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

[2026] SGHC 118

Originating Application No 961 of 2025

In the matter of Section 18 of the Supreme Court of Judicature Act 1969

And

In the matter of An Application Under Order 24 Rule 3 and / or 5 of the Rules of Court 2021

And

In the matter of Section 11(1)(b) of the Extradition Act 1968

Between

Paulus Tannos
@ Tjhin Thian Po

… *Applicant*

And

Attorney-General of the
Republic of Singapore

… *Respondent*

JUDGMENT

[Constitutional Law — Judicial review — Leave]
[Criminal Procedure and Sentencing — Extradition]

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Paulus Tannos
v
Attorney-General

[2026] SGHC 118

General Division of the High Court —Originating Application No 961 of 2025
Aidan Xu J
28 November 2025, 19 February 2026

29 May 2026 Judgment reserved.

Aidan Xu J:

1 The case before me involves an application to commence judicial review against the Minister for Law's ("Minister") decision to issue a notice under s 11(1)(*b*) of the Extradition Act 1968 (2020 Rev Ed) ("EA"), primarily on the basis that the request for extradition made by the Republic of Indonesia ("ROI") is defective pursuant to the terms of the Treaty between the Government of the Republic of Singapore ("State") and the Government of the ROI for the Extradition of Fugitives ("Treaty").

Facts

2 The applicant, Mr Paulus Tannos, is wanted by the Corruption Eradication Commission of Indonesia (*Komisi Pemberantasan Korupsi* or the "KPK") to stand trial for his alleged role in a corruption scheme in relation to a government project in Indonesia for the procurement of goods and/or services

for the Indonesian National Resident's Identity Number-based Electronic Card (*Kartu Tanda Penduduk Elektronik Berbasis Nomor Induk Kependudukan* or "e-KTP Project"). The Republic of Indonesia State Printing Consortium (*Konsorsium Percetakan Negara Republik Indonesia* or "PNRI Consortium") won the tender for the e-KTP Project in 2011. The applicant was the President Director of one of the companies in the PNRI Consortium. It was alleged that the applicant and other representatives of companies in the PNRI Consortium had agreed to pay bribes to ensure that the tender for the e-KTP Project would be awarded to the PNRI Consortium. After the tender for the e-KTP was awarded to the PNRI Consortium, the applicant allegedly participated in the payment of bribes to Indonesian government officials.[1]

3 On 17 January 2025, the applicant was arrested by officers from the Corrupt Practices Investigation Bureau ("CPIB") at the request of the ROI. The warrant of apprehension for the applicant's arrest was issued pursuant to s 12(1) of the EA.[2]

4 On 24 February 2025, the State received a formal extradition request in respect of the applicant from the ROI ("Extradition Request"), following which, the Minister issued a notice that a request had been made by the ROI for the applicant's surrender under s 11(1)(*b*) of the EA ("Minister's Notice") on 18 March 2025.[3] On 19 March 2025, the Attorney-General's Chambers ("AGC"), acting on behalf of the State, informed the applicant's counsel that the Minister's Notice had been issued and shared copies of Indonesia's request

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1 Affidavit of Muhammad Faiz bin Mohd Khadfidz ("MFMK") dated 22 October 2025 at paras 10–11 and pp 68–74.

2 MFMK at para 13.

3 MFMK at para 16 and p 1709.

for extradition, including all supporting documents, and the Minister's Notice with the applicant's counsel.[4]

5 On 25 April 2025, the ROI provided a supplementary affidavit from KPK investigator Boy Jumalolo dated 17 April 2025 ("Supplementary Affidavit") pursuant to a request made by the State on 20 March 2025 ("Request").[5] The applicant claims that the Request was a request made under Art 8 of the Treaty, while the respondent contends that the request was a simple request for clarifications from the Indonesian authorities regarding the evidence to be presented at the committal hearing. In any case, on 12 June 2025, the AGC shared a copy of the Supplementary Affidavit with the applicant's counsel.[6]

6 On 23 June 2025, the committal hearing commenced in the State Courts. The first tranche of the hearing was from 23 to 25 June, and 7 August 2025.

7 On 27 August 2025, the applicant filed HC/OA 961/2025 ("OA 961").

The parties' cases

The applicant's case

8 In OA 961, the applicant seeks permission to apply for:

(a) a quashing order against the Minister's Notice;

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4 MFMK at paras 17 and 20.

5 MFMK at para 23.

6 MFMK at para 24.

(b) further or in the alternative, a mandatory order for the Minister to reconsider whether there was a valid request made by ROI to extradite the applicant to Indonesia under the Treaty; and

(c) further or in the alternative, an order prohibiting the Minister from issuing a notice pursuant to s 11(1)(*b*) of the EA.

Further, or in the alternative to his application for leave to commence judicial review proceedings, the applicant seeks an order for review of detention pursuant to paragraph 1(*d*) of the First Schedule to the SCJA read with O 24 r 3 of the Rules of Court 2021 ("ROC 2021").[7]

9 Grounds 1 to 5 and 7 relate to the applicant's intended judicial review application. Those grounds are as follows:

(a) Ground 1: The Minister's Notice was issued in breach of s 11(2)(*b*) of the EA read with Art 6(2) of the Treaty. The Minister could not have been rightfully satisfied that the Extradition Request was valid as it is unclear from the certification provided by the Indonesian Attorney-General pursuant to Art 6(2) is whether the Indonesian AG had sight of and considered the Extradition Request before issuing the certification.[8]

(b) Ground 2: The Minister's Notice was issued in breach of s 11(2) of the EA read with Art 9(1) of the Treaty as certain documents accompanying the Extradition Request are not duly authenticated.[9]

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7 Originating Application (Amendment No 1) at para 2.

8 Applicant's Order 24 Rule 5 Statement (Amendment No 2) ("O 24 Statement") dated 3 December 2025 at paras 8–18.

9 O 24 Statement at paras 19–24.

(c) Ground 3: The Minister's Notice was issued in breach of s 11(2) of the EA read with Art 6(3) of the Treaty as no arrest warrant, or authenticated copy thereof, was provided with the Extradition Request.[10]

(d) Ground 4: The Minister's Notice was issued in breach of s 11(2) of the EA read with Art 6(3) of the Treaty as, when the Minister issued the Minister's Notice, he was not satisfied that the Extradition Request was accompanied by evidence sufficient to establish a *prima facie* case or constitute sufficient evidence of the offence.[11]

(e) Ground 5: The Minister's Notice was issued in breach of s 11(2) of the EA read with Art 6(3) of the Treaty as the Extradition Request lacked sworn statements from certain witnesses.[12]

(f) Ground 7: The Minister's Notice was issued in breach of s 10(2)(*c*) of the EA, as the Minister: (i) failed to invite representations from the applicant; (ii) failed to provide reasons for his decision; (iii) breached his duty of candour in the present application; (iv) took into account irrelevant considerations (*ie*, whether prosecution was time-barred in Indonesia) in coming to his decision; and (v) failed to take into account certain relevant considerations.[13]

10 Ground 6 relates to the applicant's application for an order for review of detention. According to the applicant, given Grounds 1 to 3 and 5 above, no valid extradition request was received within the mandatory 45-day period

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10 O 24 Statement at paras 25–31.

