from those called to protect us can be disheartening. Three years ago, I accompanied a 25-year-old survivor to make a Police report against a rape that was committed against her. She came out crying. The Police officer had allegedly made comments about her dressing and the fact that she was drinking.

We need better treatment of survivors of sexual assault and sexual harassment by law enforcement.”

7. She then confirmed in Parliament on 4 October 2021 when questioned on the anecdote that it was true.
8. The two charges against Mr Singh arises from two meetings between him and Ms Khan on 8 August 2021 (“**the 8<sup>th</sup> August Meeting**”) and 3 October 2021 (“**the 3<sup>rd</sup> October Meeting**”) respectively.
9. The first charge alleges that Mr Singh lied when he told the COP that on the 8<sup>th</sup> of August, he wanted Ms Khan to, at some point, clarify in Parliament that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue.
10. The second charge alleges that Mr Singh lied when he told the COP that on the 3<sup>rd</sup> of October, he wanted to convey to Ms Khan that she had to clarify that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue if this issue came up in Parliament on 4 October 2021.

**(A) The 8<sup>th</sup> August Meeting – The 1<sup>st</sup> Charge**

11. On 8 August 2021, Ms Khan met with Mr Singh, Ms Sylvia Lim (“**Ms Lim**”), and Mr Faisal Manap (“**Mr Manap**”) (collectively “**the WP Leaders**”) at Mr Singh’s home. During the meeting, Ms Khan informed the WP Leaders that she had been sexually assaulted when she was 18 years old. Understandably, she was visibly emotional during this telling. This was the first time the WP leaders learnt of Ms Khan’s personal trauma and,

after Ms Khan settled herself, she informed them that the Anecdote was untrue. The Prosecution's case in relation to the first charge is that Mr Singh responded by telling Ms Khan that "this would probably be something that we would have to take to the grave" (see the GD at [70]).<sup>6</sup>

12. After the 8<sup>th</sup> August meeting, Ms Khan sent a message in their WhatsApp group chat ("**the Group Chat**") at 12:41:58 pm stating "*Hey guys. I just met with pritam, Sylvia and Faisal. And we spoke about the Muslim issues and the police accusation. I told them what I told you guys, and they've agreed that the best thing to do is to take the information to the grave. They also suggested that I write a statement to send out this evening*" ("**the 12:41 message**"). The group proceeded to discuss the Muslim issue. None of them referred to the part of the message about the lie.
  - a. Ms Loh's evidence was that she did not respond to the message because she was "a little distracted" as she had just reached home after lunch, immediately fixated on Ms Khan's second message which was about her statement on the Muslim affairs. She said that they also avoided talking about Ms Khan's lie "explicitly on text" as they were aware that the lie was "severe".<sup>7</sup> According to Ms Loh, she did not fully register the 12:41 pm message until she was called up by the COP on 29 November 2021.
  - b. In contrast to Ms Loh's evidence, Mr Nathan explained that he did not respond to the message because he opined that "as far as the party leaders were concerned, this issue of her having lied in Parliament was essentially something that the party didn't need to address. And that also, based on the rest of the message, that the focus was now on the Muslim issues and to address that."<sup>8</sup>
13. Between the 8<sup>th</sup> August meeting and 2 October 2021, Mr Singh and Ms Khan did not meet. Mr Singh and the WP were occupied with the preparation for the Parliamentary debate on the India-Singapore Comprehensive Economic Cooperation Agreement ("**CECA**"), which started from the end of August, right through to the 13 September sitting of Parliament. Thereafter, Mr Singh and the WP were immediately engaged in the further discussions and

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<sup>6</sup> ROP at p 2173.

<sup>7</sup> ROP at p 683; NE (17 October 2024) p 32 ln 8 – 15.

<sup>8</sup> ROP at p 978; NE (18 October 2024) p 110 ln 14 – 23.

preparations regarding the Foreign Interference (Countermeasures) Act (“**FICA**”) that was tabled by the government in September and fixed for discussion in Parliament on 4 October 2021. Ms Khan was unable to attend the Parliamentary sitting on 13 September as she was suffering from shingles.

14. On 1 October 2021, in the midst of preparation for the FICA debate, Mr Singh sent an email titled “Parliamentary Protocol” to the WP Members of Parliament (“**MPs**”) including Ms Khan.<sup>9</sup> In the email, Mr Singh cited a parliamentary debate which “restates how serious it is to be able to back up and defend what you say in Parliament, or risk being hauled up before the Committee of Privileges” (“**the 1<sup>st</sup> October email**”). The email states:

“Dear team,

The preparation for our debate on FICA, has led me to look up the Hansard on the Hendrickson affair, when Parliament debated the matter over 5 days in May 1988. Separately, I also found it helpful to read about the abolishment of appeals to the Privy Council in cases involving review of ISA cases (see Hansard - Constitution of the Republic of Singapore [Amendment] Bill dated 25 Jan 1989) as the G’s arguments on the extent of judicial review where security concerns are involved may well be repeated during the FICA debate if today’s opinion piece (Stanley Lai SC and Ong Keng Yong) is anything to go by.

But my note to all of you today arises from one part of the former debate (extracted below) re: Hendrickson, which restates how serious it is to be able to back up and defend what you say in Parliament, or risk being hauled up before the Committee of Privileges.

Yours faithfully,  
Pritam Singh”

15. Mr Singh explained in court that his frame of mind when he sent the email “was that the matter [of Ms Khan’s lie in Parliament] had not been resolved” and therefore, he “reiterated

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<sup>9</sup> ROP at p 2684; P26.



the importance of substantiating what was said in Parliament”.<sup>10</sup> Ms Khan, however, testified in court that she understood the email to be “a dig” at her for lying in Parliament.<sup>11</sup> Notably, it was never her evidence that the 1<sup>st</sup> October email was a prompt by Mr Singh for her to maintain her lie, which was the Prosecution’s case.

**(B) The 3<sup>rd</sup> October Meeting – The 2<sup>nd</sup> Charge**

16. On 3 October 2021, Mr Singh met Ms Khan at her home to “speak to her and share with her in person [his] views on the false anecdote and to forewarn her that it may come up at the next sitting” on 4 October 2021.<sup>12</sup> At the meeting, Mr Singh told Ms Khan that “she is going to be back in Parliament (having missed the September Parliamentary session on 13 September 2021 on account of her suffering from shingles) and the matter of the anecdote may come up, and if it did come up, she would have to take ownership and responsibility over the issue”, by which he meant that she had to tell the truth and clarify the lie in Parliament.<sup>13</sup> Ms Khan did not question, and he told her that “I will not judge you.”<sup>14</sup> In her evidence-in-chief, however, Ms Khan’s account was that Mr Singh said, “something along the lines of “I don’t think the issue will come up”, but if it does come up he wouldn’t judge me for continuing the narrative”.<sup>15</sup>
17. At the 4<sup>th</sup> October sitting in Parliament, Minister for Home Affairs K Shanmugam (“**Minister Shanmugam**”) pressed Ms Khan for further details concerning the Anecdote.<sup>16</sup> Ms Khan confirmed that the Anecdote was true and declined to provide further details. Later that day between 5:56PM and 6:17PM, Ms Khan, Ms Loh and Mr Nathan discussed the 4<sup>th</sup> October sitting relating to the anecdote in their Group Chat.
  - a. At 6:01PM, Ms Loh tells Ms Khan to “lawyer up”.<sup>17</sup>

<sup>10</sup> ROP at p 1592 – 1593; NE (6 November 2024) at p 60 ln 25 – p 61 ln 8.

<sup>11</sup> ROP at p 353, ibid at p 354; NE (14 October 2024) at p 107 ln 14 – 20; ibid at p 108 ln 11 – 16.

<sup>12</sup> ROP at p 1635; NE (5 November 2024) at p 103 ln 20 – 23.

<sup>13</sup> ROP at p 1636; NE (5 November 2024) at p 104 ln 13 – p 105 ln 19.

<sup>14</sup> ROP at p 1638; NE (5 November 2024) at p 106 ln 2 – 9.

<sup>15</sup> ROP at p 356 – 357; NE (14 October 2024) at p 110 ln 18 – p 111 ln 12.

<sup>16</sup> ROP at p 2494; P3.

<sup>17</sup> ROP at p 2577; P16 at binder page 6.

b. At 6:17PM, Ms Khan tells the others “Alright we can delete it now”.<sup>18</sup> Most of the messages within that time period are then deleted.

c. At 8:43PM, Ms Khan creates a new WhatsApp group chat and added Ms Loh and Mr Nathan to the chat. She informs them that she intends to consult a lawyer, and Mr Nathan suggested to her that “if you consult a lawyer also need to be careful what you tell the lawyer”.<sup>19</sup>

18. The messages between the trio did not stop there. On 5 October 2021, Ms Khan, Ms Loh, and Mr Nathan continued messaging each other on the new group chat. Between 6:45PM and 6:54PM, Ms Loh suggested to Ms Khan that the Leader of the House, Ms Indranee Rajah (“**Ms Rajah**”), had no evidence to bring Ms Khan before the COP, whereas Mr Nathan suggested that Ms Rajah had no grounds to do so.<sup>20</sup>

### (C) Events following the two material meetings

19. On 11 October 2021, Mr Singh and Ms Lim met with PW4 Mr Low Thia Khiang (“**Mr Low**”). Ms Lim told Mr Low that Ms Khan had lied in Parliament and that they were considering holding a press conference for her to apologise. Mr Singh’s evidence of this meeting was that he and Ms Lim had already determined that Ms Khan would have to clarify the lie in Parliament and they only sought Mr Low’s views on whether she should also tell the truth at a press statement as it would be quicker to bring the lie to light.<sup>21</sup> Mr Low similarly testified that Ms Lim told him they were considering holding a press conference for Ms Khan to apologise,<sup>22</sup> and that he told Mr Singh and Ms Lim that Ms Khan had to apologise and clarify the lie in Parliament.<sup>23</sup>

20. On 12 October 2021, Ms Khan met with Mr Singh and Ms Lim at Mr Singh’s house. Mr Singh told Ms Khan that she would have to make a statement in Parliament to clarify the lies she told in Parliament on 3 August and 4 October 2021. He told her that she would

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<sup>18</sup> ROP at p 2582; P16 at binder page 11.

<sup>19</sup> ROP at p 5254; D2-1.

<sup>20</sup> ROP at p 5256; D2-2.

<sup>21</sup> ROP at p 1469 – 1470; NE (5 November 2024) at p 118 ln 19 – p 119 ln 10.

<sup>22</sup> ROP at p 1309; NE (23 October 2024) at p 54 ln 1 – 4.

<sup>23</sup> ROP at p 1312; NE (23 October 2024) at p 57 ln 6 – 8.

have to draft her own statement as she had to take responsibility for it. Mr Singh's evidence is that the reason for why he was now asking her to make a personal statement was that Ms Khan had already lied twice to Parliament, and "the critical thing was ensuring that she did not tell another lie in Parliament".<sup>24</sup>

21. Later that day, Mr Singh met Ms Loh and Mr Nathan at his home, where the latter two expressed concerns about Ms Khan having to make a statement in Parliament to clarify the untruth.
  - a. Mr Singh testified: "They did not appear keen for Raeesah to admit to what was the truth of what she had said on 3 August and Yudhish in particular was suggesting to continue with a lie by saying that any clarification in Parliament should just cover the fact that she could not confirm the person's age or -- basically just not wanting to deal with the issue, and that was very strange to me because of where matters had already arrived at and I rejected that and I said, "Look, she will have to clarify and make a personal statement". They weren't so convinced and I voluntarily told them that I had spoken to Mr Low and we all had agreed, we were all in agreement that a personal statement had to be made."<sup>25</sup>
  - b. Ms Loh's evidence of the meeting was that Mr Singh recounted "that he had a feeling this matter would come up in Parliament that day, on 4 October, and that he had went to speak to Ms Khan the day before and sort of gave her a choice of whether or not to come clean in Parliament and that he will not judge her."<sup>26</sup> In cross examination, she accepted that he (Mr Singh) may have said during the conversation that he told Ms Khan to take ownership and responsibility.<sup>27</sup>
  - c. Mr Nathan's evidence was that Mr Singh "had a feeling that the issue of Ms Khan's anecdote would come up in Parliament again, and he had conveyed to us, that night on 12 October, that on 3 October he had paid a visit to Ms Khan's house and that he had told Ms Khan or that he had conveyed to Ms Khan that whether she decided to continue

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<sup>24</sup> ROP at p 1476 – 1475; NE (5 November 2024) at p 125 ln 20 – p 126 ln 4.

<sup>25</sup> ROP at p 1474; NE (5 November 2024) at p 123 ln 2 – 15.

<sup>26</sup> ROP at p 705; NE (17 October 2024) at p 54 ln 18 – 23.

<sup>27</sup> ROP at p 887; NE (18 October 2024) at p 19 ln 6 – 13.

the lie or narrative or whether she decided to tell the truth, that he would not judge her. So he said verbatim "I will not judge you". That was what he conveyed to Ms Loh and I."<sup>28</sup>

22. Following on from Ms Khan's personal statement, the WP commenced disciplinary proceedings against Ms Khan. On 10 November 2021, Ms Loh messaged Mr Singh to express her view that Ms Khan should not be expelled from the WP. At 11:27:03 PM, Ms Loh tells Mr Singh: "...Everyone is of the view that we can cut her loose and distance the party from her mistake. But if she's out of the party, she's still subjected to the committee of privileges, and there's not much we can do to what she says and shares when it gets there".<sup>29</sup> Ms Loh explained during cross-examination that her motivation for wanting to keep Ms Khan in the WP was so that the Party could control the narrative surrounding Ms Khan's lie as she was afraid that Mr Singh would accuse her and Mr Nathan of conspiring with Ms Khan to create the lie.<sup>30</sup>
23. On 29 November 2021, Ms Khan, Ms Loh and Mr Mike Lim each received a notice that they were required to give evidence at the COP on 2 December 2021, and Ms Khan and Ms Loh had a phone call to arrange a meeting. Later that night, Ms Loh, Mr Nathan, and Mike Lim met at Ms Loh's home where they decided to threaten Mr Singh to change the DP's decision to expel Ms Khan from the WP and/or to put out the Party's position in public.<sup>31</sup> When Mike texted Mr Singh to threaten him that she and Mr Nathan had been called up to the COP, Mr Singh "told Mike to tell [Ms Loh] that [she] should speak the truth".<sup>32</sup>
24. On 1 December 2021 the WP put out a statement announcing Ms Khan's resignation on 30 November 2021.<sup>33</sup> Ms Loh sent a message to only Mr Nathan saying "I can't believe our worst nightmare happened".<sup>34</sup> That night, just hours before the first COP hearing, Ms Khan, Mike Lim, Ms Loh and Mr Nathan met at Ms Loh's home to align the evidence that they were going to give to the COP; amongst other things, Ms Khan wanted to tell the COP that the WP leaders knew about her lie only in October 2021, but Ms Loh persuaded her to tell

<sup>28</sup> ROP at p 1010; NE (18 October 2024) at p 142 ln 14 – 24.

<sup>29</sup> ROP at p 2634; P22 at binder page 2.

<sup>30</sup> ROP at p 898 – 899; NE (18 October 2024) at p 30 ln 3 – p 31 ln 19.

<sup>31</sup> ROP at p 685 – 686; NE (18 October 2024) at p 34 ln 3 – p 35 ln 20.

<sup>32</sup> ROP at p 903 – 904; NE (18 October 2024) at p 35 ln 1 – p 36 ln 6.

<sup>33</sup> ROP at p 2712; P33.

<sup>34</sup> ROP at p 904 – 906; NE (18 October 2024) at p 36 ln 14 – p 38 ln 21.

the COP that they had known since August 2021 so that Ms Khan’s evidence would not contradict her own.<sup>35</sup>

25. Ms Loh’s efforts to control the narrative told to the COP persisted until the first day of the COP proceedings on 2 December 2021. She testified that she had texted Mr Nathan right before she gave evidence to the COP, and once more at about 5:37 PM that evening.<sup>36</sup> However, when she was asked whether she had messaged Mr Nathan while she was in the Parliament building between 1:41 PM and 2:08 PM, she admitted that she called Mr Nathan on the phone during her lunch in the Parliament building, that Mr Nathan “might have texted me here and there”, and that she had deleted those messages from her phone immediately after she gave evidence before the COP.<sup>37</sup> Ms Loh further conceded that while the COP permitted her to call Mr Nathan to give him a heads-up that he would be called to give evidence— despite, as Mr Tong put it, “the usual rules”<sup>38</sup> – her discussion with Mr Nathan over the phone went beyond what the COP had permitted her to do.<sup>39</sup>

### **(3) ELEMENTS OF THE CHARGES**

26. There have been no reported prosecutions under section 31(q) PPIPA. This is the first of the opportunity for the Court to consider the provision.
27. The DJ set out the elements of the charges at [276] of the GD, as follows:<sup>40</sup>
  - a. First Element: The accused made an answer to the COP’s questions, that:
    - i. For the 1st Charge: At the conclusion of the 8<sup>th</sup> August Meeting, Mr Singh wanted Ms Khan to, at some point, clarify in Parliament that the Anecdote was untrue; and

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<sup>35</sup> ROP at p 907 – 909; NE (18 October 2024) at p 39 – p 41 ln 25.

<sup>36</sup> ROP at p 913; NE (18 October 2024) at p 45 ln 24 – 25.

<sup>37</sup> ROP at p 915; NE (18 October 2024) at p 47 ln 4 – 23.

<sup>38</sup> ROP at p 2939; P50 (Vol 1) at B82, [1354].

<sup>39</sup> ROP at p 918 – 920; NE (18 October 2024) at p 50 ln 4 – p 52 ln 10.

<sup>40</sup> ROP at p 2238 – 2239.

- ii. For the 2nd Charge: At the 3<sup>rd</sup> October Meeting, Mr Singh wanted to convey to Ms Khan that she had to clarify that the Anecdote was untrue if the issue came up in Parliament the next day;
- b. Second Element: The COP's questions to which the accused gave his answer for each charge were material to the subject of inquiry put during examination before the COP;
- c. Third Element: The answer made by the accused for each charge was false; and
- d. Fourth Element: The accused had made such a false answer wilfully.

#### **(4) ISSUES BEFORE THE COURT**

28. The issues before this Court may be broadly categorised as follows:

- a. Whether the DJ erred in finding that the First Element, i.e., that Mr Singh made a false answer, can be satisfied by an amalgamation of his answers to the COP.
- b. Whether the DJ erred in finding that, at the conclusion of the 8<sup>th</sup> August meeting, Mr Singh did not want Ms Khan to, at some point, clarify in Parliament that the Anecdote was untrue.
- c. Whether the DJ erred in finding that Mr Singh did not want Ms Khan to clarify that the Anecdote was untrue at the 4<sup>th</sup> October sitting in Parliament.

#### **(5) THE 1<sup>ST</sup> ISSUE – A FALSE ANSWER CANNOT BE AN AMALGAMATED ANSWER**

29. It is submitted that the DJ erred in law in finding that the First Element of the offence was satisfied by an amalgamation of his answers to the COP. At [278] of the GD, the DJ held that the alleged false answers given by Mr Singh “were amalgamated and reflected in the two charges”.<sup>41</sup>

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<sup>41</sup> ROP at p 2239.

30. The alleged false answer given by Mr Singh in relation to the first charge is that he “wanted Ms Khan to, at some point, clarify in Parliament that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue”. In respect of the second charge, the false answer that he allegedly gave to the COP is that he “wanted to convey to Ms Khan that she had to clarify that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue if this issue came up in Parliament on 4 October 2021”.
31. The problem with the charges is that Mr Singh was never asked whether he wanted Ms Khan to, at some point, clarify the untruth in Parliament and/or whether he wanted her to clarify the untruth in Parliament at the 4<sup>th</sup> October sitting. Correspondingly, Mr Singh never told the COP that he wanted Ms Khan to do either of these things. As the DJ acknowledges at [191(1)] of the GD, the charges are based on the gist of the answers he gave to the questions posed to him by the COP. It follows that the false answers alleged in the charges are not answers that Mr Singh actually gave to the COP.

32. Section 31(q) of the PPIPA states:

**31.** No person shall —

(q) whether or not he has been sworn or has made an affirmation, wilfully make a false answer to any question material to the subject of inquiry put during examination before Parliament or a committee

33. The PPIPA is clear. It requires the Prosecution to identify the specific question that was asked of an accused, and it requires the answer given to that question to be false. Saying that this is thrust of what an Accused may be saying or the gist or the only inference that one can draw still falls well short of the wording of the statute, which, on its face, is unambiguous and would require the following to be proven:

- a. there has to be a question;
- b. there has to be an answer to *that* question;
- c. the answer must be material to the subject matter of the inquiry;
- d. the answer must be false; and

e. the answer was made wilfully by the accused.

34. In his decision on the Appellant's submission of No Case to Answer, the DJ held at [11(ii)] held that the case authorities regarding the giving of false evidence or perjury suggest that it would suffice for a charge to include the gist or substance of the false testimony. i.e., that the specific question and the allegedly false answer need not be identified.<sup>42</sup> What is apparent from this is that the DJ used differently worded statutes, namely giving false evidence under section 101 of the Penal Code, to arrive at the interpretation PPIPA.

35. It is submitted that, given the specific stipulation of ingredients to be satisfied in the provision in PIPPA, the DJ erred in law in arriving at this finding, and that the authorities support our position that the specific question and answer must be identified. We address below the cases cited by the Prosecution in their Reply Submissions (No Case to Answer),<sup>43</sup> which the DJ had relied on:

- a. In *Public Prosecutor v Phang Chwee Seng Anthony* [2007] SGDC 284 ("**Anthony Phang**"),<sup>44</sup> the charge against the accused was that he "...did intentionally give false evidence in the said judicial proceeding by stating in your examination-in-chief, to wit, that you were in the company of the said Tan Poh Choo from 9am to 11.30am on 12 March 2006, which you knew to be false". It is submitted that *Anthony Phang* does not clarify this issue because, when it was put to the accused that he had lied in his evidence-in-chief that he was in the company of the complainant, he admitted to lying (see *Anthony Phang* at [8]). This was sufficient to satisfy the charge under section 193 of the Penal Code 1871, which simply requires the evidence given during judicial proceedings to be false. Unlike section 31(q) of the PPIPA, there is no requirement for the evidence to be given in response to a question material to the proceedings.
- b. In *Public Prosecutor v Tee Kok Boon* [2005] SGDC 58 ("**Tee Kok Boon**"),<sup>45</sup> the charge was that the accused "did intentionally give false evidence before the said referee by intentionally stating to the said referee that *you had witnessed one Heng Siew Ang sign*

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<sup>42</sup> ROP at p 2415.

<sup>43</sup> ROP at p 3920.

<sup>44</sup> ROP at p 3935.

<sup>45</sup> ROP at p 3936.



a *Letter of Undertaking* dated 26 November 2001 in respect of the rental of an apartment located at Block 5 Kellock Road #06-02 Kellock Lodge, Singapore which you knew to be false as *you did not witness the said Heng Siew Ang sign the said Letter of Undertaking*". Crucially, given that the accused had not admitted to lying in court, the specific question and false answer were identified at [15]:

Tribunal: **Did you witness the respondent signing the letter of undertaking?**

[accused]: **Yes**, and also I signed on the last page of the tenancy agreement as witness for both landlord and tenant."

(Emphasis original)

This is totally different from the framing of the charges against Mr Singh. Here, the accused was asked point blank whether he had witnessed the respondent sign the letter of undertaking, to which he replied "yes". The question was identified and so too was the alleged false answer. The accused was not convicted based on the gist of what he said. In contrast, Mr Singh was never asked whether he wanted Ms Khan to clarify the untruth at some point and/or at the 4<sup>th</sup> October sitting in Parliament. Thus, how could he be said to have given false answers to a question that was never asked?

- c. In the Australian case of *Mullett v Nixon* [2016] VSC 512 ("**Mullet**") at [115],<sup>46</sup> the charges against the accused was that he "knowingly falsely swore that *he could not recall asking NOEL ASHBY to obtain the disciplinary file* in respect of proceedings against JENNIFER McDONALD" (the second charge); and that he "knowingly falsely swore that *he could not recall discussing a disciplinary hearing* in respect of JENNIFER McDONALD with NOEL ASHBY..." (the fourth charge). Like *Tee Kok Boon*, the specific questions and false answers were identified at [120]:

- i. In respect of the second charge:

MR LIVERMORE: Did you ask Mr Ashby if he could get hold of the files so he could be the hearing officer?

MR MULLETT: No, no, I can't recall – can't recall that.

<sup>46</sup> ROP at p 3937.

- ii. In respect of the fourth charge:

MR LIVERMORE: Did you speak to Mr Ashby at all regarding this particular disciplinary hearing?

MR MULLETT: I may have, I can't recall the exact conversation. If I did it wouldn't have been an improper conversation.

36. Considering these authorities, it is submitted that the *actus reus* of the offence, i.e., the making of a false answer, must be an actual answer that Mr Singh gave to a specific question that was asked of him. The offence cannot be satisfied by simply cherry-picking various portions of Mr Singh's COP evidence, amalgamating them, and asserting the purported answer that is to be inferred from this mishmash of statements is false.
37. It is submitted that the DJ erred in finding that the authorities support the proposition that it suffices for the charges to contain the gist of Mr Singh's answers to questions asked by the COP. The cases cited above starkly contrast this proposition. They demonstrate that a specific question must be identified, and that the alleged false answer must be either something that the accused has said or agreed to in the context of that question.
38. The DJ's approach goes beyond amalgamating Mr Singh's answers. It inadvertently permits the amalgamation of questions as well. The false answers allegedly given by Mr Singh are: (1) he wanted Ms Khan to, at some point, clarify the untruth in Parliament; and (2) he wanted Ms Khan to clarify the untruth at the 4<sup>th</sup> October sitting in Parliament. Considering the decisions in *Tee Kok Boon* and *Millet*, the questions that these answers respond to would have been: (1) "Did you want Ms Khan to, at some point, clarify the untruth in Parliament?"; and (2) "Did you want Ms Khan to clarify the untruth at the 4<sup>th</sup> October sitting in Parliament?"
39. These questions – which section 31(q) requires to be material to the COP's inquiry – were never asked of Mr Singh. Like the purported answers given by Mr Singh, they are similarly an amalgamation of questions asked by the COP. We reiterate that the *actus reus* of the offence is "wilfully make a false answer to any question material to the subject of inquiry". It is submitted that the DJ's interpretation effectively re-writes the provision to read: "...wilfully make answers, *the gist of which is false*, to any question *or the gist of any*

*number of questions* material to the subject of inquiry...”. Such an interpretation is not only contrary to what the statute states, but it also creates a potential liability that is unspecific, as no what can possibly determine how his answers are likely to be construed.

40. By interpreting the statute this way, you completely obviate the requirement that the answer to the question must be wilfully given. In *Chng Gim Huat v Public Prosecutor* [2000] 2 SLR(R) 360,<sup>47</sup> for example, Yong Pung How CJ approved this definition in respect of an offence of wilfully omitting to declare interest income with intent to evade tax:

“This term (‘wilfully’) has been discussed fully and defined in several decided cases. In the case of *Senior* [1899] 1 QB 283, at p 290, Lord Russell of Killowen described the term thus; ‘*wilfully*’ means that the act is done deliberately and intentionally, not by accident or inadvertence, but so that the mind of the person who does the act goes with it. This interpretation was adopted in the case of *AB Tamboli v Agent, GIP Railway Company*, Bombay AIR 1928 Privy Council (Bombay) 24, at pp 26–27. Again, in the case of *Iannella v French* (1967-1968) 41 ALJR 389, at p 393, Barwick CJ stated, ‘... “wilful” connotes intention and knowledge:...’ and further in his judgment therein, that, ‘the word contains in its connotations elements of purpose’. Windeyer J, also in the same case, at p 399, expanded on this interpretation of the term in the words, ‘If the word “wilfully” be given the meaning and effect that I think it has in this context, then an honest mistake as to the existence of any element essential to the offence is a defence’. He also referred to the judgement of Napier CJ in the case of *Davies v O’Sullivan (No 2)* [1949] SASR 208, wherein it was stated. ‘the natural meaning (of the term “wilfully”) ... is that the act was done intentionally, not by accident or inadvertence, but so that the mind or will of the action goes with the act ...’ with which he expressed his agreement. ... Windeyer J added that, ‘That word “wilfully” does not stand alone. Its importance is in the meaning which it gives to its context’. [emphasis added]

And further, at [66]:

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<sup>47</sup> Appellant’s Bundle of Authorities (“ABOA”) at Tab 2.

*Wilfulness implies knowledge proved by circumstantial evidence, rather than by direct evidence, to be gathered from the acts and conduct of the appellant. With intent to evade tax implies motive. What was the motive of the appellant? Was it solely to evade payment of less tax? The ultimate question before the court is what is the totality of the evidence of the acts and conduct of the appellant at the relevant time when the appellant prepared and submitted Exh P15 to enable the court to infer that the omission ... was an act done wilfully. [emphasis added]*

41. That act of deliberateness i.e. “done intentionally, not by accident or inadvertence, but so that the mind or will of the action goes with the act” is in keeping with the language of the PPIPA. It is not enough that the answer turns out to be false, or even that the Accused is negligent or reckless with his answer, the Accused must have wilfully given a false answer. It is submitted that an Accused can only wilfully give a false answer if he is asked a specific question and deliberately makes the decision to give a false answer i.e., he has deliberately chosen to lie.
42. Mr Singh is not responsible for the thrust, gist or inference that others may draw from what he may state, he is only responsible for wilfully giving a false answer to a specific question. The evidence does not establish that and, for that reason alone, both charges must fail.
43. For these reasons, it is submitted that the DJ erred in finding that the First Element of the offence under section 31(q) of the PPIPA was satisfied by an amalgamation of Mr Singh’s answers.

**(6) THE 2<sup>ND</sup> ISSUE – MR SINGH NEVER TOLD MS KHAN TO CONTINUE THE LIE AT THE 8<sup>TH</sup> AUGUST MEETING**

44. The DJ’s finding of guilt in respect of the 1<sup>st</sup> charge is wholly premised on Ms Khan’s evidence of the 8<sup>th</sup> August Meeting. The DJ opined at [381] of the GD that the evidence showed:<sup>48</sup>

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<sup>48</sup> ROP at 2287.

- a. At the conclusion of the 8<sup>th</sup> August Meeting, the WP leaders believed that the issue of Ms Khan's lie would not come up and it would be difficult for the Government to uncover her lie.
  - b. Mr Singh was aware that, if Ms Khan's lie was exposed, she could be brought before the COP, thereby negatively impacting the WP.
  - c. Therefore, at the 8<sup>th</sup> August Meeting, Mr Singh told Ms Khan that her lie "would probably be something that we would have to take to the grave".
45. In essence, the DJ preferred Ms Khan's account of the 8<sup>th</sup> August Meeting over Mr Singh's because he found that: (1) Ms Khan's evidence of the meeting was corroborated by Ms Loh's and Mr Nathan's evidence in court, and the 12:41 Message (see the GD at [302] – [319]); whereas (2) Mr Singh's passive attitude after finding out the truth suggested that he did not want Ms Khan to clarify the lie.
46. At [625] of the GD, the DJ relied on *Roshdi bin Abdullah Altway v PP* [2021] SGCA 103<sup>49</sup> and emphasised the principle that "If one side has raised credible evidence and the other side fails to engage with that or rebut it, then that other side will have failed to discharge its evidential burden".
47. It is submitted that the DJ erred in finding that the evidence of Ms Khan, Ms Loh and Mr Nathan constituted credible evidence which the Appellant had failed to rebut. The evidence of these witnesses is so riddled with internal and external inconsistencies that it is impossible to see how that view can be allowed to stand. When one takes a closer look at the evidence relied on by the DJ, it becomes clear that his decision is based on a finding that Ms Khan's account of the 8<sup>th</sup> August Meeting was more *probable* than Mr Singh's.
48. In *Jayasekara Arachchilage Hemantha Neranjan Gamini v PP* [2011] 3 SLR 689,<sup>50</sup> the Court stated at [2]:

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<sup>49</sup> ROP at p 2391.

<sup>50</sup> ROP at p 5541; ABOA at Tab 3.

“These two appeals have brought to the fore yet again that this fundamental principle of law must be applied unwaveringly to prevent any miscarriage of justice. *This case serves as a reminder that the Prosecution’s burden of proof cannot be discharged simply by persuading the trial judge to accept that the Prosecution’s version of the events is more probable than the version offered by the Appellant without addressing the critical question whether the evidence adduced by the Prosecution has proved the charge beyond reasonable doubt.* When this occurs, it may lead to an egregious error in conflating and confusing the crucial difference in the treatment of the burden of proof in a criminal case with that of a civil trial.” [Our emphasis]

49. The Court in Appeal in *PP v Mohammed Liton Mohammed Syeed Mallik* [2008] 1 SLR(R)<sup>51</sup> held at [34]-[35]:

“Unlike civil cases, where the court may choose between two competing stories and accept the one on a balance of probabilities, that is to say, accepting that version because it seemed more plausible than the other, in a criminal case, there is an important norm to be taken into account at all times – that where there is a reasonable doubt, that doubt must be resolved in favour of the Appellant. *It is inherent [in] the requirement that the prosecution proves its case beyond reasonable doubt.*

... What this means is that *unlike a civil case, the court’s verdict might not merely be determined on the basis that as between the two competing stories, which version was the more plausible one. In a criminal case, the court may find ... the complainant’s story to be more probable than that of the Appellant person’s version, and yet, be convinced that there is a reasonable possibility that the Appellant person’s story could be true.* If that were the case, the court’s duty is to acquit. Unlike a civil case, the court need not make a decision by concentrating on which of the two versions was more probable. In the criminal trial the court must remind itself to break from any habitual inclination to contemplate the question of the burden of proof on the basis of a civil case, and instead, ask itself whether there was a reasonable possibility that the Appellant person’s version was true.” [Our emphasis.]

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<sup>51</sup> ROP at p 5652 – 5653; ABOA at Tab 9.

50. With these principles in mind, it is submitted that:

- a. Ms Khan's evidence is uncorroborated and unworthy of credit; and
- b. Mr Singh's explanation casts reasonable doubt on the Prosecution's theory of guilt.

**(A) Ms Khan's evidence cannot seriously be accepted as credible**

**(i) *Ms Khan's account of the 8<sup>th</sup> August Meeting is internally inconsistent***

51. At the trial below, it was submitted that Ms Khan gave *at least* three accounts of the 8<sup>th</sup> August Meeting:<sup>52</sup>

- a. She gave her first account when she was first questioned by the COP on 2 December 2021, where she said that "if I were not to be pressed, then the best thing to do would be to retain the narrative that I began in August".<sup>53</sup>
- b. Her second account was at her *third* appearance before the COP on when she on 22 December 2021 where she told the COP "the discussion that followed was that we would not pursue the matter further and like in my message, Mr Singh used the words "take it to the grave"".<sup>54</sup>
- c. Her third account was in her evidence-in-chief on 14 October 2024, where she testified that Mr Singh's response at the 8<sup>th</sup> August Meeting was as follows: "he was listening and maybe he was, like, a bit upset over the situation, and he spoke about putting me forth on the -- putting me through the Committee of Privileges. But then he said, you know, this would probably be something that we would have to take to the grave."<sup>55</sup>

52. The DJ held at [325] – [326] Ms Khan's various accounts were not inconsistent. In order to reach this conclusion, the DJ had to ignore some of the uncomfortable facts. In respect of her first account when questioned by the COP on 2 December 2021, the DJ found that

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<sup>52</sup> ROP at p 5437 – 5449; Defence Closing Submissions at [47] – [74].

<sup>53</sup> ROP at p 2949; P-50 (Vol 1) at p B92, [1504] – [1511].

<sup>54</sup> ROP at p 3705; P-50 (Vol 2) at p B845, [13951] – [13956].

<sup>55</sup> ROP at p 139; NE 14 October 2024 at p 74 ln 3 – 10.

[1511] – [1512] of the COP extract showed that her first account was a summary by Minister Edwin Tong (“**Mr Tong**”) which Ms Khan agreed to. According to the DJ, this account neither arose from “a specific question asked by Minister Edwin Tong about what the accused said to Ms Khan, nor an answer given by her to this effect”.

**[1511] Mr Edwin Tong Chun Fai:** So, the upshot of the meeting a few days after 7 August was that the Workers’ Party leadership decided that there would be no need to clarify the position, they will keep the lie in place, since if you’re not pressed, there’s no need to clarify the truth, correct?