11 O 24 Statement at paras 32–40A.

12 O 24 Statement at paras 41–44.

13 O 24 Statement at paras 52–58.

under Art 7(5) of the Treaty, and the provisional arrest of the applicant ought to have been terminated. Alternatively, if an Art 8 request had been made (as the applicant alleges under Ground 4), the respondent has not shown that any reasonable time limit was set or complied with pursuant to Art 8(1). Accordingly, following Art 7(5), the applicant ought to have been released within 45 days of his provisional arrest on 17 January 2025.[14]

The respondent's case

11 The respondent argues that the grounds which the applicant relies on to seek prerogative orders in OA 961 do not show an arguable case of reasonable suspicion for the following reasons:

(a) The applicant's application for leave to commence judicial review proceedings is time-barred.[15]

(b) The grounds raised by the applicant are premised on either a mischaracterisation of either the facts or the Treaty's provisions.[16]

(c) Even if the documents submitted with Indonesia's request for extradition were not compliant with the Treaty, the Minister was still entitled to issue the Minister's Notice. To mount a challenge against the Minister's Notice based on Art 6 of the Treaty, the applicant must show that Art 6 of the Treaty contains elements which would constitute a limitation, condition, exception, or qualification to the EA, which is

14 O 24 Statement at paras 45–51.

15 Respondent's Written Submissions dated 21 November 2025 ("RWS") at para 17.

16 RWS at para 33.

necessary or desirable to give effect to the Treaty. The applicant has not shown that this is the case.[17]

12 The respondent also argues that the applicant's prayer for a review of detention is premised on the Minister's Notice being quashed. Hence, if the applicant's application for leave to apply to quash the Minister's Notice is dismissed, the applicant's application for an order for review of detention necessarily fails.[18]

Issues to be determined

13 As such, the issues to be determined in the present case are as follows:

(a) In respect of the application for leave to commence judicial review proceedings:

(i) whether the application is time-barred;

(ii) if not, whether the applicant has shown a *prima facie* case of reasonable suspicion in favour of granting the remedies sought; and

(b) Whether the applicant has made out his case for the grant of an order for review of detention.

Extradition of fugitives from Singapore to Indonesia

14 Before proceeding to the main issues, it would be useful to set out the relevant statutory provisions governing the extradition of fugitives from Singapore.

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17 RWS at paras 33 and 59–62.

18 RWS at para 2.

The EA

15 The EA sets out the process by which (amongst other things) a fugitive may be extradited from Singapore to a foreign state.

16 The extradition process generally begins with a request for the surrender of a fugitive made to the Minister by a foreign state. Pursuant to s 11(1) of the EA, where an extradition request is made to the Minister, the Minister may, in his or her discretion, issue a written notice directed to a Magistrate to inform the magistrate that the request has been made and authorise him or her to issue a warrant for the apprehension of the fugitive, where no warrant for the arrest of the fugitive has been issued under s 12 of the EA . If the Minister is of the opinion that the fugitive is not liable to be surrendered to the foreign state, the Minister must not issue a s 11 notice in respect of the fugitive: s 11(2) of the EA.

17 After the Magistrate receives the s 11 notice and the fugitive is apprehended, the fugitive will be brought before the Magistrate, who will then ascertain whether the fugitive wishes to consent to his or her surrender to the foreign state: s 15A of the EA. If the fugitive does not consent to his or her surrender, the Magistrate will hear any evidence tendered by the fugitive and decide whether to commit the fugitive to prison to await the warrant of the Minister for the person's surrender to the foreign state: s 16(8) of the EA.

18 Following this, the Minister may, if he or she decides that the fugitive is to be surrendered to the foreign state, issue the warrant for his or her surrender: s 19(2) of the EA.

19 Finally, s 10 of the EA sets out the following restrictions on the Minister's power to give a notice under s 11 or issue a warrant under s 19:

> 10.—(1) The Minister must not give a notice under section 11(1), or issue a warrant under section 19(2) or (8), in respect of a fugitive from a foreign State or declared Commonwealth territory, if the Minister has substantial grounds for believing that —
>
> (a) the request for the surrender of the fugitive, although purporting to have been made in respect of an offence for which, but for this section, he or she would be liable to be surrendered to that State or territory, was made for the purpose of prosecuting or punishing him or her on account of his or her race, religion, sex, ethnic origin, nationality or political opinions; or
>
> (b) if the fugitive is surrendered to that State or territory, he or she may be prejudiced at his or her trial, or punished, detained or restricted in his or her personal liberty, by reason of his or her race, religion, sex, ethnic origin, nationality or political opinions.
>
> (2) If the Minister is satisfied that, by reason of —
>
> (a) the trivial nature of the offence that a fugitive is alleged to have committed or has committed;
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> (b) the accusation against a fugitive not having been made in good faith or in the interests of justice;
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> (c) the passage of time since the offence is alleged to have been committed or was committed; or
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> (d) any other sufficient cause,
>
> and having regard to the circumstances under which the offence is alleged to have been committed or was committed, it would be unjust, oppressive or too severe a punishment to surrender the fugitive, or to surrender him or her before the expiry of a particular period, the Minister must not give a notice under section 11(1) or issue a warrant under section 19(2) or (8) in respect of the fugitive, as the case may be.

The Treaty

20 The EA was brought into force in respect of the ROI subject to the provisions of the Treaty on 22 March 2024, by way of the Extradition (Republic of Indonesia) Notification 2024 pursuant to s 4 of the EA. For the purposes of the present case, the following articles are relevant.

21 Article 3(1) of the Treaty provides that where an extradition request is made in respect of a fugitive accused of an extraditable offence, he or she shall be extradited only if, in accordance with the laws of the requested party, there is either a *prima facie* case or sufficient evidence of that offence if the acts or omissions constituting the offence had taken place in or within the jurisdiction of the requested party.

22 Article 6 of the Treaty then sets out requirements that extradition requests must meet. Of relevance to the present case:

(a) Article 6(2)(*d*) requires that an extradition request must be accompanied by a written confirmation by the Attorney-General of the requesting party certifying that in his or her opinion, the other documents submitted alongside the extradition request disclose the existence of sufficient evidence under the laws of the requesting party to justify a prosecution.

(b) Article 6(3) provides that where the extradition request relates to a fugitive who is an accused person, it must also be accompanied by:

(i) a warrant to arrest issued by a judge, magistrate or competent authority of the requesting party or an authenticated copy thereof;

(ii) sworn statements of witnesses concerning their knowledge of the offence; and

(iii) other such evidence as would satisfy the requirements of Art 3 of the Treaty. The relevant requirements of Art 3 are detailed above at [21].

23 Article 7(1) of the Treaty provides that in urgent cases, where there is sufficient evidence to justify the fugitive's apprehension, the fugitive sought may be provisionally arrested at the request of the requesting party. Pursuant to Art 7(5), the provisional arrest of the fugitive sought shall be terminated upon the expiration of 45 days from the date of the provisional arrest if the request for extradition and supporting documents specified in Art 6 have not been received or where any information requested under Art 8 is not furnished within the time specified.