**[1512] Ms Raeesah Khan:** Correct.

53. With respect, this cannot be correct. It is submitted that, to come to this conclusion, the DJ had to pretend that the questions and answers preceding [1511] simply didn’t exist. It is clear from [1503] – [1504] of the COP extract that Ms Khan’s first account was an answer that she gave to a specific and question asked by Mr Tong:<sup>56</sup>

**[1503] Mr Edwin Tong Chun Fai:** What was their reaction to this?

**[1504] Ms Raeesah Khan:** It was incredible disappointment. There was a lot of anger, but I think there was some compassion there as well. The reaction was that if I were not to be pressed, then the best thing to do would be to retain the narrative that I began in August.

54. The DJ’s “careful analysis” of the COP extract entirely omits this exchange (see [324(1)] the GD) notwithstanding that the full exchange between Ms Khan and Mr Tong from [1503] – [1512] were brought to his attention in the Defence Closing Submissions at [48].<sup>57</sup> She was asked an open-ended question and had every opportunity to tell the COP exactly what Mr Singh said at the 8<sup>th</sup> August Meeting. And what is striking about this is that there was no mention in her very first account that she was told to take the lie to the grave at the 8 August 2021 Meeting, which probably explains why the Prosecution did not charge Mr Singh for saying it. On the contrary, her evidence on this occasion was that she should retain the narrative but only *if she was not pressed*.

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<sup>56</sup> ROP at p 2949.

<sup>57</sup> ROP at p 5437.



55. Her first account was to the COP on 2 December 2021 when she testified that the WP's leadership's reaction to her revelation that the Anecdote was a lie "was that if I were not to be pressed, then the best thing to do would be to retain the narrative that I began in August." When questioned by Mr Edwin Tong ("**Mr Tong**"), she agreed that she understood this to mean that "the Workers' Party leadership decided that there would be no need to clarify the position, they will keep the lie in place, since if you're not pressed, there's no need to clarify the truth".<sup>58</sup>

56. This account would undermine the Prosecution's case, as it certainly could not be suggested that Mr Singh did not intend for her to clarify the lie in Parliament. On the contrary, if she were pressed, she would have to clarify the lie, which she herself conceded.<sup>59</sup>

22           Q.    I mean, I will counter that. But in relation to  
23                   8 August, the advice is that if you weren't  
24                   pressed --

25           A.    Yes.

1   14.58 Q.    -- there's no need to volunteer the truth.

2           A.    Yes.

3           Q.    So would you agree that supposes that if you were  
4                   pressed a different course was something for you to  
5                   take at that stage?

6           A.    At that point in time, yes.

57. The suggestion that she was told by Mr Singh to take the lie to the grave (i.e., her second account) came on 22 December 2021, during her third encounter with the COP and, crucially, only after Ms Loh had given evidence on 2 December 2021 that "...they said "Take it to their grave" which, when I went back to look at it, I was like, I mean that's pretty bad."<sup>60</sup> If Ms Khan was "very clear" about what Mr Singh said to her in her second account,

<sup>58</sup> ROP at p 2949; P-50 (Vol 1) at p B92, [1504] – [1511].

<sup>59</sup> ROP at p 326 – 327; NE (15 October 2024) at p 80 line 22 – p 81 line 6.

<sup>60</sup> ROP at p 3007, COP Minutes at p B150 at [2445].

it is inexplicable why she did not mention it when she was first questioned by the COP on 2 December about the events on 8 August 2021.<sup>61</sup>

**[13951] Mr Edwin Tong Chun Fai:** Alright. As far as you can recall, can you give us an account of what happened in relation to the admission that you made about the lie?

**[13952] Ms Raeesah Khan:** After I made the admission, there was of course discussion about my well-being, which I think rightly so because I had just shared a very deeply personal experience that I've had. And the discussion that followed was that we would not pursue the matter further and like in my message, Mr Singh used the words "take it to the grave".

58. Leaving aside the fact that she is recounting the same event that she has previously recounted on 2 December where she made no mention of Mr Singh even saying such a thing to her, and also gone is the suggestion that she should retain the narrative if not pressed, even on her third appearance before the COP, it is ambiguous what she is actually being told to do. Is she being asked to retain the narrative if not pressed or is she being asked to lie come what may? These are two fundamentally different and mutually exclusive positions.
59. Despite the clear difference between these phrases being pointed out to her, Ms Khan characteristically disagreed that they were different.<sup>62</sup>

24 Q. Well, the first one tells you that you can stick  
25 with the narrative if you're not questioned about  
1 15.10 it, right?

2 A. Yes.

3 Q. The second one is just about "lie throughout, we'll  
4 take this lie to the grave".

5 DAG MR ANG: Sorry, can you repeat the question. The  
6 second one is what?

7 MR JUMABHOY: The second is "we should just take this lie  
8 to the grave".

<sup>61</sup> ROP at p 3705; P-50 (Vol 2) at p B845, [13951] – [13956].

<sup>62</sup> ROP at p 334 – 335; NE (15 October 2024) at p 88 line 24 – p 89 line 19.

9           A.    Okay.

10          Q.    So I'm saying to you in relation to the advice

11               that's been given, they are different, aren't they?

12          COURT: Do you agree that they are different?

13          A.    Well, because during the conversation it was assumed

14               that it wouldn't come up so we would take it to the

15               grave because we wouldn't talk about it anymore.

16               That's why I think it's hard for me to think of it

17               as different.

18          Q.    So do you agree or not?

19          A.    No.

60. Her third account was in her evidence-in-chief on 14 October 2024, where she testified that Mr Singh's response at the 8<sup>th</sup> August Meeting was as follows: "he was listening and maybe he was, like, a bit upset over the situation, and he spoke about putting me forth on the -- putting me through the Committee of Privileges. But then he said, you know, this would probably be something that we would have to take to the grave."<sup>63</sup>
61. The DJ made the broad finding at [326] of the GD that "all three purportedly different accounts were consistent in *conveying* the message that those present at the meeting, including Ms Khan, would not proactively clarify the Untruth". With respect, this contradicts the DJ's finding at [294] that "at the 8<sup>th</sup> August Meeting, the accused had said that "this (ie, the Untruth) would probably be something that we would have to take to the grave"."
62. The requirement that a single uncorroborated account must be unusually convincing requires the account to be both internally and externally consistent. It is submitted that the varying accounts are very far from this. Ms Khan goes from being told to retain the narrative if not pressed, to retain the narrative if not pressed but, at the same time, it is something that everyone will have to take to the grave, to this would probably be something

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<sup>63</sup> ROP at p 139; NE 14 October 2024 at p 74 ln 3 – 10.

that we would have to take to the grave. And none of us are any the wiser what it all meant, including Ms Khan herself, because she never asked.

63. To reach the conclusion that the DJ did, one would have to ignore the sticky question why there are differing accounts of a single meeting told by the same person. To avoid such a thorny issue, the DJ ruled as he did, which also had the consequence of ignoring the fact that, at least on one account by Ms Khan, Mr Singh could not be guilty because it gave rise to the possibility that he did want Ms Khan to, at some point, clarify in Parliament that what she told Parliament on 3 August 2021, if she was questioned.
64. It is submitted that, notwithstanding the various accounts, which would ordinarily undermine the credibility of a witness, the fact that Ms Khan was blithely adding to it, when she had previously claimed she could not remember, also goes unquestioned. She testified in her evidence-in-chief:<sup>64</sup>

11           Q.    What did Ms Lim say?

12           A.    Ms Lim mentioned that, you know, probably the issue  
13                wouldn't come up again. But then she was -- she  
14                also said some supportive words. And she also  
15                mentioned that there were residents that approached  
16                her that said supportive things about me and the  
17                work that I was doing on the ground.

18           Q.    And what did Mr Faisal say?

19           A.    Mr Faisal, I think he was trying to be consoling, so  
20                he gave some encouraging words and he suggested that  
21                I -- I mean, he asked if I see anyone to counsel me  
22                about these issues. And, yeah, he was just very  
23                kind about -- about his response to my experience.

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<sup>64</sup> ROP at p 139; NE (14 October 2024) at p 74 ln 11 – 23.

65. Her evidence at the COP on 22 December 2021, when her memory was much fresher, was glaringly different.<sup>65</sup>

**[13981] Mr Edwin Tong Chun Fai:** The exact words. Do you remember if either Ms Lim or Mr Faisal said anything in this context?

**[13982] Ms Raeesah Khan:** No, I cannot remember.

66. When she was confronted by the inconsistencies in her evidence in court and her evidence to the COP regarding what Ms Lim purportedly said to her on 8 August 2021, she tried to weasel her way out of her lie by suggesting that her evidence in court was consistent with what she told the police. This was a baseless assertion. The truth of the matter, as she eventually conceded, is that she does not remember whether Ms Lim or Mr Faisal said anything to her at the conclusion of the 8<sup>th</sup> August meeting, and her evidence in court is nothing more than another lie that she has conjured up at the trial, three years after the events in question.<sup>66</sup>

19 MR JUMABHOY: The conversation with Ms Lim is a  
20 recollection that you've never told us of before.

21 COURT: Meaning she didn't say it yesterday? Is that  
22 what you mean?

23 MR JUMABHOY: No, I mean she never said it before in --  
24 she said it yesterday. That was the first time she  
25 said that.

1 15.30 COURT: So "before" means at the COP?

2 MR JUMABHOY: Yes.

3 COURT: All right.

4 A. Okay. Okay.

5 MR JUMABHOY: Do you recollect that?

6 A. Yes.

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<sup>65</sup> ROP at p 3707; P 50 (Vol 2) at p B847.

<sup>66</sup> ROP at p 346 – 347; NE 15 October 2024 at p 100 ln 19 – p 101 ln 23.

7 Q. That's not something you've ever said before.

8 A. I'm not sure if I told the police when I was

9 doing -- when they were interviewing me after the

10 COP, because it's been three years now, but I'm --

11 I'm not sure if I told the police that as well.

12 Q. Which is really my question, isn't it? Because it's

13 been three years now --

14 A. Yeah.

15 Q. -- and you seem to be adding new things three years

16 after the event.

17 A. Is it something new or was it in my police

18 statement?

19 Q. The question I'm asking is you didn't mention that

20 to the COP.

21 A. No.

22 Q. About six months after the event.

23 A. Yes.

67. These contradictions in Ms Khan's accounts are not trivial inconsistencies. They strike at the very heart of her credibility and the Prosecution's case. Her narrative evolved only after Ms Loh had testified and, even then, it changed again under the pressure of cross-examination. This is not the conduct of a reliable witness. If her recollection of the pivotal 8<sup>th</sup> August Meeting is so fluid, uncertain, and shaped by external developments, then any finding that Mr Singh uttered the incriminating words "take it to the grave" cannot stand.
68. The Court cannot convict on shifting sands. The only consistent inference is this: Mr Singh never said those words, and Ms Khan's testimony to the contrary is nothing more than an after-the-fact invention designed to support her pre-determined narrative. Accordingly, the Court should have placed little to no weight on her testimony.

(ii) *The 12:41 Message – Nobody types that fast*

69. The simple fact is that this was a case of an uncorroborated account by a single witness. Thus, to sustain a conviction the evidence from that witness would need to be “unusually convincing” (per *PP v GCK* [2020] 1 SLR 486 (“*GCK*”) at [87] and [88]).<sup>67</sup> Accordingly, it is submitted that 3 varying accounts of one meeting would likely fall short of that.
70. Having identified the relevant law, the DJ proceeds to ignore all the evidence which points away from the fact that such a discussion took place in the first place. Rather, he relies on a single message, the 12:41 Message, as contemporaneous evidence that corroborates Ms Khan’s account of the events (see the GD at [316] – [318]).
71. At [322(2)] of the GD, he accepted Ms Khan’s evidence that she was able to send a long message at 12:42PM, just after sending the 12:41 Message, because “there was little basis to doubt Ms Khan’s evidence that she types fast and that some of the text for the second message had already been drafted beforehand”. With respect, even the Prosecution were doubtful as to how it was possible for such a message to be typed in such a short space of time, and her answer was a throwaway comment which did little to remove the doubt.<sup>68</sup>

2           Q.    This draft post that you put up, you can see that it  
3                    was immediately after your message at 12.41, the one  
4                    where you said:

5                    "I told them what I told you guys, and they've  
6                    agreed that the best thing to do is to take the  
7                    information to the grave."

8                    The text, the long text with the draft post is  
9                    at 12.42 p.m. How do you manage to draft the  
10                   lengthy post one after -- so soon after the earlier  
11                   message at 12.41?

12           A.    I type really fast.

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<sup>67</sup> ABOA at Tab 8.

<sup>68</sup> ROP at p 150; NE 14 October 2024 at p 85 ln 2 – 12.

72. We set out the two messages below:<sup>69</sup>

Time	Content
12:41:58PM	Hey guys. I just met with pritam, Sylvia and Faisal. And we spoke about the Muslim issues and the police accusation. I told them what I told you guys, and they've agreed that the best thing to do is to take the information to the grave. They also suggested that I write a statement to send out this evening
12:42:00PM	These past few days have been filled with lots of reflection on my part. I've thought about my role as a member of parliament and as a Muslim woman. I don't think these identities are separate, and both are important parts of who I am today. I have ready many opinions from both sides, some who agree with what I brought up, and some who don't. I think it's great that we can have debate on issues that affect our communities, and those who we hold dear. I do wish that the debate could be more constructive, and that it wasn't so personal. I've seen some comments questioning me as a Muslim, and if I'm even one. Of all the criticisms I've faced, this is the one that has shaken me to my core, as my firm belief in God is what drives me in the first place. I acknowledge those who have differing views. Perhaps now we can start to have an open, transparent and non judgmental conversation with all Muslims involved. I hope we can approach issues we are passionate about with love, compassion and kindness.

73. The DJ's finding that there is little basis to doubt Ms Khan's evidence is, quite frankly, shocking when one considers the fact that these messages were sent *in the span of two seconds*. Irrespective of how quickly one types or the fact that some of the text for the second message had already been drafted beforehand, it is simply impossible for Ms Khan to have sent these messages in two seconds. In the premises, it is quite clear that the DJ had failed to exercise his mind on the facts and circumstances of the case before him, such that

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<sup>69</sup> ROP at p 2542 – 2543; P10 at binder page 1 – 2.



it could be said that he exercised the discretion and judgment required by his judicial office: per *Ler Chun Poh v Public Prosecutor* [2024] 6 SLR 410 at [17].<sup>70</sup>

74. Just because a witness has given evidence that was how she did it does not mean the trial judge is alleviated from the burden of considering whether that is, firstly, possible, and secondly, whether it is true. This is particularly so, when Ms Khan admitted that she did not know how these messages could be sent in two seconds.<sup>71</sup>

7 Q. My learned friend for the prosecution asked you how  
8 it's possible you typed this message in two seconds.

9 A. Yes.

10 Q. And your response is that "I'm a quick typer", or "I  
11 type really fast", I think is what you said.

12 A. Mm. I also said that I had a draft saved in my  
13 phone.

14 Q. But you had to type it up?

15 A. No, I had already wrote thoughts about it on my  
16 phone, and then --

17 Q. Then you typed this up?

18 A. On your phone, you can copy from notes and copy to a  
19 text message.

20 Q. So you wrote thoughts about it --

21 A. Yes.

22 Q. -- then put those thought into a text message.

23 A. Before this meeting I had already wrote some of my  
24 thoughts down.

25 Q. So did you write these thoughts before this meeting?

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<sup>70</sup> ABOA at Tab 5.

<sup>71</sup> ROP at p 358 – 359; NE (15 October 2024) at p 112 ln 7 – p 113 ln 19.

1 15.50 A. Yes. I -- I mean, not specifically these words, I  
 2 mean, these thoughts, but kind of like a rough draft  
 3 of what I wanted to say.

4 Q. I understand that.

5 A. Yeah.

6 Q. So these word specifically had to be typed.

7 A. No, I had some rough -- I had -- I had this rough in  
 8 my notes. I had this rough idea of what I was going  
 9 to say, so I just basically copy and paste it from  
 10 my notes.

11 Q. Okay, but the notes are not this. So you're taking  
 12 parts of your notes and putting it into a text  
 13 message; correct?

14 A. Yes.

15 Q. And you're not copying your whole notes, you're  
 16 taking parts because that's a rough draft?

17 A. Yes.

18 Q. So how is this done in two seconds? One, two.

19 A. I don't know. What -- what is your question?

75. At this point, it would have been clear to everyone, including Ms Khan, that her explanation was a lie. How could she possibly have typed the message before the meeting when she could not possibly have known what was going to be said, unless the message doesn't reflect what was said, but what she wanted to hear. Which adds a new dimension to her WhatsApp chat between her and Loh Pei Ying prior to the meeting:<sup>72</sup>

<u>Sender</u>	<u>Time</u>	<u>Message</u>
Ms Loh	7:11:50 pm	Is it bad?
Ms Khan	7:11:52 pm	It's very bad

<sup>72</sup> ROP at p 2519 – 2521; P7 at p 1 – 3.

Ms Loh	7:11:56 pm	???
Ms Khan	7:12:03 pm	It's probably one of the worst things I've done in my life
Ms Loh	7:12:11 pm	... what did you do Rae
	7:12:18 pm	This sounds scary
Ms Khan	7:12:29 pm	Perhaps if you guys are free tomorrow and come over?
	7:12:56 pm	I did something stupid and unnecessary
Ms Loh	7:13:30 pm	Is it internal and easy to contain?
Ms Khan	7:13:41 pm	Yes if pritam wishes for it to be

76. Her explanation that the message was prepared before the meeting is probably the likeliest and, if that is so, the message is not a contemporaneous record of what Mr Singh said at the meeting, but a reflection of Ms Khan's desire outcome prior to the meeting.

77. The alternative is to go with her non-explanation:<sup>73</sup>

20           Q.    How is this done in two seconds?

21           A.    I don't know. Maybe my messages sent late because

22                   sometimes when you send a message it doesn't go

23                   through. Or, I don't know, but I -- I mean, it's --

24                   I didn't -- I don't have magic or anything like

25                   that. So what is the question?

1   15.51 Q.    You've typed your message about what happened at the

2                   meeting.

3           A.    Yes.

4           Q.    Then you've typed your message about your statement.

5           A.    Yes.

6           Q.    So it's not sent late. I mean, it's in the right

7                   order.

8           A.    Yes.

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<sup>73</sup> ROP at p 359 – 360; NE (15 October 2024) at p 113 ln 20 – p 114 ln 14.