24 Article 8 of the Treaty provides that the requested party may request that additional information be provided, where it considers that the information furnished in support of a request for extradition is insufficient to allow it to make a decision pursuant to the Treaty. The requested party may fix a reasonable time limit for the submission of such information, and if the additional information is insufficient or not received within the time limit set, the fugitive may be released: Arts 8(1) and 8(2).

25 Finally, Art 9(1) of the Treaty provides that documents supporting an extradition request shall be admissible in evidence if duly authenticated. A document is duly authenticated if it purports to be:

(a) certified by a judge or magistrate or relevant Minister of the requesting party to be the original document containing or recording that evidence or a true copy of such a document; and

(b) sealed with the official seal of the requesting party.

Application to commence judicial review proceedings

Applicable law

26 There are three conditions which must be satisfied for the court to grant leave to commence judicial review: (a) the matter complained of must be susceptible to judicial review; (b) the applicant has sufficient interest in the matter; and (c) the materials before the court have to disclose an arguable or *prima facie* case of reasonable suspicion in favour of granting the remedies sought: *Gobi a/l Avedian v Attorney-General* [2020] 2 SLR 883 ("*Gobi*") at [44].

27 There is no dispute that the first and second conditions are satisfied in the present case.[19] The only question before this court is whether the third condition was satisfied in respect of the applicant's challenge of the Minister's decision to issue the Minister's Notice.

28 The standard of a *prima facie* case of reasonable suspicion is low – it suffices if there appears to be a point which might, on further consideration, turn out to be an arguable case in favour of granting the applicant the remedies sought: *AXY v Comptroller of Income Tax* [2018] 1 SLR 1069 at [34]. Nevertheless, this does not mean that evidence or arguments placed before the court can be skimpy or vague – bare assertions will not suffice: *Gobi* at [54].

Whether the application is time-barred

29 The first issue that arises is whether the application to commence judicial review proceedings in OA 961 is out of time, and if so, whether the application should be rejected on that basis alone.

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19 RWS at para 13.

Parties' arguments

30 Both parties accept that the applicable rule is that in O 24 r 5(2) of the ROC 2021:[20]

> Subject to any written law, an application for permission to apply for a Mandatory Order, Prohibiting Order or Quashing Order must be made within 3 months after the date of the omission, judgment, order, conviction or proceedings which gave rise to the application.

31 The respondent takes the position that the relevant decision for the purposes of judicial review proceedings is that of the Minister's decision to issue the Minister's Notice.[21] OA 961 was thereby filed out of time as the Minister's Notice was issued on 18 March 2025.[22] Further, no extension of time should be granted as the applicant had the interest, knowledge and means to bring OA 961 earlier but chose not to.[23]

32 On the other hand, the applicant argues that time has not started running even to date – the "proceeding" which gave rise to OA 961 is the committal hearing against the applicant, which is still ongoing. The applicant also argues that he did not have sufficient knowledge to bring OA 961 until sometime between 23 and 25 June 2025 or, at the earliest, 12 June 2025, as:[24]

> (a) The State had only served the applicant's solicitors with the Supplementary Affidavit on 12 June 2025. At that point, the applicant

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20 RWS at para 11; Applicant's Written Submissions dated 21 November 2025 ("AWS") at para 31.

21 RWS at para 19.

22 RWS at para 19.

23 RWS at paras 27–31.

24 AWS at paras 31–36.

was entitled to ascertain whether it was the State's position that a *prima facie* case had not been established in the Extradition Request and hence was relying on the Supplementary Affidavit.

(b) The applicant could not have been certain that there was no arrest warrant until 24 June 2025, when the State's witness, CPIB Officer Alvin Tan Chung Ping, testified in committal proceedings that he was unaware if there was a copy of the arrest warrant in Bahasa Indonesia.

(c) The applicant had challenged the admissibility of the documents that are the subject of OA 961 at the hearing of the committal proceedings from 23 to 25 June 2025 on the basis that they did not comply with Art 6 of the Treaty, and that this was an issue that the Magistrate could decide. While the Magistrate took the view that issues under Art 6 of the Treaty were not within his purview, the applicant was entitled to ventilate those considerations before him before deciding on the proper course of action.

33 The applicant also argues that in the case that OA 961 was brought out of time, he should be granted an extension of time to bring his application as he has satisfactorily accounted for any delay by first raising the above issues at the committal proceedings, citing the Court of Appeal's decision in *Pannir Selvam a/l Pranthaman v Attorney-General* [2022] 2 SLR 421 ("*Pannir Selvam*").[25]

Whether OA 961 was brought out of time

34 It is evident that OA 961 was brought out of time. The applicant's argument that the "proceedings" which gave rise to OA 961 are the committal

[25] AWS at para 37.

proceedings is untenable. The time limit runs from the date the impugned decision is made. The Minister's decision to issue the Minister's Notice and the committal proceedings are distinct. The respondent recognised that the decision was made on 18 March 2025 and has not given reasons or any authority to support his submission that the date of the Minister's Notice should not be the operative date.[26] In any case, by the applicant's own logic, OA 961 should be dismissed for being premature, considering that the committal proceedings are still ongoing.

35 The applicant's arguments that OA 961 was not brought out of time because he only obtained the requisite knowledge to bring the application at a later date are misconceived. For the purposes of O 24 r 5(2) of the ROC, time begins from the date on which the impugned decision is made: *CBB v Law Society of Singapore* [2021] 3 SLR 487 at [30], citing *Per Ah Seng Robin v Housing and Development Board* [2016] 1 SLR 1020 ("*Per Ah Seng Robin*") at [51]. Whether the applicant indeed only obtained the requisite knowledge to bring the application at some later date would instead be relevant to the issue of whether the applicant can satisfactorily account to the court for his delay: see, for example, *Per Ah Seng Robin* at [54(a)], citing *Chai Chwan v Singapore Medical Council* [2009] SGHC 115 at [19]–[20].

Whether an extension of time should be granted

36 Nevertheless, I am of the view that an extension of time should be granted.

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[26] AWS at para 32.

37 In the case of *Pannir Selvam*, the appellant's application for leave to apply for a quashing order of the Public Prosecutor's decision to not issue a certificate of substantive assistance ("CSA") was brought more than two years from the date that the appellant found out about the decision. Despite this, the Court of Appeal found that an extension of time should be granted for the appellant to bring his application. This was as it was apparent that the appellant's delay in bringing his application was due to him pursuing other means of avoiding the death penalty or obtaining a CSA. In this regard, the Court of Appeal noted its previous observation in *Per Ah Seng Robin* (at [55]) that applicants can expect a certain measure of latitude from the court where judicial review proceedings have been delayed by serious and genuine attempts to resolve the dispute without litigation: *Pannir Selvam* at [40]–[42].

38 Accordingly, the fact that the applicant's delay in bringing OA 961 was caused by the applicant attempting to run related arguments in the committal proceedings, in pursuit of his overall goal of avoiding extradition would, following *Pannir Selvam*, appear to be an adequate explanation for the delay.

Whether the applicant has established a prima facie case of reasonable suspicion in favour of granting the remedies sought

39 In any case, I am of the view that the applicant's application for leave to commence judicial review proceedings ought to be dismissed on the basis that the applicant has not discharged his onus of proving a *prima facie* case of reasonable suspicion. I elaborate the reasons for this below.