9 Q. And it's sent two seconds after you typed your  
10 message in relation to what happened at the meeting.

11 A. No, I'm saying that the first message that I sent  
12 out, I might have, like, sent it but it might not  
13 have sent, or something like that. But, sure, I --  
14 okay. It's sent two seconds later, yes.

78. In the premises, the DJ was not in a position to conclude that “there was little basis to doubt Ms Khan’s evidence that she types fast and that some of the text for the second message had already been drafted beforehand”, as Ms Khan herself admitted that was simply not possible:<sup>74</sup>

15 Q. And the question that was asked was:  
16 "How did you manage to draft a lengthy post so  
17 soon after the message at 12.41?"

18 That's the question the DPP asked.

19 A. Yes.

20 Q. Your response was that "I type really fast". That's  
21 your response.

22 A. Yes.

23 Q. You could not have typed that message in  
24 two seconds; do you agree?

25 A. Yes, but I can -- I mean, I can make an edit on a  
1 15.53 draft in a few seconds, yes.

2 Q. You probably couldn't make an edit and send that  
3 message in two seconds.

4 A. Yes.

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<sup>74</sup> ROP at p 360 – 361; NE (15 October 2024) at p 114 ln 15 – p 115 ln 4.

79. In *Ler Chun Poh v Public Prosecutor*, cited by the DJ at [288],<sup>75</sup> the High Court stated that a liberal approach is taken in determining evidence to be corroborative at [117]:

“...The court adopts a liberal approach to corroboration (GCK at [96]) and a subsequent complaint by the complainant herself can amount to corroborative evidence if the statement implicates the accused and was made at the first reasonable opportunity after the commission of the offence (AOF at [173], citing *Public Prosecutor v Mardai* [1950] MLJ 33 at 33).”

80. In that case the victim, immediately, after the incident, asked to borrow a bystander’s phone, which she used to call her partner. She then relayed some of the details to her partner over the phone and he testified that she was “sobbing” and used the words “molest” (at [120]). She was questioned by the bystander and she told him that she had been touched by a taxi driver (at [118]). It is unsurprising that the Court took those recent complaints as evidence of corroboration of her allegation.
81. In this case, there is no recounting, even in bare details, of the conversation between Mr Singh and Ms Khan regarding the lie. Neither Ms Loh nor Mr Nathan have any reaction to the message. The trio had discussed the lie on a Zoom call on 7 August 2021 and were aware of the meeting with Mr Singh and Ms Khan the next day, but it would appear that they did not even ask what happened at the meeting regarding the lie. Ms Loh’s evidence was that the message did not register with her until the night before she gave evidence at the COP, on 29 November 2021, and it is clear from the evidence at the trial, the 8<sup>th</sup> August Meeting was never, ever, discussed between them.
82. Then there is all the other occasions, whether following the parliamentary sitting on 4<sup>th</sup> October, the meeting at Mr Singh’s house (on 12<sup>th</sup> October), Ms Khan’s personal statement to Parliament on 1 November 2021 when, in particular, she was questioned by the Leader of the House on the reasons why she chose to repeat the untruth in Parliament on 4 October 2021 and failed to mention that she was directed by Mr Singh to do so, the trio’s respective appearances before the WP Disciplinary Committee, and Ms Khan’s appearance before the WP CEC. All were silent about this supposed direction. Yet none of it features in the DJ’s

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<sup>75</sup> ROP at p 2244.

evaluation of the accuracy of the 12:41 Message and whether it could amount to corroboration. To an untrained eye it looks like he was desperately looking to validate his decision and latched on to the message as a panacea to cure all ills.

(iii) *The only people who wanted to bury Ms Khan's lie was Ms Khan, Ms Loh and Mr Nathan.*

83. Despite the message purportedly accusing the WP leaders of saying that Ms Khan was to keep on lying to Parliament, in the court below, it was submitted that the explanation for why these messages was sent in such quick succession and for why there was no reaction from Ms Loh and/or Mr Nathan was that it was the trio who had, at their Zoom call on 7 August 2021, agreed to take Ms Khan's lie to the grave. This was put to Ms Khan in cross-examination:<sup>76</sup>

11 Q. And in that Zoom call, did your all agree at that  
12 stage that what you were going to do was to bury  
13 what you had done?

14 A. Can you repeat that?

15 Q. In relation to the Zoom call, did you, Ms Loh, and  
16 Mr Nathan agree that the best thing to do in  
17 relation to the lie was to "bury it"?

18 A. To bury it, you say?

19 Q. Yes.

20 A. Yes.

84. It was only after she caught on to the fact that she had exposed the truth that the agreement to take it to the grave was not between the WP leaders, but between her and her conspirators, and corrects herself:<sup>77</sup>

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<sup>76</sup> ROP at p 373; NE (15 October 2024) at p 127 ln 11 – 20.

<sup>77</sup> ROP at p 374; NE (15 October 2024) at p 128 ln 4 – 9.

4           A.    Okay.  So I'm correcting myself and --  
 5           Q.    So you didn't agree that?  
 6           A.    I'm not sure if we did, but we did have the  
 7                    conversation that we would -- I mean, I should wait  
 8                    and see what the leaders will say on the meeting the  
 9                    next day.

85. It is submitted that the DJ's finding at [322(3)(ii)] that "her evidence [was] that there was no agreement by her with Ms Loh and Mr Nathan during the Zoom call on 7 August 2021" fails to consider her evidence in its context and entirety. It totally ignores the fact that her evidence of the agreement came after the question was repeated to her, and after she clarified "To bury it, you say?" In fact, even in her attempt to backtrack on her evidence, Ms Khan was still "not sure" if she, Ms Loh, and Mr Nathan had agreed to take her lie to the grave.

86. Given Ms Khan's admission in her own evidence-in-chief that she had "leaned a lot on guidance from Ms Loh" and "help from Mr Nathan" whom she testified that she also confided in (EIC evidence- Day 1 at page 53), there was no need for the defence to put this to Ms Loh and/or Mr Nathan given that in a criminal trial the burden of proof is on the prosecution to prove the charge beyond a reasonable doubt. Logically, given the tenor of Ms Khan's admission that the matter may have been discussed, her leaning on Ms Loh and Mr Nathan's advice in her work as an MP and conflicting replies she gave above, it was instead incumbent on the Prosecution to seek clarifications of Ms Khan's evidence that she she may have, during the Zoom session on 7 August 202, discussed with Ms Loh and Mr Nathan the point about burying the anecdote when they testified. Unsurprisingly, the Prosecution did not seek such clarifications.

**(iv)       *Ms Khan's evidence of the 8<sup>th</sup> August Meeting is not corroborated by Ms Loh or Mr Nathan***

87. The DJ's reliance at [304] of the GD on Ms Loh's evidence of her and Mr Nathan's meeting with Mr Singh on 10 August 2021 as somehow corroborating Ms Khan's version of what Mr Singh said to her is, quite frankly, misconceived.

88. At [304(1)] the DJ states:

"Ms Loh recalled that when she met the accused that day, she asked him if the Anecdote would be followed up in Parliament again, and the accused was "sort of nodding... his head" and "affirming that it probably would not". While Ms Loh agreed with Counsel that the accused did not explicitly utter the words that the matter would not come up, nevertheless, the discussion was clearly about what Ms Khan had said in Parliament, including the fact that she herself was a sexual assault survivor."

89. Simply put, this is not an accurate retelling of the evidence. It is not even remotely similar to what occurred at trial. First, and obviously, it was put to Ms Loh that her account of the meeting where she asked if the Anecdote would be followed up in Parliament again, and the accused was "sort of nodding ... his head" was a complete fabrication. She had never given evidence of this before, despite her many appearances before the COP.

90. During evidence-in-chief she stated:<sup>78</sup>

3           Q.    My question is how did he confirm and what did he  
4                   understand? So how did he confirm, first?

5           A.    I asked him, you know, has Raeesah told you, you  
6                   know, about the matter and he nodded his head.

7           Q.    And just to be clear, what were you referencing?

8           A.    I was referencing the fact that she had lied in  
9                   Parliament.

10          Q.    So how did Mr Singh respond to what you were telling  
11               him?

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<sup>78</sup> ROP at p 689 – 670, and p 694; NE (17 October 2024) at p 38 line 3 – p 39 line 1, and p 43 lines 5 – 9.



12           A.   He didn't say anything explicitly at first. He sort  
 13               of nodded and listened. I think there was a sense  
 14               that -- there was -- my sense was he sort of  
 15               reserved judgment on the matter. But he, I think,  
 16               listened to my advice on the fact of empathy. Or  
 17               when I encouraged giving her that empathy about her  
 18               survivor experience, he -- he said he appreciated  
 19               it.

20           Q.   And to the best of your recollection, did you ask  
 21               Mr Singh whether the Untruth would come up again?

22           A.   My memory on this is fuzzy. I recall that I may  
 23               have -- I -- I may have asked something to that  
 24               effect because I recall him sort of nodding, you  
 25               know, his head, and affirming that it probably  
 1   10.53       wouldn't come up again.

...

5           A.   We discussed -- or Mr Singh and I discussed her  
 6               parliamentary performance and the understanding was  
 7               that the anecdote will not come up again, so the  
 8               matter at hand that we had to concern ourselves with  
 9               was future parliamentary performances.

91. The DJ's mashing up of the fact that Ms Loh's evidence of whether the lie would come up again with Mr Singh's nodding of his head is simply not true. Her evidence was of him nodding his head when she asked whether he was aware of the lie. And as to the part where she asked him whether the lie would come again, she states that "My memory on this is fuzzy"! Quite why it should be 'fuzzy' doesn't appear to form a consideration in the DJ's mind.

92. It is submitted that it was fuzzy precisely because the conversation did not occur and she was lying. That much was clear for anyone following the trial, including Ms Loh:<sup>79</sup>

4 Q. And given your own fuzzy recollection --

5 A. Mm-hmm.

6 Q. -- what was actually discussed is something that,  
7 three years after, you simply can't recall.

8 A. I don't recall in exacting terms.

9 Q. And it's fair to say that there could have been no  
10 discussion that whether the anecdote would be  
11 brought up again.

12 A. That could be fair to say, yeah.

93. The DJ's characterisation that the "... accused did not explicitly utter the words that the matter would not come up" would have prompted anyone listening to conclude that she was not telling the truth and, not, as the DJ appears to have concluded, that "the discussion was clearly about what Ms Khan had said in Parliament". Here is her evidence:<sup>80</sup>

18 Q. Let me ask it again. The first time that you knew  
19 what party leaders had told Ms Khan would be on  
20 12 October?

21 A. Told her when and what?

22 Q. Told her what to do about the lie.

23 A. Yes. Mm, explicitly, yes.

24 COURT: What does that mean? What is this qualify  
25 "explicitly"?

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<sup>79</sup> ROP at p 796; NE (17 October 2024) at p 145 lines 4 – 12.

<sup>80</sup> ROP at p 932 – 933; NE (18 October 2024) at p 64 line 18 – p 65 line 18.

1 11.33 A. Like, said out loud. Again, I did have a meeting  
 2 with Mr Singh on 10 August in his office and we sort  
 3 of mutually confirmed we knew. And my takeaway from  
 4 that was, you know, the matter will not come up.  
 5 But the first time we explicitly said out loud she  
 6 lied was on 12 October.

7 MR JUMABHOY: Just so we're clear, on 10 August Mr Singh  
 8 never said to you "the matter will not come up"?

9 A. My takeaway from that meeting was that.

10 Q. Listen to the question. On 10 August, Mr Singh  
 11 never said to you "the matter will not come up  
 12 again"?

13 A. He never say that to me out loud.

14 Q. Just so that we're not in any doubt, he never  
 15 whispered that to you either?

16 A. No.

17 Q. So those words weren't uttered from his mouth?

18 A. No.

94. According to Ms Loh, there was no explicit discussion about what was to be done about Ms Khan's lie and, therefore, her claim that her take away from this meeting was that the issue of Ms Khan's lie would not come up is wholly unbelievable. This is consistent with the following facts:

- a. She conceded during cross-examination that her answers to the COP on 2 December 2021 do not suggest that she had asked any such questions to Mr Singh.<sup>81</sup>

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<sup>81</sup> ROP at p 781; NE (17 October 2024) p130 ln 12 – 25.

b. When she was asked about what she actually asked Mr Singh, she admitted that she could not recall.<sup>82</sup>

c. She then stated, after having said that she can't recall what she asked him "... *I recall asking Mr Singh if he thinks the matter will come up and he nodded*".<sup>83</sup> And again, in answer to the Court's question what exactly was he nodding to, she states that "*I can't recall my exact question and words but it was to the effect of "do you think it will come up again in Parliament" and he nodded "no"*". She then corrected herself, "*Not nodded but, like, shake his head "no". He nodded to other things*".<sup>84</sup>

95. It is submitted that reliance on Ms Loh corroborating Ms Khan simply does not withstand reasonable scrutiny.

(v) ***The DJ erred in not applying the unusually convincing standard***

96. Given that the Prosecution's case on both the 8<sup>th</sup> August meeting and the 3 October meetings and the two charges he faced was substantially based on what Ms Khan alleged in court, it is submitted that the DJ erred in not finding that the unusually convincing standard applied in this case and, considering the totality of the evidence, erred in finding that Ms Khan's evidence failed the "unusually convincing" test.

97. At [286], the DJ referred to the Appellant's reliance on the case of *GCK* and declined to apply the unusually convincing standard:

"286 What is clear from the extracts of *GCK (CA)* in [285] above is that the "unusually convincing" standard is applicable *only* when an eyewitness's *uncorroborated testimony forms the sole basis* for a conviction." [Emphasis original]

98. However, the DJ failed to consider the Appellant's submissions at [96] of the Defence Closing Submissions,<sup>85</sup> which referenced the case of *PP v Wee Teong Boo* [2020] 2 SLR

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<sup>82</sup> ROP at p 778; NE (17 October 2024) p 127 ln 14 – 18.

<sup>83</sup> ROP at p 787; NE (17 October 2024) p 136 ln 14 – 18.

<sup>84</sup> ROP at p 790; NE (17 October 2024) p 139 ln 10 – 13.

<sup>85</sup> ROP at p 5460.

533<sup>86</sup> (“*Wee Teong Boo*”). *Wee Teong Boo* was decided by the Court of Appeal after *GCK*, and states that, where the Prosecution relies very substantially on a complainant’s uncorroborated testimony to sustain a conviction, the victim’s evidence must be unusually convincing. It must be “sufficient, in and of itself, to overcome any doubts that might arise from the lack of corroboration”. The Court explained at [45]:

“The focus is on the sufficiency of the complainant’s testimony, and the court must comb through that evidence *in the light of the internal and external consistencies found in the witness’ testimony*... The finding that a complainant’s testimony is unusually convincing does not automatically entail a guilty verdict. The court must consider the *other evidence* and in particular, the factual circumstances peculiar to each case”.

99. The DJ makes no reference to *Wee Teong Boo* whatsoever. It is evident that this was a case where the Prosecution relied very substantially on Ms Khan’s testimony, which was uncorroborated given the incredible state of Ms Loh’s evidence. Accordingly, the Court of Appeal’s decision in *Wee Teong Boo* – which is not affected by the decision in *GCK* – applies to the present case, and the DJ ought to have applied the “unusually convincing” test to Ms Khan’s evidence.
100. It is thus submitted that Ms Khan’s testimony falls short of the high threshold of being unusually convincing. As previously outlined, she did not just offer two, but three inconsistent versions of the pivotal meeting that took place on 8<sup>th</sup> August 2021. Her inability to present a coherent and consistent narrative regarding a single event fatally undermines her credibility. Moreover, her account is entirely uncorroborated, relying solely on her own assertions. Crucially, there exists evidence, independent of Mr Singh’s denial, that supports that Mr Singh never told her to take the lie to the grave.

**(B) Mr Singh’s inaction after the 8<sup>th</sup> August Meeting does not support the 1<sup>st</sup> Charge**

101. At [295] – [301], the DJ held that Mr Singh’s inaction after being told about the lie on 7 August 2021 *vis-à-vis* his conduct on 3 August 2021 somehow corroborated Ms Khan’s account that he had told her to maintain the lie. According to the DJ, this supported the

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<sup>86</sup> ROP at p 5697; ABOA at Tab 10.

conclusion that Mr Singh agreed with Ms Lim that the issue of Ms Khan's lie would not come up and, therefore, agreed that Ms Khan should maintain the lie. The reasoning is flawed.

102. First, Mr Singh had never said he was going to take action immediately. His evidence in the COP was as follows:

“[7190] Mr Edwin Tong Chun Fai: Now, let me show you page 3. You were asked a question by CNA and your answer below, at the bottom of page 3, is: “Certainly, an MP cannot be expected to leave an untruth on the record. She would have had to clarify it at some point.”

[7191] That means that the moment an untruth is on the record, it has to be clarified. There's no two ways about it, right?

[7192] Mr Pritam Singh: “At some point” doesn't necessarily mean that, right, because you just said “immediately” in your question. But here, I'm saying on record that she would have to clarify it at some point. This is what I mean.”

103. The DJ failed to analyse and consider Mr Singh's uncontradicted evidence that the period between September and October was the busiest in the WP's parliamentary calendar as there were serious debates in parliament that the WP was vested in on the CECA and FICA bills. This led the focus of Mr Singh and the WP leadership to revolve around preparing and finalising WP parliamentary stand of the issues during the sessions on 13 September and 4 October 2021. Given the focus, Mr Singh did not follow up on the anecdote issue with Ms Khan until the beginning of October. This did not feature at all in the DJ's reasoning.

104. It is also noteworthy that the scheduled 4 October Parliamentary session, was the first time Ms Khan would have been present in Parliament after 3 August Parliamentary session, having missed the 13 September session on account of suffering from shingles.

105. Whilst the DJ concluded that the failure to take action corroborates Ms Khan’s account, another interpretation is that it is not inconsistent. In *PP v Mohammed Liton Mohammed Syeed Mallik* held at [35]:

“... What this means is that *unlike a civil case, the court’s verdict might not merely be determined on the basis that as between the two competing stories, which version was the more plausible one. In a criminal case, the court may find ... the complainant’s story to be more probable than that of the Appellant person’s version, and yet, be convinced that there is a reasonable possibility that the Appellant person’s story could be true.* If that were the case, the court’s duty is to acquit. Unlike a civil case, the court need not make a decision by concentrating on which of the two versions was more probable. In the criminal trial the court must remind itself to break from any habitual inclination to contemplate the question of the burden of proof on the basis of a civil case, and instead, ask itself whether there was a reasonable possibility that the Appellant person’s version was true.” [Our emphasis.]