40 As a preliminary point, I note that the applicant details seven grounds in his statement made in support of his application for permission pursuant to O 24 r 5(3)(*a*) of the ROC. However, of these grounds, Ground 6 appears to relate to his application for a review of detention, rather than his intended application for

a quashing order, a mandatory order and/or a prohibiting order. This is as the quashing order, mandatory order, and prohibiting order sought all relate to the Minister's decision to issue a s 11 notice, whereas Ground 6 is concerned with the unlawfulness of the applicant's continued remand in Changi Prison.

41 Accordingly, I will not consider Ground 6 in the following analysis of whether the applicant has established a *prima facie* case of reasonable suspicion in favour of granting the quashing order, mandatory order, and prohibiting order sought. Instead, Ground 6 will be addressed separately in relation to the application for review of detention.

Ground 1

42 The applicant argues that pursuant to s 11(2) of the EA, which provides that the Minister must not give a s 11 notice of a fugitive if he is "of the *opinion* that the fugitive is not liable to be surrendered" [emphasis added]. The applicant suggests that to arrive at such a decision, the Minister had to satisfy himself that, amongst other things, an extradition request had been made *prior* to issuing the Notice.[27]

43 The applicant submits that the Minister ought not to have been satisfied as the certification of the documents submitted by the Indonesian AG to fulfil the requirement under Art 6(2)(*d*) of the Treaty was unclear.[28] Therefore, the applicant submits that it is unclear that the extradition request was valid. If no extradition request was made, then no notice should have been given by the Minister.

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27 AWS at para 41.

28 AWS at para 40,

44 Art 6(2)(*d*) of the Treaty states that requests for extradition must be accompanied by "a written confirmation by the Attorney-General of the Requesting Party, certifying that in his opinion, the documents submitted disclose the existence of sufficient evidence under the laws of the Requesting Party to justify a prosecution".

45 According to the applicant, the written confirmation ("AG Confirmation") by the Indonesian AG is unclear for two reasons. First, the AG Confirmation states that the KPK had submitted certain supporting documents to the Indonesian AG, but those supporting documents were not included with the AG Confirmation. Second, the AG Confirmation also makes no reference to any of the documents accompanying the Extradition Request. As such, the applicant contends that it is unclear whether the documents in the Extradition Request were considered by the Indonesian AG, and accordingly, unclear whether the AG Confirmation is valid.[29]

46 According to the respondent, the applicant's argument is misconceived. On a plain reading of Art 6(2)(*d*) of the Treaty, the AG Confirmation only needs to certify that in the Attorney-General's opinion, the documents submitted with the request disclose the existence of sufficient evidence under the laws of the requesting party to justify a prosecution. Article 6(2)(*d*) does not require the requesting party's Attorney-General to refer to, or list, the documents submitted with the extradition request in the AG Confirmation. As the AG Confirmation provided by the Indonesian AG expressly certified that the Indonesian AG was of the view that documents submitted with the request disclose the existence of sufficient evidence under the laws of the ROI to justify a prosecution, the

[29] AWS at paras 42–47.

Extradition Request complied with the requirements under Art 6(2)(*d*) of the Treaty.[30]

47 I first address the applicant's argument that before issuing an s 11 notice, the Minister must satisfy himself that a valid extradition request has been made.

48 In *Tan Cheng Bock v Attorney-General* [2017] SLR 850 ("*Tan Cheng Bock*"), the Court of Appeal laid out the following three-step approach to statutory interpretation:

> (a) First, ascertain the possible interpretations of the provision, having regard not just to the text of the provision but also to the context of the provision within the written text as a whole.
>
> (b) Second, ascertain the legislative purpose or object of the statute.
>
> (c) Third, compare the possible interpretations of the text against the purposes or objects of the statute. The interpretation which furthers the purpose of the written text should be preferred to the interpretation which does not.

(*Tan Cheng Bock* at [54])

49 In this case, the applicant's interpretation that Art 11(2) requires the Minister to consider whether the request for extradition is valid is at odds with the context of s 11(1) of the EA. Section 11(1) of the EA provides that the Minister may in his discretion issue a s 11 notice "where a request for the surrender of a fugitive … is made". Accordingly, the Minister's receipt of an

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30 RWS at para 37.

extradition request is a mandatory precondition to the lawful exercise of his power to issue an s 11 notice. Given that s 11 already imposes an objective requirement (*ie*, for the Minister to have received a valid extradition request), it would be redundant to also impose a subjective requirement that the Minister consider whether the extradition request was valid – if there was no valid request, he would simply have no power to issue the notice.

50 In any case, I find that the applicant has not demonstrated *a prima facie* case of reasonable suspicion that the AG Confirmation is "unclear" because the supporting documents which were submitted to the Indonesian AG were not appended to the AG Confirmation.

51 As noted by the respondent, Art 6(2)(*d*) of the Treaty only provides that an extradition request shall be accompanied by a written confirmation from the requesting party's Attorney-General that he is of the opinion that the documents submitted disclose the existence of sufficient evidence under the laws of the requesting party to justify a prosecution. There is nothing in the plain wording of Art 6(2)(*d*) to suggest that the Attorney-General of the requesting party is required to append any other documents he may have considered in coming to his view that the documents submitted with the extradition request disclose sufficient evidence to justify a prosecution under the laws of the requesting party.

52 In my view, there is also nothing (whether in Art 6(2)(*d*) or any other article of the Treaty) to support the need for such a requirement. I note that pursuant to Art 3 of the Treaty, a fugitive accused of an extraditable offence shall be extradited only if, in accordance with the laws of the *requested party*, there is either a *prima facie* case or sufficient evidence of that offence if the acts or omissions constituting the offence had taken place in or within the

jurisdiction of the *requested party*. As such, the basis for the requesting party's Attorney-General's assessment that there is sufficient evidence to justify a prosecution under the laws of the *requesting party* is not particularly material; what matters is simply that he has formed such an opinion.

53 Accordingly, the AG Confirmation is clear – the Indonesian AG states in no uncertain terms that pursuant to Art 6(2)(*d*) of the Treaty, he "certif[ies] that in [his] opinion, the documents submitted in the formal request of Extradition disclose the existence of sufficient evidence under the laws of the ROI to justify a prosecution of the fugitive".[31]

Ground 2

54 The applicant argues that pursuant to Art 9(1) of the Treaty imposes a requirement that for an extradition request to be valid, all documents supporting a request for extradition "need to be duly authenticated". As the Extradition Request contains unauthenticated documents, the Extradition Request is in breach of Art 9(1) and is thereby invalid.[32]

55 The respondent disagrees with the applicant's interpretation of Art 9(1) of the Treaty. The respondent argues that on a plain reading of Art 9(1), it is clear that its requirements pertain only to the admissibility of documents in court proceedings for extradition (*ie*, at the committal hearing before the Magistrate). Accordingly, even if the applicant's claim that not all of the documents submitted with the Extradition Request were duly authenticated were correct (which the respondent denies), it would still not affect the validity of the

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31 MFMK at p 675.

32 AWS at para 48.

Extradition Request or the legality of the Minister's decision to issue the Minister's Notice.[33]

56 I reject the applicant's interpretation of Art 9(1) of the Treaty. Art 9(1) is reproduced in full below:

> (1) Documents supporting a request for extradition shall be admissible in evidence if duly authenticated. Documents are duly authenticated if they purport to be:
>
> > (a) certified by a judge or magistrate or relevant Minister of the Requesting Party to be the original document containing or recording that evidence or a true copy of such a document; and
> >
> > (b) sealed with the official seal of the Requesting Party.

57 Article 9 does not purport to set out requirements for a valid extradition request. As noted by the respondent, Art 9(1) is clearly only concerned with the admissibility of the documents into evidence.[34] Further, there is nothing in the plain wording of Art 9(1) to suggest that it sets out a requirement that all documents accompanying an extradition request must be duly authenticated. In fact, the existence of Art 9(1) would suggest that a request for extradition may be accompanied by documents which are not duly authenticated – there would be no need to specify that only duly authenticated documents are admissible if all documents were required to be authenticated from the outset.

58 Accordingly, the applicant has not established a *prima facie* case of reasonable suspicion that the Minister's decision to issue the Minister's Notice was illegal by reason of the Extradition Request breaching Art 9(1) of the Treaty.

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33 RWS at paras 38–39.

34 RWS at para 38.

Ground 3

59 The applicant argues that the Extradition Request is in breach of Art 6(3) as it lacks "a warrant of arrest … or an authenticated copy thereof":

(a) The Indonesian Minister of Law's certificate of authentication refers to a purported "certified true copy … with official translation into English". This suggests that there should be "certified true copy" of the arrest warrant that is not in English, and a *separate* official English translation of said document in the Extradition Request. However, the documents presented as part of the sealed Extradition Request only includes a copy of the arrest warrant in English ("English Arrest Warrant"), which the applicant contends is merely the official translation of the arrest warrant, rather than the true copy. The respondent's contention that the English Arrest Warrant is a true copy of the arrest warrant is contradicted by the Indonesian Minister of Law's certification and should therefore be disbelieved. Therefore, there is no valid warrant of arrest or authenticated copy.[35]

(b) Further, the English Arrest Warrant is not duly authenticated. The Indonesian Minister of Law's certificate of authentication appended to the Extradition Request only pertains to the authenticity of the signatures on the arrest warrant and is not a certification of authentication of the arrest warrant itself.[36]

60 The respondent disagrees with the applicant on both counts.

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35 AWS at para 56.

36 AWS at para 57.

(a) A certified true copy of the warrant of arrest in English against the applicant (*ie*, the English Arrest Warrant) was submitted with the Extradition Request. The Indonesian authorities have confirmed that the English Arrest Warrant is valid and has legal force in Indonesia. The English Arrest Warrant was authenticated by a certificate of authentication from the Indonesian Minister of Law. Accordingly, the applicant's allegation that the Extradition Request was not accompanied by an authenticated warrant of arrest has no basis.[37]

(b) The English Arrest Warrant was duly authenticated as the Indonesian Minister of Law explicitly authenticated the English Arrest Warrant in the certificate of authentication. Further, to the extent that the applicant's complaint is that the Indonesian Minister of Law's official seal was not individually placed on the English Arrest Warrant itself, documents in one bundle can be authenticated by a single official seal: *Sei Kon Kim v Officer in Charge, Ceras Police Station* [1984] 1 MLJ 73 at 75.[38]

61 In my view, the applicant has failed to produce sufficient evidence to support a *prima facie* case of reasonable suspicion that the Extradition Request was not accompanied by a copy of the arrest warrant. In this regard, I reiterate that while the threshold of proof for an application for leave to commence judicial review is very low, the evidence placed before the court must be sufficient and bare assertions will not suffice: *Gobi* at [54].

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37 RWS at para 41.

38 RWS paras 42–43.

62 As explained above (at [59(a)]), the applicant relies on the wording of the Indonesian Minister of Law's certification as the basis for his contention that the English Arrest Warrant is *not* a certified copy of the arrest warrant that would satisfy Art 6(3) of the Treaty. However, the phrase "certified true copy … with official translation into English" is ambiguous – while it could reasonably have the meaning put forward by the applicant, it could also reasonably be interpreted as describing a single true copy of the arrest warrant that is in English.

63 The evidence relied on by the applicant must also be considered in light of the fact that the respondent has produced confirmation from the Indonesian authorities that English Arrest Warrant constitutes a valid warrant of arrest that has legal force in the ROI.[39] Moreover, as the Indonesian authorities had appended an arrest warrant in Bahasa Indonesia ("Bahasa Indonesia Arrest Warrant") alongside the same English Arrest Warrant with their provisional extradition request, it is possible for the court to compare both documents. The English Arrest Warrant has the same formatting as the Bahasa Indonesia Warrant. Both documents bear the ROI's crest and are signed and sealed by the Vice-Chairman of the KPK, who is authorised to issue arrest warrants on behalf of the Chairman of the KPK. Each document bears a distinct wet ink signature from the Vice-Chairman, demonstrating that the English Arrest Warrant was separately executed.[40]

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39 MFMK at pp 2089–2090.

40 MFMK at pp 43–44; Affidavit of Paulus Tannos ("PT") dated 27 August 2025 at pp 101–102.

64 As such, on the totality of the evidence before me, I find that the applicant has failed to demonstrate an arguable case of reasonable suspicion that the Extradition Request was not accompanied by a copy of the arrest warrant.

65 The applicant also contends that the English Arrest Warrant is not duly authenticated under Art 9(1) of the Treaty, as the Indonesian Minister of Law only purports to certify the signatures on the English Arrest Warrant, and not the English Arrest Warrant itself.

66 Article 9(1) of the Treaty states that a document is duly authenticated if it purports to be: (a) certified by a judge or magistrate or relevant Minister of the Requesting Party; and (b) sealed with the official seal of the Requesting Party.

67 I reproduce the relevant portions of the Indonesian Minister of Law's certificate of authentication below:[41]

> I … HEREBY CERTIFY that … the signatures appearing on the documents annexed hereto are the signatures of the [Vice-Chairman of the KPK] and [the Chairman of the KPK]:
>
> > i. Certified true copy of the Arrest Warrant bearing Number Sprin.Kap/08/DIK.01.02/01/11/2024 against PAULUS TANNOS alias TJHIN THIAN PO dated 26 November 2024 issued on behalf of the Chairman of the [KPK] with official translation in English;
>
> …
>
> AND I HEREBY AUTHENTICATE that the documents described herein are the originals of the documents which relate to the extradition of PAULUS TANNOS alias TJHIN THIAN PO from the Republic of Singapore.
>
> GIVEN under my hand and official seal of my office at Indonesia this 20[th] day of February, 2025.

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41 PT at pp 80–81.

68 As can be seen from the above, the applicant's contention that the Indonesian Minister of Law's certification relates only to the signatures on the English Arrest Warrant is without merit. The certificate of authentication contains a formal declaration by the Indonesian Minister of Law under his hand and official seal that the English Arrest Warrant is the original of the "[c]ertified true copy of the Arrest Warrant", thereby fulfilling the requirements under Art 9(1) of the Treaty. That the Indonesian Minister of Law uses the term "authenticate" rather than "certify" is clearly immaterial.