106. The lack of action taken after the 8<sup>th</sup> August Meeting is as consistent with Mr Singh’s position as it is with Ms Khan’s. It does not make one more likely than the other and, even if it did, it does not inexorably lead to the conclusion that Mr Singh’s account is untrue. Mr Singh has consistently maintained that he wanted Ms Khan to clarify the truth about the anecdote “at some point”, meaning when she returned to Parliament after the 3<sup>rd</sup> August sitting (her next appearance in Parliament was on 4<sup>th</sup> October). The reason why he did not push Ms Khan to immediately tell the truth was because she had told the WP Leaders about her sexual assault experience, and their “state of mind was to deal with the matter as sensitively as we could and not pressure Ms Khan further”.<sup>87</sup> Furthermore, considering that Mr Singh and the Workers’ Party were preoccupied with the CECA and FICA debates, his lack of action after the 8<sup>th</sup> August Meeting is also consistent with his sending of the 1<sup>st</sup> October email followed by his meeting with Ms Khan on 3<sup>rd</sup> October.

107. By failing to consider these points, it is submitted that the DJ erred in finding that, at the conclusion of the 8<sup>th</sup> August Meeting, Mr Singh did not want Ms Khan to, at some point,

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<sup>87</sup> ROP at p 1770; NE (7 November 2024) at p 46 lines 15 – 19.

clarify the untruth in Parliament. Accordingly, this Court should overturn the DJ's decision in respect of the 1<sup>st</sup> Charge and acquit Mr Singh.

**(7) THE 3<sup>RD</sup> ISSUE – MR SINGH WANTED MS KHAN TO TELL THE TRUTH AT THE 4<sup>TH</sup> OCTOBER SITTING**

108. The second charge alleges that Mr Singh lied when he stated that he wanted to “convey” to Ms Khan that she had to clarify the untruth if this issue came up on the 4<sup>th</sup> October sitting in Parliament. The DJ preferred Ms Khan's evidence that, at the 3<sup>rd</sup> October Meeting, Mr Singh told her that he would not judge her for continuing the narrative (see GD at [382] – [383]). In essence, the DJ relied on four factors in arriving at his decision:

- a. Ms Khan's account of the 3<sup>rd</sup> October Meeting;
- b. Ms Loh's and Mr Nathan's testimonies of their 12<sup>th</sup> October Meeting with Mr Singh;
- c. Mr Low's evidence of the 11<sup>th</sup> October Meeting with Mr Singh and Ms Lim; and
- d. The fact that there were no preparations made by the WP for Ms Khan to come clean on 4 October 2021.

109. However, behind all this is the suggestion made by the Prosecution, and adopted by the DJ at [460], that it was “impossible” for Ms Khan to tell the truth on 4<sup>th</sup> October sitting and “that the only real choice that Ms Khan had if the issue came up on 4 October 2021, was for her to continue with the Untruth”. That submission is neither backed up by reason nor evidence.

**(A) Ms Khan's evidence in respect of the 3<sup>rd</sup> October Meeting is unreliable**

110. As stated in the Defence Closing Submissions at [105] – [106],<sup>88</sup> Ms Khan's narrative of the 3<sup>rd</sup> October Meeting struggles against common sense. If Mr Singh had already told her on 8 August that she should take the lie to the grave, there was no reason to meet with her on 3 October 2021. It follows that the 3<sup>rd</sup> October Meeting was necessary because there had been no directions given at the 8<sup>th</sup> August Meeting to take the lie to the grave.

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<sup>88</sup> ROP at p 5463 – 5464.



111. The 3<sup>rd</sup> October Meeting does not happen in isolation. On 1<sup>st</sup> October Mr Singh sent an email, P26,<sup>89</sup> to all WP MPs, including Ms Khan, which the DJ found to contain “a clear warning from the accused himself that MPs who were unable “to back up and defend” what they said in Parliament risked being hauled up before the COP.” The problem with the email for the Prosecution, and so it would seem for the DJ, is that in order for the email to be construed as anything other than a directive to tell the truth, an interpretation needs to be found which we say is an affront to logic. According to the DJ, the email served as a warning against telling the truth, which on that logic, made it impossible for Mr Singh to actually advise her to tell the truth. There is also the thorny issue for both the Prosecution and the DJ that this was never Ms Khan’s position. It was a submission made by the Prosecution that was a pure unfiltered conjecture that was adopted wholesale by the DJ.
112. Mr Singh’s evidence of his frame of mind when he sent the email “was that the matter [of Ms Khan’s lie in Parliament] had not been resolved” and therefore, he “reiterated the importance of substantiating what was said in Parliament”.<sup>90</sup>
113. The Prosecution’s proffered interpretation of how Ms Khan might have interpreted the email – which the DJ accepted without basis – was not an interpretation adopted by Ms Khan herself. Her evidence, whether before the COP or this Court, was never that she understood the email to be a caution that “I’m going to the COP if I’m discovered”.
114. The email contains a clear prohibition against lying to Parliament.
115. Instead, her evidence of how she reacted to the 1<sup>st</sup> October email – which we shall address below – is wholly unbelievable, and was the subject of the Appellant’s first of three impeachment applications (see the GD at [506]) which were mostly rejected by the DJ. These applications centred on the inconsistencies between Ms Khan’s evidence in court and her police statements that were disclosed as part of the Prosecution’s *Kadar*<sup>91</sup> obligations.

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<sup>89</sup> ROP at p 2684.

<sup>90</sup> ROP at p 1592; NE (6 November 2024) at p 60 ln 25 – 8.

<sup>91</sup> *Muhammad bin Kadar v PP* [2011] 4 SLR 79; ABOA at Tab 6.

116. Leaving aside the fact that there are one set of rules for the Prosecution and a more stringent set of rules for the Defence, which we address in detail below at [144] – [151], we turn to the DJ’s rulings on the pertinent impeachment applications made by the Defence."

(i) *“The first discrepancy”*

117. The first impeachment application related to Ms Khan’s answers in court and in her statement dated 12 May 2022 (D1)<sup>92</sup> concerning:

- a. the 1<sup>st</sup> October email (P26) which Mr Singh had sent to all WP MPs (including Ms Khan) (“**the first discrepancy**”); and
- b. what Ms Khan said Mr Singh told her at the 3<sup>rd</sup> October Meeting after he referred her to the same email.

118. In respect of the first discrepancy: Ms Khan testified in court that her *reaction* to the email was that she felt “insecure” as she understood the email to be “a dig” at her for lying in Parliament:<sup>93</sup>

14                               What was your reaction to this email when you  
15                               received it?

16               A.    I think I -- I was feeling a little bit insecure so  
17                               I felt like it was almost a dig at me. And at the  
18                               time it felt like he sent that email because he  
19                               wanted to maybe placate the other MPs in whatever  
20                               frustrations they had against me.

...

11               Q.    When you mean a "dig", maybe could you explain?

12               A.    Kind of saying, like, he knows what I did and these  
13                               could be the -- this could have been a potential

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<sup>92</sup> ROP at p 5180.

<sup>93</sup> ROP at p 172 – 173; NE (14 October 2024) at p 107 ln 14 – p 108 ln 16.

14 consequence.

15 Q. "This" meaning?

16 A. Being hauled up before the Committee of Privileges.

119. However, when she was asked the same question by the police in May 2022, her answer at Q/A 176 was markedly different:<sup>94</sup>

**Question 176:** I refer you now to Annex RK-24. On 1 Oct 2021, Pritam emailed all WP MPs reminding them "how serious it is to be able to back up and defend what you say in Parliament, or risk being hauled up before the Committee of Privileges". Did you receive this email and what was your reaction??

**Answer 176:** Yes. There was fear as I was worried that the Untruth will be brought up again at the next parliament seating on 4 Oct 2021.

120. However, the DJ held that there was no contradiction in Ms Khan's evidence because she was never asked in court whether she felt fear when she received the email, and her answer in Q/A 180 clarified that she did not connect the 1 October 2021 email with the Untruth since the accused had mentioned in the email that it was made in the course of "the preparation for our debate on FICA". It is submitted that the DJ erred in finding that there was no contradiction in Ms Khan's evidence.

121. First, with respect, the contradiction is plainly clear. The same question was asked on both occasions: "What was your reaction?" Her first answer to the police was that she felt fear as she was worried that the Untruth would be brought up at the 4<sup>th</sup> October sitting. What is implied by her answer is the fact that she did not know whether the WP leaders would expose the Untruth at the 4<sup>th</sup> October sitting in Parliament if she did not do so on her own.

122. In contrast, her answer in court was that she felt insecure as she understood the email to be a "dig" at her. Her answer implies that she knew that her lie would not be exposed at the 4<sup>th</sup> October sitting because Mr Singh had instructed her to maintain the narrative. Therefore, she understood the email to be a "dig" at her because Mr Singh was letting her know that she could have been hauled up before the COP had he decided that she should come clean in Parliament. These answers are fundamentally different.

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<sup>94</sup> ROP at p 5194; D1.

123. Accordingly, how she felt upon receiving the 1<sup>st</sup> October email was very much a material issue as it went towards the crux of the 2<sup>nd</sup> Charge, i.e., what did Mr Singh want Ms Khan to do about the lie in the days leading up to the 3<sup>rd</sup> October Meeting.

124. Second, the DJ's finding that Ms Khan's subsequent answer in Q/A 180 showed that Ms Khan herself did not even connect the email with the Untruth cannot be correct. Her answer at Q/A 176 was that, when she received and read the email, she was worried that the Untruth would be brought up in Parliament on 4 October 2021. For these reasons, it is submitted that the DJ erred in rejecting the Appellant's application to impeach Ms Khan on her answer at Q/A 176 in D1.

(ii) *"The second discrepancy"*

125. The second discrepancy concerned what Mr Singh allegedly told Ms Khan at the 3<sup>rd</sup> October meeting. In her evidence-in-chief, Ms Khan's account was that Mr Singh said, "something along the lines of, "I don't think the issue will come up", but if it does come up he wouldn't judge me for continuing the narrative".<sup>95</sup>


126. However, at Q/A 182 and 188 of her statement D1, she said:

**Question 182:** How was the meeting between you and Mr Pritam Singh on 3 Oct 2021 arranged?

**Answer 182:** I received a text from Pritam's wife. The text is probably in my work phone. His wife wanted to drop off some clothes for my kids as they are younger than her kids. I like to take used clothes as it is more environmental friendly. When Pritam came, he pulled me aside and he referred to the email that he sent out on 1 Oct about FICA. He asked if I read the email and I said yes. He said knowing that they might bring it up again. If they bring it up and you continue the narrative, I will not judge you. After that, we talked about FICA. I was worried because I work in an organization, Reyna Movement, that collect donations and grants from different countries. I wanted to get his opinion on how FICA would impact my organization.

...

<sup>95</sup> ROP at p 175 – 176; NE (14 October 2024) at p 110 ln 18 – p 111 ln 12.

**Question 188:** Tell us everything that was discussed about the Untruth? 

**Answer 188:** We sat down and he said, "I just wanted to talk to you about the email that I sent. You know these people may want to bring it up again. And if they do bring it up, there will be no judgement from me to continue with what you said previously." These were the exact words as much as I can recall.

127. The DJ allowed the application and permitted the Appellant to question Ms Khan on this discrepancy as he found as follows (see GD at [523(4)]):

“As there was, in my view, a clear difference between the two versions, and as the words (in either version) was the immediate prelude to the accused saying the words to her that she claimed he did (essentially to continue with the lie), the difference went to the crux of the charge, and hence amounted to a “serious discrepancy” or “material contradiction” justifying the application made to question and attempt to impeach her.”

128. The DJ noted at [524]:

524 Thereafter, when the difference in the two versions was set out to her, which the Defence highlighted to be a “difference in emphasis”, concerning what the accused had said about whether he thought the issue might come up in Parliament, Ms Khan responded that “...to me it’s saying the same thing in different ways”. However, when the difference in emphasis was further explained to her, she accepted that there was a difference between the two accounts. She then confirmed, as correct, the version in her earlier statement in D1 (ie, that the Anecdote may come up).”

129. Having recognised the discrepancy, it is submitted that the DJ then went on to err by concluding that the discrepancy was an innocent one arising from a difference in form rather than substance. Our submission is that the discrepancy – together with Ms Khan’s attempts to deny it – very much calls into question her credit and undermines her account of the 3<sup>rd</sup> October Meeting. If Ms Khan’s discrepancy was as innocent as the DJ suggested, Ms Khan would have had no issues acknowledging that they were different from the outset.

But when this “clear discrepancy” was put to her during cross-examination, she was characteristically evasive:<sup>96</sup>

10 MR JUMABHOY: So do you agree there's a difference

11 between the two?

12 A. Because it's -- because he says -- he said "knowing

13 them, they might not bring it up again", isn't it

14 another way of saying "I don't think it's going to

15 come up again"? Isn't that just another way of

16 saying that?

17 Q. But do you agree, in terms of the emphasis and your

18 evidence in court, Mr Singh has come to you and

19 essentially he's telling you that this issue is not

20 going to come up; correct?

21 A. Yes.

22 Q. And in terms of what he's saying in this statement,

23 or what you're saying in your statement, this issue

24 "may" come up. The emphasis is different, right?

25 A. Okay.

1 09.47 Q. So do you agree there's a difference between the

2 two?

3 A. I agree it's -- to me it's saying the same thing in

4 different ways.

5 Q. Well, one is saying that this issue is not coming

6 up.

7 A. He said "knowing them, they might bring it up

8 again".

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<sup>96</sup> ROP at p 442 – 443; NE (16 October 2024), p 7 ln 10 – p 8 ln 13.

9 Q. Yes.

10 A. I don't think the issue is -- will come up again.

11 Q. Sorry, he said --

12 A. No, as in that's what I said yesterday and this is

13 what it says in the statement.

130. She only conceded the point when it became clear to her that she could wriggle no further:<sup>97</sup>

14 Q. No, yesterday you said:

15 "I don't think the issue will come up."

16 A. Yes. And then in the statement, it says "they might

17 bring it up again", but, yes, okay, I see the

18 difference.

131. Despite Ms Khan's curious explanation that, saying the issue may come up is the same as saying that it won't, the email and Mr Singh's conversation to her takes on entirely different meanings. If, on the one hand, Mr Singh is saying it will come up and there are consequences for lying, as per the email, then the expression 'I won't judge you' takes on a different meaning; on the other hand, by saying it won't come up, there would be little need to discuss the email or say that he would not judge her. Ms Khan confirmed in court that the words which Mr Singh said to her at the 3<sup>rd</sup> October Meeting were "I don't think this issue will come up".<sup>98</sup> It is submitted that the difference was one of substance, not form.

132. Ms Khan cannot remember what Mr Singh allegedly said to her at the 3<sup>rd</sup> October Meeting, and her willingness to state under oath that Mr Singh made both statements, i.e., that it would and would not come up, goes to show that she had no interest in telling the truth because, effectively, it did not matter what was to occur. To Ms Khan, and so it would seem for the DJ, as long as Mr Singh told her that he would not judge her, the context and what Mr Singh actually meant no longer matter.

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<sup>97</sup> ROP at p 443; NE (15 October 2024), p 8 ln 14 – 18.

<sup>98</sup> ROP at p 394 – 395; NE (15 October 2024), p 148 ln 16 – p 149 ln 2.

(iii) *The phrase “I won’t judge you” is too vague to sustain a conviction of the 2<sup>nd</sup> charge*

133. It was never Ms Khan’s evidence that Mr Singh told her to lie at the 4<sup>th</sup> October sitting. Her evidence was that he did not give her a directive to tell the truth. But as Ms Khan herself admitted, she did not need a directive to tell the truth. She was a 27-year-old adult who had been in Parliament over 13 months and, according to her, knew right from wrong. She did not need a directive to lie, but seemingly needed one to tell the truth:<sup>99</sup>

16           Q.    So you seem, according to you, to need a directive  
17                   to tell the truth.

18           A.    Because when I made a mistake, I wanted advice, I  
19                   wanted to go to my leaders for advice. You say that  
20                   it's not my first foot in the door or not my first  
21                   time in Parliament, no, but this is compared to  
22                   leaders who've had so many years of experience. So  
23                   naturally, when I've done something wrong, I've gone  
24                   to my leaders and I've asked them what should I do  
25                   because I'm -- I mean, I'm terrified, you know, that  
1   10.09        I've made this mistake.

2           Q.    I don't think you've answered the question. You  
3                   don't need a directive to tell the truth, do you?

4           A.    No.

5           Q.    You were a 27-year-old woman at the time.

6           A.    Yes.

7           Q.    You have told us you know right from wrong.

8           A.    Yes.

134. The second charge ultimately turns on whether Ms Khan’s account that “I won’t judge you” meant that Mr Singh would not judge her for continuing to lie at the 4<sup>th</sup> October sitting, or

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<sup>99</sup> ROP at p 456 – 457; NE (16 October 2024) at p 21 ln 16 – p 22 ln 8



Mr Singh's account that he told her to take "ownership and responsibility"<sup>100</sup> and that "I will not judge you on the fact you lied in the first place".<sup>101</sup>

135. It is submitted that the DJ erred in finding at [462] of the GD that "the words that he "would not judge her" would only make sense in the context of him telling her he would not look poorly or disapprove of her ("judge her") whatever she decided to do the next day".
136. However, this interpretation completely ignored the fact that Ms Khan had herself conceded, when she was questioned by the COP on 2 December 2021, that the phrase "I won't judge you" could have gone the other way.<sup>102</sup>

**[2059] Mr Zaqy Mohamad:** Don't speculate, right? Okay. What if, after your statement, Secretary-General comes and say you could have gone the other way because you misjudged his statement of "we won't judge you". What would you say to that?

**[2060] Ms Raeesah Khan:** I would say that that's accurate as well.

**[2061] Mr Zaqy Mohamad:** Why so?

**[2062] Ms Raeesah Khan:** Because I guess it could be inferred as a vague statement to make.

**[2063] Mr Zaqy Mohamad:** You don't think it's a "get out" clause or meant for you to go either way or being non-committal?

**[2064] Ms Raeesah Khan:** I don't know. I don't want to assume.

137. In court, however, she characteristically disavowed her position before the COP. She was no longer prepared to concede that the phrase was "vague" or that she could have "misjudged" his statement:<sup>103</sup>

15           Q.    Your own account, in relation to what Mr Mohamad,  
16                   was asking was that could you have misjudged that?  
17                   And you say to him "that's accurate".  
18           A.    No.   That's not what I'm saying.

<sup>100</sup> ROP at p 1456 – 1457; NE (5 November 2024) at p 105 ln 20 – p 106 ln 1.

<sup>101</sup> ROP at p 885 – 886; NE (18 October 2024) at p 17 ln 3 – p 18 ln 2.

<sup>102</sup> ROP at p 2981; P50 (Vol 1) at p B124.

<sup>103</sup> ROP at p 459 – 460; NE (16 October 2024) at p 24 ln 15 – p 25 ln 22.

19 Q. Well, that's what it says there.

20 A. No, that's not what it says:

21 "What if, after your statement,  
22 Secretary-General comes and say you could have gone  
23 the other way because you misjudged his statement of  
24 'we won't judge you'."

25 That's his interpret -- that his way of  
1 10.14 inferring what he said. That's not my  
2 interpretation of what Mr Singh said when he was at  
3 my house.

4 Q. Do you accept, in relation to what's written on this  
5 page 2059, Mr Mohamad is saying could you have  
6 misjudged what he said, and you say:

7 "I would say that's accurate as well."

8 A. No, that's not his question.

9 Q. And you said:

10 "That's accurate because I guess it could be  
11 inferred as a vague statement to make."

12 A. No, it's not his question "if I inferred what he  
13 said differently". His question is if Mr Singh  
14 could then use those words to infer in his own way.

15 COURT: So what do you mean --

16 A. Yes.

17 COURT: -- when you said here, "I would say that that's  
18 accurate as well", what do you mean?

19 A. I meant that if he interprets what he said in that  
20 way, then that's accurate to him. But what I mean  
21 right now is that I had -- have never interpreted it  
22 in a different way.

138. Her evidence before the COP was that Mr Singh could have had a different meaning to how she interpreted his non-judgment of her and that would have been equally valid.

139. And more so, given the fact that she felt the need to confirm with Mr Singh whether she should lie on 4 October sitting. This really cuts across the thrust of the Prosecution's case because if, as alleged, on 8<sup>th</sup> August Meeting she was told her to take the lie to the grave, and on 3<sup>rd</sup> October Meeting, she was told she would not be judged for continuing the narrative, then why on earth would she need to, as the Prosecution pointed out, text Mr Singh in P15, "What should I do Pritam":<sup>104</sup>

13                                You had earlier answered that Mr Singh told you  
14                                that he would not judge you for continuing the  
15                                narrative and that you understood that to mean that  
16                                he will not judge you for continuing to lie, so why  
17                                were you asking Mr Singh what you should do?  
18                A.        Because at that moment I was still unsure because we  
19                                didn't prepare for it to come up again. And I just  
20                                wanted his -- I wanted him to reaffirm what he said  
21                                the day before.

140. It is submitted that if the purported instruction on 3 October from Mr Singh was to lie and that he would not judge her for doing so and that was clear, it is simply inexplicable why on 4 October she is asking Mr Singh what to do. The truth, as Ms Khan conceded was that she was unsure what to do, and she could only have been unsure because she was not clear on what Mr Singh had wanted her to do when he spoke to her on 3 October:<sup>105</sup>

14                Q.        So he comes to your house and tells you, on  
15                                3 October, this may come up.  
16                A.        Yes.  
17                Q.        So how is it, in relation to the answer that you

<sup>104</sup> ROP at p 180; NE (14 October 2024) at p 115 ln 13 – 21.

<sup>105</sup> ROP at p 463 – 464; NE (16 October 2024) at p 28 ln 14 – p 29 ln 22.

18                   gave, why were you asking Mr Singh what to do was  
19                   that you were still unsure?

20           A.    Yes, like I said yesterday, I wanted him to reassure  
21                   me on what to do.

22           Q.    No, you said "because at the moment I was still  
23                   unsure".

24           A.    Yes, and then the -- the second part of that.

25           Q.    "Because we had not prepared".

1   10.21 A.    And then after that?

2           Q.    But you're unsure because you haven't prepared; is  
3                   that right?

4           A.    And -- and, I mean, what did I say after that?

5           Q.    But you're unsure because you had not prepared; is  
6                   that correct?

7           A.    Yes.

8           Q.    And you had not prepared for it to come up again.

9           A.    Yes.

10          Q.    But we know, in relation to the day before, you had  
11                   prepared for it to come up again. He told you.

12          A.    No, because preparation, to me. Would be writing  
13                   down what -- what I should say, what I feel I should  
14                   say, doing enough research to make sure I know how  
15                   to approach every -- whatever different  
16                   possibilities there might be, so that, to me, is  
17                   preparing.

18          Q.    So if he told you that this issue may come up again,  
19                   and according to you he told you what to do, there's  
20                   no reason to text Mr Singh.

21           A.     Why not?

22           Q.     He told you what to do, according to you.

141. What the evidence suggests is that Ms Khan had already made up her mind independently. Her decision to lie on 4 October was not influenced by Mr Singh, but rather by her own fear. The fear of the consequences of taking ownership and responsibility for her lie. In her own words, she "... was terrified of what would happen if [she] came forward with the truth".<sup>106</sup> Her lie on 4 October had nothing to do with what Mr Singh told her the day before. To cast herself in a better light, she even tried to frame her motive as one of protecting others, claiming she was primarily worried about "the impact it would have on other survivors."<sup>107</sup> But it had already been established that the anecdote was not about her personal experience as a survivor.

142. None of the justifications offered by Ms Khan for lying on 4 October support the claim that she was following Mr Singh's direction. This undermines the DJ's finding that he did not want her to clarify the lie in Parliament. In fact, when she comes around to finally clarifying the lie on 1 November, she is asked by the Leader of the House, why is it she chose to lie on the 4<sup>th</sup> of October. Her response was, not that she had been guided to lie by Mr Singh, but essentially that she wanted to "protect the identity of the survivor and the survivors in the women's support group, and that her family did not know about the sexual assault."<sup>108</sup>

143. It is submitted that, considering the material discrepancies in her evidence, her evasiveness during cross-examination, and her complete inability to keep a consistent narrative as a whole and/or in respect of the 3<sup>rd</sup> October meeting, the DJ ought to have found that Ms Khan's general credit and the credibility of her account of the 3<sup>rd</sup> October Meeting was impeached.

***(iv) The inequality in how the Defence and the Prosecution are allowed to use prior statements at trial***

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<sup>106</sup> ROP at p 466; NE (16 October 2024) at p 31 ln 14 – 18.

<sup>107</sup> ROP at p 467; NE (16 October 2024) p 32 ln 1-2.

<sup>108</sup> ROP at p 2499; P4 at document page 4.

144. One issue that has been brought into focus by this trial is the obvious difference in how the Defence may use prior witness statements compared to how the Prosecution may rely on an accused's prior statements.
145. By virtue of their disclosure, Ms Khan's police statements were *prima facie* credible and relevant to Mr Singh's guilt or innocence. Yet, unlike the Prosecution who had an unfettered power to admit and rely on an accused's statements in cross-examination pursuant to section 258 of the Criminal Procedure Code 2010 ("CPC"), the Appellant was stymied by the high threshold in section 147 of the Evidence Act 1893 and the "material contradictions" test in *Kwang Boon Keong Peter v PP* [1998] 2 SLR 592 ("**Peter Kwang**")<sup>109</sup> when he sought to admit and rely on Ms Khan's police statements (see the GD at [513]).
146. As noted by the DJ at [510] of the GD, the Defence had to overcome the three-step approach in *Muthusamy v PP* [1948] MLJ 57 ("**Muthusamy**")<sup>110</sup> before a witness could be cross-examined on an inconsistent prior statement. The DJ set out the three steps of the *Muthusamy* approach as follows:

(1) First:

On the request of either side, the Court reads the former statement. If there is no serious discrepancy the Court so rules and no time is wasted. The first necessity is to read it with the confident expectation that it will be different from the evidence but looking judicially to see whether the difference really is so serious as to suggest that the witness is unreliable.

Differences may be divided into four classes:

- (a) minor differences, not amounting to discrepancies;
- (b) apparent discrepancies;
- (c) serious discrepancies; [or]
- (d) material contradictions.

(2) Second, if the court is of the opinion that the difference is so serious or material as probably to amount to a discrepancy affecting the credit of the witness:

<sup>109</sup> ABOA at Tab 4.

<sup>110</sup> ABOA at Tab 7.

...the Court may permit the witness to be asked whether he made the alleged [previous] statement. If he denies having made [the previous statement], then either the matter must be dropped or the [previous statement] must be formally proved, by calling the [writer/recorder of the previous statement] or, if [the writer/recorder of the previous statement] is not available, by proving in some other way that the witness did make the [previous] statement.

(3) Third, after the witness's previous inconsistent statement is admitted or proved:

If the witness admits making the [previous] statement or is proved to have made [the previous statement], then the two conflicting versions must be carefully explained to [the witness], preferably by the Court, and [the witness] must have a fair and full opportunity to explain the difference. If [the witness] can, then his credit is saved, though there may still be doubt as to the accuracy of his memory. **This procedure is cumbersome and slow and therefore should not be used unless the apparent discrepancy is material to the issue.**

147. As the DJ emphasised, the *Muthusamy* “procedure is cumbersome and slow and therefore should not be used unless the apparent discrepancy is material to the issue”. But if it is the Prosecution seeking to rely on an accused's prior statements in cross-examination, there is no need for them to undergo the rigorous *Muthusamy* procedure. Section 258 of the CPC creates a fast-track for the Prosecution to indiscriminately cross-examine Mr Singh on every minor and trivial difference between his evidence-in-chief and his prior statements to the police in an attempt to cast doubt on his credibility.
148. The impression given is that, in the eyes of the law, so long as it is the Prosecution who are asking the questions, the materiality of an apparent discrepancy is no longer important. There is no longer a need for the two conflicting versions to be “carefully explained” to the accused. And the absurdity of the different rules that apply to the Defence compared to the Prosecution become even more apparent when one considers the fact that, unlike the Prosecution witnesses who may be shown their prior statements before they give evidence in court, Mr Singh was not shown any of his previous statements until the moment he was cross-examined on them.
149. As a result of the stringent restrictions imposed on the Defence at the trial, Mr Singh was precluded from adducing into evidence which clearly undermined the credibility of the

Prosecution witnesses – a fact which the Prosecution appear to agree with given that the statements were disclosed pursuant to their *Kadar* obligations.

150. We submit that the *Muthusamy* procedure, which formed the basis of the “material inconsistency” test in *Peter Kwang*, was developed by the Court more than 70 years ago and more than 60 years before the *Kadar* principles were laid down by the Court of Appeal. Its utility must be reconsidered in a day and age where the Prosecution now has an obligation to disclose unused material that *prima facie* go towards undermining its own case or strengthening the Defence’s.
151. It is submitted that the *Kadar* disclosure obligations would be rendered impotent if it remains the case that, unlike the Prosecution, the Defence are inhibited from relying on statements disclosed by the Prosecution pursuant to such obligations simply because a material inconsistency does not arise. The imbalance of power in favour of the Prosecution (and to the detriment of the accused) is not ideal and most keenly felt in a case like this, which fundamentally turns on the credibility of the prosecution witnesses.

**(B) Mr Singh did not guide Ms Khan to maintain the untruth**

152. Ms Khan’s evidence supports the position that her lie at the 4<sup>th</sup> October sitting had nothing to do with what Mr Singh said to her at the 3<sup>rd</sup> October Meeting. It is submitted that the DJ erred in findings at [458] – [467] that Mr Singh had guided her to maintain the untruth on 4 October.
153. The DJ’s conclusion was premised on the Prosecution’s Closing Submissions at [178] – [186], where they argued that Mr Singh guided Ms Khan to maintain the untruth on 4 October by (a) sending the 1<sup>st</sup> October email to remind her “of the dire consequences for her if she were to now clarify the untruth”, and (b) telling her at the 3<sup>rd</sup> October Meeting that he will “not judge” her. They aver that this is supported by the fact that, on 7 October, Ms Khan sends an email to the WP Leaders to thank them for “guiding [her] through this without judgement”. It is submitted that this submission is not premised on Ms Khan’s own evidence and/or is founded only on ill-formed hypotheticals/conjecture posed to Mr Singh during cross-examination.



- a. First, it was never Ms Khan’s evidence that she interpreted the 1<sup>st</sup> October email as a reminder “of the dire consequences for her if she were to now clarify the untruth”. Ms Khan’s only interpretation of that email in both her evidence-in-chief and cross-examination was that it was “a dig” at her. In cross-examination, she agreed that she understood the email as Mr Singh “having a go at [her]” and to show the other WP MPs that he is taking the issue of Ms Khan’s lie seriously.<sup>111</sup>
- b. Ms Khan’s suggestion that Mr Singh had sent this email to “placate the other MPs in whatever frustrations they had against me” is illogical given that none of the other MPs outside of Mr Singh, Ms Lim, and Mr Faisal, knew about the fact that she had told an untruth.<sup>112</sup> It was on the Prosecution to clarify what she mean by a “dig” at her, something which they never did.
- c. Even her alternate explanation arising from her police statement D1 does not support the DJ’s conclusion. At Q/A 176, she told the police that she felt “worried that the Untruth will be brought up again at the next parliament seating on 4 Oct 2021”. Considering the fact that the only people who knew about the untruth at that point in time were the WP Leaders, Ms Loh, and Mr Nathan, there would have been no reason to fear that her lie would be exposed if Mr Singh had explicitly guided her to continue the lie. By this account, she would have understood that nobody was going to expose her as a liar at the 4<sup>th</sup> October sitting.

154. Second, the Prosecution’s never seriously challenged Mr Singh’s interpretation of what he meant when he told Ms Khan “I won’t judge you”. As stated above, Mr Singh’s case is that, at the 3<sup>rd</sup> October Meeting, he told Ms Khan to take “ownership and responsibility”,<sup>113</sup> and it was that context that he said “I will not judge you on the fact you lied in the first place”.<sup>114</sup> In his attempt to undermine Mr Singh’s evidence, the learned DAG himself faced difficulty in coming up with hypothetical scenarios where one might use the phrase “I won’t judge you” when they are going to do something bad:<sup>115</sup>

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<sup>111</sup> ROP at p 385; NE (15 October 2024) at p 139 ln 18 – 24.

<sup>112</sup> ROP at p 381; NE (15 October 2024) at p 135 ln 13 – 21.

<sup>113</sup> ROP at p 1456 – 1457; NE (5 November 2024) at p 105 ln 20 – p 106 ln 1.

<sup>114</sup> ROP at p 885 – 886; NE (18 October 2024) at p 17 ln 3 – p 18 ln 2.

<sup>115</sup> ROP at p 1753 – 1754; NE (7 November 2024) at p 29 ln 19 – p 30 ln 15.

19 DAG MR ANG: Mr Singh, let me ask you a couple of questions  
 20 on logic, okay, which will go to show, to a great  
 21 degree, your level of honesty and candour, all right?  
 22 You know the phrase "I will not judge you" on its own,  
 23 okay, without the thing in front, is often used, right,  
 24 when someone is telling you they are going to do  
 25 something bad and then you sort of say, "Okay, I won't  
 1 10:18 judge you. Go ahead". Do you agree?  
 2 A. I disagree.  
 3 Q. So, for example, if let's say, giving you an example,  
 4 let's say you don't want to go to work tomorrow and you  
 5 tell your friend, "You know, I think I'm going to get  
 6 an MC so I can skip work tomorrow", and then your  
 7 friend will say, "Okay, go ahead, I won't judge you".  
 8 Do you agree?  
 9 A. I've never heard that before, but I disagree.  
 10 Q. If, let's say, for example again, you want to skip a  
 11 relative's birthday party, you say "I'm going to make  
 12 up some excuse, I'm not going to go", your wife might  
 13 say "I won't judge you". That's how "I won't judge  
 14 you" is often or commonly used, do you agree?  
 15 A. No, I disagree.

155. If that is one interpretation to the phrase, it must also be allowed that an alternative interpretation also exists. The reality is, it simply does not matter what Ms Khan understood of the phrase, as she never sought to clarify, what matters is what Mr Singh meant by the expression. The DAG was not able to get any agreement because the phrase simply does not make sense in the context suggested. Ms Khan was not asking for Mr Singh's approval *before* the conduct took place: she had already made the decision to lie. She had done that by herself and without Mr Singh's involvement. She did not need – or ask for – Mr Singh's

permission to continue lying. And he simply did not tell her that he would not judge her for continuing the lie.

156. It is submitted that the Defence suggestion on how the phrase was used, and generally applies to common usage, is as compelling. No judgement was being passed on the wrong that had been committed: the focus was on resolution. This was precisely the situation at the 3<sup>rd</sup> October Meeting. Ms Khan felt uncomfortable about going to Parliament and the “take ownership and responsibility” expression on 4<sup>th</sup> October to publicly admit that she had lied about the Anecdote, was an attempt by Mr Singh to reassure her that he was not judging her for the lie in the first place – that moment had passed, and the focus was now on resolving the fall out. If Mr Singh had sat in judgement over Ms Khan at that moment, she may not have been willing to clarify her lie.
157. Finally, Ms Khan never testified that her 7<sup>th</sup> October email to the WP leaders was in any way connected to Mr Singh purportedly telling her that he would not judge her for maintaining the untruth. Her evidence was simply that she sent this email “because that’s what I felt they were doing for me”.<sup>116</sup>
158. Crucially, it is submitted that, if Mr Singh had indeed guided her to maintain the lie, Ms Khan would have taken the countless opportunities to state the fact that she was simply following their instructions to lie. Indeed, on 22 November 2021, Mr Singh responded to Ms Khan’s request for a second interview with the DP by stating “Dear Raeesah, I hope that you can see that it is precisely your character and behaviour that is under review here, in view of your actions in Parliament and *your decision* to stick to the untruthful anecdote when asked again in Oct.”<sup>117</sup> Despite Mr Singh’s critical comments about her actions and character after allegedly telling her to double down on her lie, Ms Khan did not reject the suggestion that it was her “decision to stick to the untruthful anecdote”. Instead, her response was, “I will send that email, thank you. I understand it’s not personal.”<sup>118</sup> This is certainly inconsistent with Ms Khan’s allegations in the COP and in this trial.

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<sup>116</sup> ROP at p 194; NE (14 October 2024) at p 129 ln 15 – 24.