Ground 4

69 The applicant submits that the Minister acted prematurely in issuing the Minister's Notice as he could not have been satisfied that there was a *prima facie* case against the applicant. This is because the Minster's Notice was issued before the additional information sought in the Request, which was made pursuant to Art 8 of the Treaty, was received. The applicant's argument may be broken down as follows:[42]

(a) Article 3 of the Treaty states that a fugitive who is an accused person shall be extradited only if, in accordance with the laws of the Requested Party, there is either a *prima facie* case or sufficient evidence of that offence if the acts or omissions constituting the offence had taken place in or within the jurisdiction of the Requested Party.

(b) Article 6(3) of the Treaty states that "a request for extradition of an accused person shall be accompanied by … such evidence as would satisfy the requirements of [Art 3]".

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42 AWS at paras 59–65.

(c) Accordingly, pursuant to Art 6(3) of the Treaty, a valid extradition request must be accompanied by evidence sufficient to establish either a *prima facie* case or sufficient evidence of the offence.

(d) Pursuant to s 11(2) of the EA, the Minister must be satisfied that there is a valid extradition request before exercising his discretion to issue an s 11 notice.

(e) Therefore, the Minister must have been satisfied that the Extradition Request was accompanied by evidence sufficient to establish a *prima facie* case or sufficient evidence of the offence before issuing the Minister's Notice.

(f) Article 8(1) of the Treaty provides that if the Requested Party considers that the information furnished in support of a request for extradition is insufficient to allow the Requested Party to make a decision pursuant to the Treaty, the Requested Party shall request that additional information be furnished.

(g) The State had in fact made a request for additional information from the ROI relating to the applicant's extradition (*ie*, the Request dated 20 March 2025). In response to the Request, the Indonesian authorities provided the State with the Supplementary Affidavit on 25 April 2025.

(h) At the committal proceedings, the State then relied on the Supplementary Affidavit to establish its case that there was a *prima facie* case against the applicant or sufficient evidence of the offence.

(i) As such, the Request must have been a request pursuant to Art 8(1) on the basis that the Minister was not satisfied that the

Extradition Request was accompanied by evidence sufficient to establish a *prima facie* case or sufficient evidence of the offence.

(j) The Request was made and the Supplementary Affidavit was provided only *after* the Minister had issued the Minister's Notice on 18 March 2025. Accordingly, the Minister was not satisfied that the Extradition Request was accompanied by evidence sufficient to establish a *prima facie* case or sufficient evidence of the offence as at the date when he issued the Minister's Notice.

70 The respondent argues that the applicant's argument is misconceived as the Minister was satisfied that there was a *prima facie* case against the applicant, notwithstanding there being no requirement under Art 3 of the Treaty that the Minister be satisfied of a *prima facie* case prior to issuing a notice.

71 Preliminarily, the applicant's argument must fail because neither Art 3(1) nor Art 6(3) of the Treaty requires that the Minister be satisfied that there was a *prima facie* case against the applicant before issuing the Minister's Notice. Article 3 of the Treaty only requires a *prima facie* case to be demonstrated before the applicant is extradited.[43] Further, it is the task of the Magistrate hearing the committal hearing, not the task of the Minister, to decide whether a *prima facie* case is made out under s 16(8)(*b*)(i) of the EA.[44]

72 The respondent also contends that in any event, the evidence adduced by the applicant does not demonstrate that the Minister was not satisfied that there was a *prima facie* case when he issued the Minister's Notice. The

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43 RWS at para 45.

44 RWS at para 45.

circumstances relied on by the applicant are equally consistent with the State requesting further evidence from the Indonesian authorities to bolster an already adequate case, out of an abundance of caution. In particular, the Indonesian media report cited by the applicant states as much in reporting that the State had requested a sworn statement from the ROI to "*strengthen* the prosecution in Singapore" [emphasis added].[45] The State's reliance on the Supplementary Affidavit is at best equivocal as that affidavit was just one of many pieces of evidence relied on by the State at the committal hearing. In the premises, the evidence relied on by the applicant does not support his suspicion that the State made an Art 8 request. Moreover, the State has confirmed at the committal hearing that the Supplementary Affidavit was not requested under Art 8 of the Treaty. The AGC has also confirmed this on affidavit.[46]

73 The applicant's argument in Ground 4 is premised on its contention that Art 6(3) of the Treaty requires an extradition request to be accompanied by evidence sufficient to establish either a *prima facie* case or sufficient evidence of the offence. However, I find that the applicant has not produced sufficient support for his interpretation of Art 6(3) of the Treaty.

74 Article 6(3) of the Treaty reads as follows:

> If the [extradition request] relates to a fugitive who is an accused person, it shall, in addition to the information required in paragraph (2) of this Article, be accompanied by a warrant of arrest issued by a judge, magistrate or competent authority of the Requesting Party or an authenticated copy thereof, and sworn statements of witnesses concerning their knowledge of the offence, and by such other evidence *as would satisfy the requirements of Article 3 of this Treaty*. [emphasis added]

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45 AWS at para 62; PT at pp 194–199.

46 RWS at para 46.

75 There are two possible interpretations of the phrase "satisfy the requirements of Article 3":

(a) First, it could be interpreted as requiring that the documents accompanying an extradition request must include evidence that establishes either a *prima facie* case or constitutes sufficient evidence of the offence. This is the interpretation adopted by the applicant.

(b) Second, it could be interpreted as requiring the Requesting State to provide evidence of the type that would be *relevant* to meeting the requirements of Art 3 of the Treaty before the Magistrate determines if a *prima facie* case is made out in the subsequent committal proceedings pursuant to s 16(8)(*b*)(i) of the EA – *ie*, a procedural requirement for what evidence should accompany an extradition request.

76 In my view, it is clear that the latter interpretation should be preferred when the purpose of Art 6 is taken into account. Article 6 of the Treaty sets out the requirements for a request for extradition, the *starting point* of any extradition proceedings. As the respondent has noted (in relation to a separate point), it would be against the interests of both Singapore and the ROI to bog down extradition proceedings at their inception with elaborate inquiries,[47] such as the question of whether the basis for extradition exists on the facts. Indeed, with regard to Singapore, the determination of whether there is a *prima facie* case or sufficient evidence of the offence is explicitly left to be determined by a Magistrate at a later stage of the proceedings (see s 16(8)(*b*)(i) of the EA).

77 In any case, the respondent has provided evidence on affidavit that first, the Minister did not made an Art 8 request and second, that the Minister did

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47 Respondent's Further Submissions ("RFS") dated 6 February 2026 at para 14(d).

indeed consider that there was sufficient evidence for a Magistrate to find that there is a *prima facie* case that would justify a trial of the applicant if the offence had taken place in Singapore.[48] The respondent has also clarified on affidavit that the Request was made by the AGC and not the Minister[49] on 20 March 2025, *after* the Minister had issued the Minister's Notice, and that the Request was made out of the abundance of caution to give the committal court a fuller picture of the facts.[50] I see no reason to doubt this evidence. I disagree with the applicant's contention that the mere fact that the Request was made and that an online media article stated that a KPK spokesperson was quoted saying that "there are things needed to strengthen the prosecution in Singapore", demonstrates that the evidence accompanying the Extradition Request did not establish a *prima facie* case or sufficient evidence of the offence. As the respondent notes, the Request could simply have been made to bolster an already adequate case, out of an abundance of caution.