<sup>117</sup> ROP at p 2675; P24 at binder page 6.

<sup>118</sup> ROP at p 2676; P24 at binder page 7.

159. It is also case that, if Ms Khan had been following purported instructions to maintain the untruth on 4<sup>th</sup> October, she would have said it when questioned by the Leader of the House on 1 November 2021 when she confessed to her lie. Instead, when asked by the Leader of the House why it is she chose to lie again on the 4<sup>th</sup> of October, she stated that she wanted to “protect the identity of the survivor and the survivors in the women’s support group, and that her family did not know about the sexual assault.”<sup>119</sup>

**Ms Indranee Rajah:** Right. Then, the other thing I am a bit puzzled about is this: I can understand the mistake on the spur of the moment. But the only thing is that on 3 August, I had specifically stood up in this House to remind Members of the need to substantiate allegations made. And I had said this: "I just wanted to remind Members of the House that when assertions and allegations are made, Members must be prepared to substantiate them. This is just a reminder to Members so that in future, they will understand."

So, I said that on 3 August. Two months later, when the Member was asked by the Minister for Home Affairs about this incident, which is two months' time to reflect, why did the Member then repeat the untruth?

**Ms Raeesah Khan:** Thank you. Like I mentioned before, I think there were two things that were going through my mind. The first was that I really wanted to protect the identity of the survivor and the survivors in the women's support group. And secondly, a lot of people did not know about this assault until very recently including my family. So, I was not ready at that point to come forward with this information. But after being able to have discussions with my family, with my friends and also informing the relevant people, it was clear that I wanted to make this apology; I wanted to make this personal explanation like I have done so today.

160. The text exchange between Ms Khan and Mr Singh on 22 November 2021, referred to above, Ms Khan appeared before the WP DT for a second time on 29 November 2021. She appeared before the 3 WP leaders who, apparently, had been instrumental in getting her to take the lie to the grave. What is recorded at P45, Ms Lim’s notes of the meeting, is instructive:<sup>120</sup>

“PS: Before Oct session, I met you + told you it was your call. Did need to tell the truth in Parl occur to you?

RK: Yes but consumed with guilt + own experience, Thought it wouldn’t come up.

<sup>119</sup> ROP at p 2499; P4 at document page 4.

<sup>120</sup> ROP, P45, p2742.

PS: Can't lie right?"

RK: Yes"

161. And once again, when the untenability of Ms Khan's position is pointed out to her, she twists and turns in an attempt to evade any responsibility:<sup>121</sup>

24           Q.    Again, right, in this session, no doubt in your  
25                   mind, from the questioning by Mr Singh what we've  
1   15.08        recorded there, that he was putting this squarely  
2                   and fairly on you.

3           A.    I mean, at that point in time, I still thought that  
4                   they had the best intentions for me and I didn't  
5                   realise that this was what they were doing. If I  
6                   did realise that, I would have said, "Look, I know  
7                   it's a very tough situation, but you also advised me  
8                   the entire way". I would have said that if -- if --  
9                   if at that point in time I thought, you know -- or  
10                  if I knew that they did not have the best intentions  
11                  of me.

12          Q.    Sorry, according to you, when he sent you the text  
13                   message, you knew that was what he was doing and  
14                   that's what you said to your friends, so you went in  
15                   knowing that's what he was doing.

16          A.    I mean, I didn't know to what extent he was doing  
17                   that. I didn't realise that, you know, they were

<sup>121</sup> ROP at p 553 – 554; NE 16 October 2024 at p 118 ln 24 – p 119 ln 17.

162. Taken in its entirety, Ms Khan's actions post 4<sup>th</sup> October, her Personal Explanation on 1<sup>st</sup> November, and the record of DP meeting with Ms Khan on 29 November demonstrates that her evidence in Court that Mr Singh told her on 3 October "to continue with narrative if the matter of the anecdote comes up on 4 October", is a lie. It is submitted that the DJ failed to appreciate that the two questions and answers shown above completely demolished Ms Khan's evidence and the Prosecution's case that Mr Singh did not want Ms Khan to clarify the truth of the false anecdote on 4 October.
163. The DJ at [398] to [410] relies on the fact that it is recorded at the DP session that Mr Singh has used the phrase that "it was your call" which suggested that he had given that Ms Khan a choice. It is submitted that would only be correct if the rest of the exchange, as set out above, is omitted. The second part of the exchange where Mr Singh says "Can't lie right" makes plain that there was no choice in Parliament and that she had to tell the truth. As Mr Singh explained in cross-examination:<sup>122</sup>

4           Q.    So when someone says to -- A says to B, Look, you know,  
5                    your call, it doesn't mean your choice? Is that what  
6                    you're saying?  
7           A.    This is -- that's not what I'm saying.  
8           Q.    All right.  
9           A.    This is not about A and B; it is about a Member of  
10                  Parliament.

164. The fact is that Ms Khan, when questioned right up until COP hearings, maintained that she had her own motivations for being untruthful and for maintaining that untruth. That changes when she gets to the COP and, if nothing else, is further evidence of her own lack truthfulness and unreliability.

**(C) The DJ's finding that Ms Loh and/or Mr Nathan were credible witnesses is shocking**

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<sup>122</sup> ROP at p 1622; NE 6 November 2024 at p 90 ln 4 – 10.

165. We now come to one of the DJ’s most disconcerting findings: that Ms Loh and Mr Nathan were credible witnesses whose evidence of the 12<sup>th</sup> October Meeting corroborated Ms Khan’s account of the 3<sup>rd</sup> October Meeting. According to the DJ, their evidence supported that Mr Singh did not want Ms Khan to clarify the untruth until 12 October 2021 – a position that was never taken by any witness at the trial. The DJ relied on the following in coming to his conclusion:

- a. Ms Loh’s evidence that, at the 12<sup>th</sup> October Meeting, Mr Singh purportedly recounted “that he had a feeling this matter would come up in Parliament that day, on 4 October, and that he had went to speak to Ms Khan the day before and sort of gave her a choice of whether or not to come clean in Parliament and that he will not judge her” (see the GD at [389]).
- b. Mr Nathan’s account that, at the 12<sup>th</sup> October Meeting, Mr Singh told them that when he met Ms Khan earlier at her house on 3 October 2021, he told her that the issue of her lie might come up in Parliament on 4 October 2021, and that he would not judge her regardless of her decision to maintain her lie or narrative or to tell the truth. This, the DJ found, was supported by Mr Nathan’s message to Ms Khan on 23 November 2021, stating (see GD at [391] – [392]).<sup>123</sup>

166. Relying on the principles in *Pigg, Derek Gordon v Public Prosecutor* [2022] SGHC 5 at [77], the DJ found *inter alia* at [582] of the GD that, on a “holistic appreciation of the material put before the court”,<sup>124</sup> there was no evidence that Ms Loh and Mr Nathan tried to conceal their personal actions of their advice to Ms Khan to maintain the untruth. Instead, he found that they were upfront in relation their roles and shortcomings, and “displayed courage in testifying and speaking the truth” at the trial.

167. This conclusion is totally inconsistent with the evidence at the trial, and anyone who heard their evidence would struggle to reach such a position. Contrary to the DJ findings, the evidence supports the conclusion that Ms Loh and Mr Nathan were deeply involved in Ms Khan’s decision to lie, that they had colluded to encourage her to maintain the lie after 4<sup>th</sup>

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<sup>123</sup> ROP at p 2291 – 2292.

<sup>124</sup> ROP at p 2363 – 2364; GD at [567].

October, and were so concerned by what she would say to the COP that they needed a meeting before they gave evidence to align their stories. Both Ms Loh and Mr Nathan during the evidence to the COP were busy ensuring that the COP would only hear their sanitised versions as they were quick to delete messages before handing them over. Even at the trial, the truth was only exposed – not because they had the courage to be honest – but because they were forced to do so under rigorous cross-examination.

168. By 4 October 2021, it was clear to everyone except Ms Khan, Ms Loh, and Mr Nathan that the lie would have to be clarified in Parliament. Rather than taking steps to come clean, Ms Khan, Ms Loh, and Mr Nathan began deleting their text messages on their group chat on 4 October and created another fresh WhatsApp group chat. At [570(1)] of the GD, the DJ accepted that they had deleted these messages “from a fear that their phones may have been hacked, rather than because these witnesses wanted to conceal their roles and actions.” With a respect, such a conclusion is difficult to justify.
169. The context of these deletions, which the DJ failed to appreciate, is imperative. The deleted messages (P16)<sup>125</sup> pertained to a conversation between the trio after Ms Khan doubled down on her lie on 4<sup>th</sup> October and it became clear that the Government were going to pursue the lie. The conversation was obviously about the fact that Ms Khan had lied again and that “Shan wants to investigate further”.<sup>126</sup> The deletions began with Ms Khan’s answer to Ms Loh’s question: “did you tell anyone else?”
170. What is more curious is the fact that the messages weren’t deleted wholesale. If they were concerned that their phones may have been hacked and, therefore, they deleted their messages to prevent unwelcome eyes from reading their private conversation, it would have been simpler to delete the entire chat. But that was not what they did. Instead, they vetted and curated messages which must be omitted and those which could remain. Furthermore, if their concern was that their phones were hacked, they would not have created a new group chat to continue with their conversations. The hackers would have had access to all their chats. Their explanation defies logic, and the irresistible inference to be drawn is that they had something to hide: their role and involvement in Ms Khan’s lies.

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<sup>125</sup> ROP at p 2572 – 2583.

<sup>126</sup> ROP at p 2573.



171. Ms Loh's and Mr Nathan's position on what Ms Khan should do about the fact that she had lied twice in Parliament is clear from their following conduct:

- a. On 5<sup>th</sup> October, Mr Nathan suggested to Ms Khan that she should not be too honest with the lawyer she was about to consult; Ms Khan agreed:<sup>127</sup>

[5/10/21, 8:39:28 AM] Yudhish: I think if you consult a lawyer also need to be careful what u tell the lawyer  
[5/10/21, 8:58:07 AM] Raeesah WP: Okie that's good advice

- b. Later that evening, Ms Loh and Mr Nathan brazenly reassure Ms Khan that there was nothing Ms Indranee Rajah or Parliament could do if she refused to answer questions posed to her in Parliament relating to the anecdote:<sup>128</sup>

[5/10/21, 6:24:48 PM] Yudhish: Tbh I don't think she can do anything at this stage  
[5/10/21, 6:25:09 PM] Raeesah WP: I think she could bring me to the committee of privileges  
[5/10/21, 6:45:27 PM] Yudhish: But even then she has no evidence now  
[5/10/21, 6:45:31 PM] Yudhish: Or like no grounds  
[5/10/21, 6:45:43 PM] Yudhish: I think if they wanted to they would've done it by now  
[5/10/21, 6:54:02 PM] Peiying.: Bring you to the committee on what grounds? for refusing to answer a question? lol pls  
[5/10/21, 6:54:07 PM] Peiying.: they refuse to answer all the time

- c. Even on 7<sup>th</sup> October, after Ms Khan shares with Ms Loh and Mr Nathan the Police's request to interview her, Ms Loh is still advising her to lie to the Police about not being in contact with the victim due to confidentiality or, worse, to substitute another person's purported experience with the police as her anecdote:<sup>129</sup>

[7/10/21, 5:05:31 PM] Peiying.: The ground you should probably take is that given you're no longer in contact with the victim, it is not right for you to even reveal her identity to the police, whether or not they have her name on record

[7/10/21, 5:05:48 PM] Peiying.: You might want to gather some cases of people who are willing to share their stories with you and present that instead

172. Their dishonest conduct carried into the court. When Ms Loh was questioned about her 7<sup>th</sup> October message, she maintained that she was not suggesting to Ms Khan to continue to

<sup>127</sup> ROP at p 5254; D2-1.

<sup>128</sup> ROP at p 5256; D2-2.

<sup>129</sup> ROP at p 5259; D2-4.

lie, even though that was plainly evident from her message. She fabricated an explanation that even the DJ appeared to struggle with:<sup>130</sup>

1 17.05 A. Maybe I can be allowed to clarify.

2 COURT: All right.

3 A. When she sends us this message, right, we are -- we  
4 are friends. This is not like an official channel.  
5 This is a private communication. And I'm working  
6 through options. If she can't come through -- can't  
7 address or she's not considered telling the truth,  
8 there is a grey area to operate in that is a little  
9 uncomfortable, but could possibly work, right? And  
10 that is she could avoid lying again but still be  
11 able to address the original point that she raised  
12 in Parliament, which is that sexual assault victims  
13 do have an unpleasant experience -- have -- have --  
14 some of them have an unpleasant experience in police  
15 investigations and that could be evidenced by other  
16 anecdotes and not by this one, because she is no  
17 longer in contact with the victim in this scenario.  
18 And that is also true because she did meet the  
19 victim in the support group and she is no longer in  
20 contact with that person.

21 MR JUMABHOY: Sorry, can I clarify, what do you mean by  
22 "grey area to operate in"?

23 A. The grey area between not lying anymore but still  
24 supporting police investigations.

25 COURT: Police investigations into what? Supporting

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<sup>130</sup> ROP at p 828 – 829; NE (17 October 2024) at p 177 ln 1 – p 178 ln 8.

1 17.06 police investigations into what by giving this other  
2 analogies?

3 A. Supporting police investigations into the fact that  
4 police officers have behaved in a way that make  
5 sexual assault survivors feel uncomfortable.

6 COURT: So not the police investigations into her  
7 anecdote?

8 A. That's right.

173. It was only after she was confronted with the redacted message in D2-5<sup>131</sup> and its unredacted content in P18<sup>132</sup> that she dropped the façade of trying to help Ms Khan navigate this “grey area”:

1 17.11 Q. It's a message by Mr Nathan saying that don't tell  
2 the truth, just:  
3 "... apologise for not having the facts abt her  
4 age accurate."

5 Correct?

6 A. That's right.

7 Q. But you've redacted it on the basis that this is a  
8 comment about another Member of the Parliament.

9 A. Mm-hmm.

10 Q. That's not true, is it?

11 A. That is not true.

12 Q. That's a barefaced lie, isn't it?

13 A. Sure.

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<sup>131</sup> ROP at p 5263.

<sup>132</sup> ROP at p 2604.

174. With respect, Ms Loh's conduct does not reflect the DJ's finding that she was upfront in relation to her role and shortcomings. Just as little to no mitigating weight is placed on an offender's plea of guilt when they are caught red-handed, little to no credit should be afforded to Ms Loh's sudden decision to acknowledge her shortcomings. She had no choice but to come clean as she had been caught. This revelation of her role in guiding Ms Khan to continue the lie is dramatically different to how she attempted to portray herself in her evidence-in-chief, i.e., someone who was persuading Ms Khan to tell the truth from the outset.
175. In fact, Ms Loh's and Mr Nathan's position that Ms Khan should continue to lie after 4<sup>th</sup> October continues up to their meeting with Mr Singh at the 12<sup>th</sup> October Meeting. According to Ms Loh, Mr Nathan suggested that Ms Khan should "just not give too many details" and "At most apologise for not having the facts abt her age accurate"<sup>133</sup> was made to Mr Singh at the 12<sup>th</sup> October Meeting. The only reason for why this did not materialise into a third lie by Ms Khan was because Mr Singh immediately shot it down with a resounding, "Don't even think about covering this up with another lie".<sup>134</sup>
176. Unsurprisingly, Mr Nathan denied that this conversation took place. His lack of credibility is evident in the fact that, like Ms Khan's shifting accounts of the 8<sup>th</sup> August Meeting, Mr Nathan gave three answers in relation to whether he made this suggestion to Mr Singh at the 12<sup>th</sup> October Meeting. In his evidence-in-chief, he said:<sup>135</sup>

7           Q.    Now, this 5.13 pm message, the plan, or at least  
8                    what you've said was the plan in this message, was  
9                    this plan eventually taken up by Ms Khan?

10          A.    No.

11          Q.    As far as you can recall, did you propose this plan  
12                   to Mr Singh or Ms Sylvia Lim?

13          A.    As far as I can recall -- well, I can't recall that  
14                   I did that.

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<sup>133</sup> ROP at p 2604; P18 at binder page 13

<sup>134</sup> ROP at p 878 – 880; NE (18 October 2024) p 10 ln 12 – p 12 ln 1.

<sup>135</sup> ROP at p 1000; NE (18 October 2024) p 132 ln 7 – 25.

177. In cross-examination, he suddenly became “pretty sure” that he did not put this suggestion to Mr Singh:<sup>136</sup>

3           MR JUMABHOY: So bearing in mind all of this, why is  
4           it -- and bearing in mind you've made the effort to  
5           make the suggestion in your chat group, why can't  
6           you recall whether you told Mr Singh that, "This is  
7           what we should do", ie lie some more?  
8           A. May I just clarify, it's not that I can't recall,  
9           but I'm pretty sure I didn't ask him to --  
10          Q. So you do recall?  
11          A. -- do what was in this message.

178. And when he was caught in a lie, Mr Nathan – after “having reflected” for all but a minute – reverted to his original position that he could not recall putting the suggestion to Mr Singh:<sup>137</sup>

12          Q. So you do recall?  
13          A. Yes, sorry, I misspoke on the --  
14          Q. Well, you've misspoken on two days now. Because  
15          when you gave evidence-in-chief, you didn't recall.  
16          When I asked you repeatedly, "I don't recall". And  
17          now you're saying, "I'm sure that I didn't". What's  
18          prompted that turnaround?  
19          A. Or, rather, I -- I'd like to apologise to the court.  
20          Um, having reflected, I can't recall. Because we  
21          spoke about many things that day, and there are  
22          things that I do recall, but I don't recall having  
23          put the suggestion to Mr Singh.

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<sup>136</sup> ROP at p 1142; NE (21 October 2024) p 77 ln 3 – 11.

<sup>137</sup> ROP at p 1142; NE (21 October 2024) p 77 ln 12 – 23

179. Mr Nathan’s evidence that he cannot recall such a seminal moment at the 12<sup>th</sup> October Meeting is totally unbelievable and self-serving. He could remember in great detail the processes and people who should be involved in having Ms Khan come clean.<sup>138</sup> He recalled in excruciating detail having a conversation with Mr Singh about why there was a change in the party’s strategy towards Ms Khan’s lie, his concerns about handling the media, and whether Mr Singh had consulted with Mr Low.<sup>139</sup> And he could recall the discussion with Mr Singh about the WP’s future plans for Ms Khan.<sup>140</sup> However, the one thing that he conveniently forgets is the part of the meeting which calls his credibility into question.
180. It is simply baffling that, despite their lies in court and their attempts to downplay their role in coaxing Ms Khan to continue lying, the DJ found them to be courageous witnesses who came to court and owned up to their shortcomings. The evidence above shows that this could not be further from the truth and strongly suggests that they came to court, as they did at the COP, to tell a self-serving narrative that omits any wrongdoing on their parts. They did not willingly admit to their transgressions. Rather, they were forced to come clean because their lies had been exposed.
181. More pertinently, their evidence of the 12 October Meeting does not support Ms Khan’s version of the 3 October Meeting. According to them, they recounted what Mr Singh said to Ms Khan at the 3 October Meeting. Ms Khan testified that Mr Singh informed her at that meeting “to continue with narrative if the matter of the anecdote comes up on 4 October”. However, Ms Loh’s and Mr Nathan’s evidence was that Mr Singh by the words he used they had understood that he had left the choice to Ms Khan whether she wanted to clarify the truth about the anecdote or to continue to lie about it.
182. It is obvious that Ms Loh and Mr Nathan’s evidence and their interpretation of the words “I won’t judge you” does not prove beyond reasonable doubt that Mr Singh did not want to convey to Ms Khan to clarify the truth of the anecdote. It might well be that in the context of him telling Ms Khan to take ownership and responsibility (words that Ms Loh admitted could have been mentioned by Mr Singh during the 12 October Meeting), Mr Singh

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<sup>138</sup> ROP at p 1005 - 1006; NE (18 October 2024), p 137 ln 19 – p 138 ln 10.

<sup>139</sup> ROP at p 1006 - 1009; NE (18 October 2024), p 138 ln 24 – p 141 ln 10.

<sup>140</sup> ROP at p 1009 - 1010; NE (18 October 2024), p 141 ln 12 – p 142 ln 5.

expected and thought Ms Khan would do the right thing in Parliament, namely, tell the truth and clarify the anecdote.

183. The fact that they had took it to mean that he gave Ms Khan a choice as to whether to clarify the Untruth does not go to proving the second charge. As the charge itself states, "... you wanted to convey to Ms Khan that she had to clarify what she told Parliament on 3 August 2021". The fact that the words used may have implied a choice does not mean that Mr Singh did not want her to clarify the Untruth.

**(D) The DJ erred by filling gaps in PW4 Mr Low's evidence**

184. The DJ held that Ms Khan's account of 8<sup>th</sup> August Meeting (GD at [305] – [309] ), and her account of the 3<sup>rd</sup> October Meeting (GD at [443]) – [457]) are further supported by Mr Low's evidence of his meeting with Mr Singh and Ms Lim when they met on 11 October 2021.

185. In essence, the DJ opined that Mr Low's evidence corroborated Ms Khan's accounts because Mr Singh did not contradict Ms Lim when she told Mr Low that "the Government did not know about the Untruth and that it would not be easy for the Government to find out as there are many police stations in Singapore". The DJ noted that "Mr Low disagreed with what Ms Lim said and made clear his view was that whether the Government could find out about the lie or not was not the point and that Ms Khan had to apologise and clarify the Untruth in Parliament."

186. The DJ held at [307]:

"307 Mr Low's evidence showed that even as late as 11 October 2021, Ms Lim also held the view that it may be possible that the lie would not be discovered by the Government, and that the issue would not come up again. The accused, who had specifically gone with her to see Mr Low, did not contradict what Ms Lim said, strongly suggesting that he held the same view as Ms Lim, his fellow WP leader."

187. It is noteworthy that the meeting with Mr Low was to seek his opinion on whether Ms Khan should hold a press conference to admit she lied. This alone suggests that the decision had been made that she had to come clean and the only question was the forum. Mr Low's evidence was not that Ms Lim said that Ms Khan should continue the lie. Neither was it his evidence that Mr Singh said anything to that effect. The entirety of what the DJ finds corroborative is Mr Singh's silence to a suggestion that Ms Lim never made. Mr Low was neither asked by the Prosecution nor did he tell this Court that Mr Singh and/or Ms Lim told him that they did not know what they should do about Ms Khan's lie. He was also not asked and did not testify that they had not decided for Ms Khan to make a personal statement in Parliament to clarify the untruth.
188. Mr Low's evidence simply does not withstand the weight the Prosecution attempt to place on it. Had the Prosecution intended to rely on Mr Low's evidence to prove that the 11<sup>th</sup> October Meeting was the turning point in which Mr Singh decided to have Ms Khan clarify the untruth in Parliament, it would have been incumbent on them to elicit from Mr Low evidence that (a) Mr Singh and Ms Khan told him that they did not know what to do about Ms Khan's lie, and (b) that they wanted his advice on how they should have Ms Khan tell the truth about her untruth. The burden was on the prosecution to ask these questions as Mr Low was called as a prosecution witness. Mr Low never actually said anything that the DJ purports his evidence to be. The fact that the Prosecution failed to obtain such evidence from their own witness only goes to show that such evidence does not exist.
189. The simple explanation, which the DJ ignored, is the fact that Mr Singh had, by that time, decided that Ms Khan had to clarify the untruth in Parliament. Given what had happened in Parliament on 4 October, it would have been clear that Ms Khan had to clarify the truth in Parliament – only that she had to be prepared to do so as she had doubled down on lie and it was important to ensure that she did not lie again. The evidence further suggests that Mr Singh had already decided that to have Ms Khan clarify the untruth in Parliament before his meeting with PW4 on 11 October 2021. On 9 October 2021, Mr Singh sends a message to Ms Khan to arrange a meeting with her on 12 October 2021, to which Ms Khan agreed.<sup>141</sup> In his evidence-in-chief, Mr Singh explained:<sup>142</sup>

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<sup>141</sup> ROP at p 2585 – 2586; P17 at binder page 2 – 3.

<sup>142</sup> ROP at p 1467 – 1468; NE (5 November 2024) at p 116 ln 25 – p 117 ln 14.



25           Q.   Between 4 and 12 October, the last time that you spoke  
 1   15:48       to Ms Khan following the parliamentary session on  
 2               4 October and 12 October when you were scheduled to  
 3               meet with her, what was being done to clarify the lie?  
 4           A.   I would have met Sylvia in the course of our  
 5               constituency or town council duties between the 5th to  
 6               the 8th or the 9th and I recall us meeting and we would  
 7               have discussed how to deal with the issue. We  
 8               decided -- let me speak for myself. I decided that she  
 9               would have to make a clarification in Parliament, that  
 10              was quite clear. Sylvia agreed with me, but she also  
 11              was thinking about the prospect of a press conference  
 12              as a more immediate way to deal with the issue. She  
 13              then suggested to get Mr Low's view on this matter.  
 14              I saw no issue with it and I agreed.

190. We repeat our Reply Submissions in the court below. The only logical reason for Mr Singh to schedule the 12<sup>th</sup> October Meeting with Ms Khan on 9 October is that he had already decided to have Ms Khan clarify the untruth in Parliament. If that were not the case, there would have been no reason for Mr Singh to set up the 12<sup>th</sup> October Meeting in advance of his meeting with Mr Low because he could not have known what Mr Low would say and/or whether Mr Low would give any advice on how the matter should be resolved. The reality is that it would not have escaped Mr Singh and Ms Lim that Ms Khan had doubled down on her lie at the 4<sup>th</sup> October sitting, and that the lie would have to be clarified in Parliament at the next Parliamentary session on 1 November.

191. Mr Low's evidence does not refute this. His evidence was simply that Ms Lim – not Mr Singh – told him that “*she's* considering to hold a press conference for [Ms Khan] to apologise”.<sup>143</sup> This is not disputed by Mr Singh who, as we have set out above, agreed for

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<sup>143</sup> ROP at p 1309; NE (23 October 2024) at p 54 ln 3 – 4.

Ms Lim to raise the prospect of a press conference as a more immediate way to deal with the issue. Crucially, as Mr Singh said in his evidence-in-chief, a press conference would not obviate the need for Ms Khan to make a personal statement in Parliament “because the untruth was uttered in Parliament and [Ms Khan] would still have to go to Parliament to clarify the parliamentary record”.<sup>144</sup> Mr Low agreed that a lie on the record in Parliament would have to be clarified in Parliament.<sup>145</sup>

192. It is submitted that DJ places too much emphasis on Mr Low’s involvement, as exemplified by [452] of the Judgment, where he states, “... I found it completely unbelievable that the accused would have told Ms Khan to clarify (i.e., confess) her Untruth in Parliament on 4 October 2021 without first seeking the advice, and possibly the blessing of Mr Low, the former Secretary-General of the WP, beforehand”. Respectfully, this conclusion is removed from any evidential basis and completely ignores the fact that the situation post-4<sup>th</sup> October was much worse than post-3<sup>rd</sup> August, because Ms Khan had chosen to double down on her lie.

193. V K Rajah JA’s caution in *Sakthivel Punithavathi v PP* [2007] 2 SLR(R) 983<sup>146</sup> at [81] is instructive:

“81 As such, I think it is a matter of considerable significance, in a case such as this, to emphasise and ensure that the criterion of proof of guilt beyond reasonable doubt prohibits the trial judge from filling in the gaps in the Prosecution’s case on her own initiative and through conjecture or supposition; see also *Jagatheesan* at [59]–[60]:

... [T]he trial judge should not supplement gaps in the Prosecution’s case. If indeed gaps in the evidence should prevail so that the trial judge feels it is necessary to fill them to satisfy himself that the Prosecution’s burden of proof has been met, then the accused simply cannot be found legally guilty. In short, the presumption of innocence has not been displaced.

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<sup>144</sup> ROP at p 1470; NE (5 November 2024) at p 119 ln 14 – 18.

<sup>145</sup> ROP at p 1321; NE (23 October 2024) at p 66 ln 8 – 10.

<sup>146</sup> ABOA at Tab 11.

... [I]t is critical that trial judges appreciate that inasmuch as fanciful conspiracy theories, often pleaded by the Defence, will not suffice to establish reasonable doubt, the Prosecution's theory of guilt must be supportable by reference to the evidence alone and not mere conjecture that seeks to explain away gaps in the evidence. *Suspicion and conjecture can never replace proof.*  
[emphasis added]"

194. In light of Mr Low's actual evidence, and the Prosecution's failure to ask him whether Mr Singh and/or Ms Lim told him that they did not know what to do about Ms Khan's lie, it was not for the DJ to find that Mr Singh only thought about having Ms Khan clarify the untruth in Parliament after the 11<sup>th</sup> October Meeting with Mr Low. This was simply not Mr Low's evidence.

**(E) The fact that there were no preparations for Ms Khan to tell the truth before 4 October 2021 has been explained**

195. As the DJ himself recognised, Ms Khan could have come clean on 4<sup>th</sup> October by simply answering the questions posed to her; on the other hand, he sided with the prosecution at [460] of the Judgment "that it was practically impossible for Ms Khan to clarify the Untruth on 4<sup>th</sup> October".

196. The DJ found at [466] – [477] of the Judgment that "it was not surprising that Ms Khan continued the narrative on 4 October 2021" because "Mr Singh provided no direction or assistance for Ms Khan whatsoever on how to clarify the Untruth...".<sup>147</sup> This, he held, contrasted Mr Singh's behaviour on 3 August 2021 when he personally drafted a clarification for Ms Khan to make after MOS Tan asked for details about the anecdote.

197. In fairness to Mr Singh, the DJ is not comparing like for like. Mr Singh's behaviour in August is, of course, going to be different from that of October, because the two episodes are not the same. On 3 August 2021, Mr Singh was still under the impression that the Anecdote was true. It is clear from their WhatsApp messages at that time,<sup>148</sup> that after Ms

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<sup>147</sup> ROP at p 2321 – 2322.

<sup>148</sup> ROP 2506 – 2508; P5 at binder page 17 – 19.

Khan made her speech, Mr Singh never pressed her to draft a clarification, he was pressing her details to substantiate the anecdote, because he believed it to be true. What details did he need to press her for in October?

198. To substantiate this, the DJ even relies on the fact, at [466] of the Judgment that, “Even when Ms Khan sent him a WhatsApp message on 4 October 2021 asking for advice after she was challenged by Minister Shanmugam about the Anecdote, the accused did not respond. In fairness to the accused, he was in the Chamber at the time watching the exchange and the evidence does not suggest that he even saw the message until after it had concluded. This is the epitome of the taking the worst possible interpretation, even when the evidence does not support it.

199. The difference in his behaviour after Ms Khan doubled down on her lie on 4<sup>th</sup> October was completely understandable. Mr Singh opined that the condition precedent for Ms Khan to first speak to her parents was less significant than the need clarify the untruth, despite the fact that he did not know whether she had already spoken with her parents about her sexual assault:<sup>149</sup>

- 6           A.    No, that's not true because from the 4th things changed  
7                   significantly. The lie has now -- she has doubled down  
8                   on her lie and at that point it's quite clear that a  
9                   different approach has to be taken with her. The  
10                  matter of the parents really becomes a second priority.  
11                 Quite frankly, what's more important is for her to  
12                  clarify the record forthwith in Parliament.
- 13           Q.    Okay. So the moment she doubled down on her lie, the  
14                  condition precedent becomes irrelevant because the  
15                  matters were not worse now, correct?
- 16           A.    That's correct.

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<sup>149</sup> ROP at p 1676; NE (6 November 2024) at p 144 lines 6 – 16.

200. It is commonsensical that the issue of the untruth became far more significant after she doubled down on it on 4<sup>th</sup> October. Now, preparation was essential because, unlike the period before the 4<sup>th</sup> October sitting, Mr Singh had to ensure that she did not go to Parliament and lie again.

201. Mr Singh's evidence of this was clear. All she had to do on 4<sup>th</sup> October was tell the truth.<sup>150</sup>

18           Q.   Both of them have given evidence that Ms Khan could not  
19                have come clean earlier, ie admitted to the lie as none  
20                of this preparation had been done before. Do you agree  
21                with that?

22           A.   I disagree, because the only thing Ms Khan had to do  
23                was to tell the truth in Parliament, and that was  
24                essentially what I was interested in from 12 October  
25                right to 1 November, to make sure that the statement  
1 16:30       that she was going to produce was not untruthful.

2           Q.   In terms of the preparation that Mr Nathan and Ms Loh  
3                said needed to be done, and this is the management of  
4                the comms, the reviewing of the draft statement, was  
5                there a need for this preparation?

6           A.   It was not central to the clarification in Parliament  
7                at all.

202. It is submitted that the DJ erred in finding that Mr Singh's behaviour on 3<sup>rd</sup> October "stood in sharp contrast with his earlier behaviour...on 3 August 2021". The reality is that Mr Singh's approach was always for Ms Khan to take ownership and responsibility for the lies she told in Parliament – even before Ms Khan told him that her anecdote was untrue, "...like a responsible MP should".

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<sup>150</sup> ROP at p 1477 – 1478; NE 10 November 2024 at p 126 ln 18 – p 127 ln 7.

203. It is further submitted that the DJ erred in finding that, considering *inter alia* Ms Khan's relative inexperience and political immaturity, Mr Singh would not have seriously entertained on 3 October 2021 the prospect of Ms Khan clarifying the Untruth on 4 October 2021 in Parliament without doing any groundwork beforehand to prepare her personal statement and to prewarn the WP CEC (see GD at [475]). The DJ's findings are based solely on the Prosecution's submissions and ignores the fact that legislative safeguards have been put in place in Article 44 of the Constitution of the Republic of Singapore ("**the Constitution**")<sup>151</sup> to ensure that all Members of Parliament are adults<sup>152</sup> who, at the very least, are able "with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament".
204. The reality is that Ms Khan was a 27-year-old university graduate, who is also a married woman with two children. The proceedings before the COP and this Court amply demonstrate that she is able to make her own decisions, including when to lie and when to tell the truth. She did not guidance when she fabricated the false anecdote and gave her speech in August 2021 with conviction. She did not need guidance in seeking Mr Nathan's help in drafting her clarification on 3<sup>rd</sup> August before sending it to Mr Singh of her own volition, and there is nothing to suggest that she would suddenly have needed Mr Singh's guidance to simply go to Parliament on 4<sup>th</sup> October and tell the truth.

## (8) CONCLUSION

205. The law under section 31(q) of the PPIPA is clear: the Prosecution must prove that a specific false answer was given to a specific material question. Instead, the Judge allowed the Prosecution to stitch together an amalgamated answer to an amalgamated question – which has no basis in statute or precedent – and convict Mr Singh on that basis.
206. Even if the law had been correctly applied, the convictions against Mr Singh are not founded on unequivocal evidence that support a finding of guilt beyond reasonable doubt. Rather, they built on a foundation of unspoken words, unsupported assumptions, and the shifting testimonies of discredited and incredible witnesses.

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<sup>151</sup> ABOA at Tab 1.

<sup>152</sup> Article 44(2)(b) of the Constitution: At least 21 years old.

207. Ms Khan's account – the sole foundation of the charges – were riddled with inconsistencies and lies. She changed her story repeatedly and contradicted her own evidence before the court and before the COP. She was evasive under cross-examination and, when she was cornered, fabricated completely fantastical evidence which, for reasons unfathomable, the DJ accepted as true. The most striking example of this is her explanation regarding the 12:41 Message (P10), i.e., that she could send a lengthy message two seconds later because she types fast and had drafted some of the message beforehand. Anyone who has even touched a mobile phone would know this to be impossible.
208. Yet, the DJ accepted such impossibilities as proof and treated conjecture as fact. Worse still, he ignored the plain reality: that Mr Singh consistently acted with caution, integrity, and empathy. He never told Ms Khan to lie. He never encouraged her to maintain the untruth. He gave her time, reminded her of the seriousness of speaking in Parliament, and ultimately required her to come clean — in her own words and by her own hand.
209. Her constantly-evolving accounts, the DJ says, is supported by the evidence of her compatriots, Ms Loh and Mr Nathan, despite the objective evidence consistently showing that their role and involvement in these events was to make sure the lie about the anecdote remained buried. Like Ms Khan, their evasiveness in court, willingness to lie during the trial, and concessions only when their lies were exposed evinces their lack of credibility.
210. This case has been wrongly decided. The conviction cannot stand. The law was misapplied. The facts were misjudged. And the threshold of proof was lowered in a way that offends the principles of justice.
211. This Court must correct that error by allowing this appeal, quashing the convictions, and acquitting Mr Singh on both charges.



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