78 For the above reasons, I am of the view that the applicant has not established a *prima facie* case of reasonable suspicion that the Minister's decision to issue the Minister's Notice was illegal on the basis that the Minister was not satisfied that the Extradition Request was accompanied by evidence sufficient to establish a *prima facie* case or sufficient evidence of the offence at the date when he issued the Minister's Notice.

Ground 5

79 The applicant argues that the Minister relied on unsworn and unsigned evidence in breach of Art 6(3) of the Treaty. This is as, according to the

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48 Affidavit of Neo Eng Hong ("NEH") dated 22 October 2025 at paras 22 and 23.

49 NEH at paras 22 and 23; MFMF at para 23.

50 MFMK at p 2069.

applicant, Art 6(3) "requires sworn statements that meet evidentiary standards".[51] However, the Extradition Request includes "statements" (*ie*, interrogation minutes) attributed to one witness Yosep Sumartono ("Mr Sumartono"), which are not sworn, as Mr Sumartono has passed away.[52] The applicant also contends that the other witness statements (being interrogation minutes) submitted in support of the Extradition Request contain the following defects:[53]

(a) retrospective swearing;

(b) missing signatures; and

(c) uncertainty whether statements are properly sworn.

The applicant also complains that it is unclear what weight was given to each statement or which pieces of evidence formed the basis of the Minister's decision to issue the Minister's Notice.[54]

80 The respondent argues that the Extradition Request was, in fact, accompanied by sworn statements, namely, two affidavits by KPK investigators. These affidavits set out the relevant facts and evidence in connection with the offence which the applicant is accused of, and are the witness statements submitted by the ROI in support of the Extradition Request. The statements which the applicant takes issue with are minutes of interrogation which are *exhibited* in the abovementioned affidavits. In any case, unsigned or

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51 AWS at para 69.

52 AWS at para 70.

53 AWS at para 71.

54 AWS at para 72.

unsworn interrogation minutes still constitute "such other evidence as would satisfy the requirements of Article 3".[55]

81 I agree with the respondent that the witness statements from the KPK investigators were sufficient to satisfy the requirements under Art 6(3). Article 6(3) requires that a request for extradition be accompanied by "sworn statements of witnesses concerning their knowledge of the alleged offence … as would satisfy the requirements of Article 3". This requires that the Requesting Party provide witness statements that would go towards demonstrating a *prima facie* case against the fugitive, or demonstrating that there is sufficient evidence of the offence. It does not require that the Requesting Party provide statements of all potential witnesses.

82 In this case, the ROI has provided statements from KPK investigators concerning their knowledge of the alleged offence which arises from, amongst other things, their interrogation of other parties, which the applicant accepts have been sworn. These sworn statements from the investigating officers, who have direct knowledge of the investigation and the evidence gathered, are precisely the type of witness statements contemplated by Art 6(3). The fact that the exhibits appended to those statements, such as interrogation minutes, may be unsigned does not invalidate these officer statements, which themselves would constitute admissible evidence of what transpired during the interrogations and the information obtained therefrom. As the Minister was entitled to rely on the sworn statements from the KPK officers, including the evidence therein, the applicant's complaint that it is unclear what weight was placed on this evidence also falls away.

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[55] RWS at paras 51–53.

Ground 7

83 Finally, the applicant argues that the Minister's issuance of the Notice is unlawful as he erred in his determination of whether, having regard to the passage of time since the offence was alleged to have been committed, it would be unjust, oppressive or too severe a punishment to surrender the applicant pursuant to s 10(2) of the EA. In this regard, the applicant argues that:[56]

(a) the Minister was obliged to seek representations from the applicant before assessing the impact of the passage of time;

(b) the Minister failed to give reasons for his decision to issue the Minister's Notice;

(c) the Minister had breached his duty of candour;

(d) the Minister took into account an irrelevant consideration, namely, whether the prosecution was time-barred in Indonesia; and

(e) the Minister failed to take into account certain relevant considerations.

(1) Whether the Minister was obliged to seek representations from the applicant

84 The applicant contends that the Minister is obliged, as a matter of natural justice and the right to be heard, to seek and consider representations from the applicant before making his assessment regarding the impact of the passage of time. The applicant relies on the case of *R v Secretary of State for the Home Department, ex parte Doody* [1994] 1 AC 531 ("*Doody*"), where the House of

[56] AWS at paras 75–79.

Lords found that the Secretary of State was required to afford a prisoner serving a mandatory life sentence the opportunity to submit in writing representations before the Secretary of State determined the minimum period of imprisonment that they would have to serve before they would be considered for release. The applicant argues that the principle in *Doody* ought to apply to the present case given the impact of the Minister's assessment on the applicant's personal liability. This is evinced by the case of *R v SSHD ex parte Harshad Patel* [1993] Admin LR 56 ("*Harshad Patel*").[57]

85 The respondent, in turn, argues that there is no requirement for the Minister to invite representations before issuing a s 11(2) notice. It relies on the cases of *R v Secretary of State for the Home Department, Ex parte Norgren* [2000] 3 WLR 181 ("*Norgren*"), as well as the case of *Warner v Attorney General of Trinidad and Tobago* [2022] UKPC 43 ("*Warner*"), which it argues are analogous to the present case.[58] The applicant's reliance on *Doody* and *Harshad Patel* does not support his position that the Minister was required to invite representations.[59]

86 In my view, the applicant has not established a *prima facie* case of reasonable suspicion that the Minister was obliged to seek and consider representations from the applicant before deciding whether to issue the Minister's Notice.

87 I first address the case of *Harshad Patel*, which the applicant contends is an example of the English courts requiring that extradition subjects be

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57 AWS at paras 82–83; Applicant's Supplementary Submissions ("ASS") dated 6 February 2026 at paras 29–30.

58 RFS at paras 13–14.

59 RFS at para 15.

permitted to make representations on their extradition.[60] *Harshad Patel* concerned an extradition request from the United States in respect of the applicant, who was alleged to have committed serious offences of dishonesty in the course of his employment between 1981 and 1983. The applicant in *Harshad Patel* applied for, amongst other things, judicial review of the Minister of State's determination that extradition would not be unjust or oppressive under s 12 of the UK Extradition Act 1989 on the ground of *Wednesbury* unreasonableness: *Harshad Patel* at 64G. In particular, the applicant highlights Henry LJ's preliminary observation that the Minister "had before him and had read the careful and full representations made on the applicant's behalf by his legal advisers": *Harshad Patel* at 65A.

88 In my view, *Harshad Patel* is of no assistance to the applicant. I reproduce the relevant sections of Henry LJ's judgment below (*Harshad Patel* at 64G–65C):

> We come next to the application for judicial review. It is common ground between the parties that to succeed the applicant will have to satisfy the court that there are *Wednesbury* grounds for quashing the minister's order.
>
> Certain preliminary matters appear. First, the Minister took the decision because of the absence abroad of the Secretary of State. Second, he had before him and had read the careful and full representations made on the applicant's behalf by his legal advisers as well as a transcript of the judgment of the Divisional Court in the first *habeas corpus* application. Third, he made his reasons known to a Higher Executive Officer (Mr Smith) in the Extradition Unit in a 35-minute meeting culminating in the signing of the challenged order, as set out in Mr Smith's affidavit.
>
> Fourth, the minister had identified lapse of time since the offences were committed, and the good faith of the American Accusation as being the 2 principal issues. We deal with the latter first to get it out of the way…

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60 AWS at para 83.

As the respondent notes, there is no suggestion in *Harshad Patel* that the Minister of State had a duty to invite representations.[61] In making his observation above, Henry LJ was simply setting out relevant context to the Minister of State's decision before he began his analysis of whether there were *Wednesbury* grounds for quashing said decision.

89 I then turn to the case of *Doody*. In *Doody*, the four applicants had each been sentenced to mandatory life imprisonment after being convicted of murder. Pursuant to s 61 of the Criminal Justice Act 1967, the Secretary of State was empowered to release on license a person serving a sentence of life imprisonment after consultation of the Chief Justice and the trial judge. The four applicants applied for judicial review of the Secretary of State's decisions regarding their release dates. One issue that arose before the House of Lords in *Doody* was whether a prisoner serving a life sentence was entitled to make written representations before the Secretary of State made his decision on when or whether he could be released on license. The House of Lords found that it was undoubted, and parties were agreed, that a prisoner had such a right, and "the only issue [was] whether the court should make a declaration to this effect" given that the point was never in dispute: *Doody* at 562H–563C.

90 The applicant argues that *Doody* stands for the principle that fairness requires that a party should have the opportunity to make representations where their personal liberty is at stake. Since the Minister's decision to issue the Minister's Notice similarly threatens the applicant's personal liberty, the applicant contends that the same procedural safeguards should apply.

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61 RFS at para 18.

91 In my view, *Doody* is also of little assistance to the applicant. Since the prisoners' right to make representations was undisputed, the House of Lords in *Doody* had no occasion to elaborate on the basis for this right. The absence of detailed reasoning renders meaningful comparison with the present case difficult.

92 In any case, I agree with the respondent that the circumstances of *Doody* are distinguishable from those of the present case. The requirements of natural justice are not set in stone. What fairness demands in a particular situation depends on (a) the character of the decision-making body; (b) the kind of decision it has to make; and (c) the applicable statutory or other relevant framework: *Subbiah Pillai v Wong Meng Meng* [2001] 2 SLR(R) 556 ("*Subbiah Pillai*") at [32].

93 As I have explained above at [89], *Doody* involved a final decision on the duration of the sentence that the applicants would serve. The Secretary of State in *Doody* was thereby, in a real sense, determining the applicants' punishment. On the other hand, as the respondent rightly notes,[62] the Minister's decision to issue a notice under s 11 of the EA is a preliminary step whereby the Minister decides whether a request for extradition should result in the apprehension of a fugitive and commencement of extradition proceedings. It does not in itself result in any determination of whether the fugitive should be committed or extradited. This is, to my mind, an important distinguishing factor, which the applicant's arguments do not address. As noted by the Court of Appeal in *Subbiah Pillai* at [57]–[58]:

> 57 …[I]t is clear that a body, whose function is only to inquire into the facts to determine if a complaint/matter under inquiry should proceed further, stands apart from those whose

[62] RFS at para 14(c).

> function is to determine whether misconduct has been committed and/or to determine the punishment. We also recognise that the exact task of a body within each category may differ, depending on the applicable rules or regulations. *But what is clear is that the requirements of natural justice in relation to a body which falls under the first category are certainly less stringent than the second.*
>
> 58 The procedure adopted in a court of law or arbitral tribunal undoubtedly is of the highest standard in as far as the requirements of natural justice are concerned because at the end of that process the parties' rights will be determined or affected. Such a procedure, perhaps with slight modification, has been applied to formal disciplinary tribunals and it is often set out in the applicable statutory or domestic rules. It is always tempting to argue that such a standard should be applied universally to all bodies, as that would ensure that justice is done at every stage, whatever is involved at that stage. *But as the cases indicate, what must be observed at every stage is fairness. And what is fair must depend on what the object of the process is at that stage.* If it is only for the purpose of sifting frivolous complaints and only to determine whether a complaint has any merit to go forth then we do not think fairness demands that the vigorous regime applicable to trials should apply. It should not be an elaborate process like trial. It should be informal. *Otherwise, it would unduly burden a process which would not be warranted. It would be a waste of human and financial resources to have two full-blown hearings. It is a question of proportionality and practicality.* …
>
> [emphasis added]

94 Further, in support of its contention that there is no duty for the Minister to invite submissions from fugitives who are the subject of extradition requests before issuing an s 11 notice, the respondent raised the case of *Norgren*, which involved an application for judicial review of the Secretary of State's decision to issue an order to proceed (the UK equivalent of the notice under s 11 of the EA). The applicant complained that the Secretary of State was guilty of procedural impropriety and unfairness by denying him the opportunity to make further representations before issuing the order to proceed. The English courts found that the Secretary of State was not guilty of procedural unfairness in acting as he did as (*Norgren* at 187B–187F):

(a) the statutory scheme made no provision for representations to be made before an order to proceed was issued;

(b) it was generally undesirable to have prolonged representations and counter-representations at this stage;

(c) it was not standard practice in the domestic context to warn a person of his impending arrest, and in the case of an extradition, such notice would give the fugitive an opportunity to abscond, defeating the point of the extradition regime; and

(d) the Secretary of State had not led the applicant or his solicitors to think that an opportunity to make further representations would be granted.

The decision in *Norgren* was recently endorsed by the Privy Council in *Warner*: at [87], [90]–[93].[63]

95 I agree with the respondent that the considerations in *Norgren* would apply with equal force to the present case.

(a) Much like the UK Extradition Act, the EA does not provide for the Minister to invite or receive representations before issuing an s 11(1) notice.[64] Nor did the Minister lead the applicant or his solicitors to believe that an opportunity to make representations would be granted.[65] Therefore, as was the case in *Norgren* (at 187E), there is no reason for

63 RFS at para 13.

64 RFS at para 14(a).

65 RFS at para 14(e).

the applicant to have expected that he should have the right to make representations to the Minister.

(b) More pertinently, to impose a duty on the Minister to seek representations before issuing an s 11 notice would, in effect, require him to warn fugitives of their impending arrest and afford them the opportunity to abscond: *Norgren* at 187E. While, in the present case, the applicant was under provisional arrest at the time the Minister's Notice was issued and there was thereby no risk of him absconding, there is nothing in the EA or the Treaty to suggest that the requirements of fairness for issuing a notice under s 11(1) should vary depending on what preliminary steps were taken in support of the extradition: *Warner* at [92].[66]

96 For the above reasons, the applicant has failed to establish an arguable case of reasonable suspicion that the Minister was under a duty to seek representations from the applicant.

(2) Whether the Minister was under a duty to give reasons for his decision

97 The applicant argues that the Minister was legally required to record "adequate reasons for concluding that the statutory passage-of-time bar did not apply", given that a decision to issue a notice under s 11(1) directly impacts a fugitive's personal liberty. The applicant relies on the case of *Manjit Singh s/o Kirpal Singh and another v Attorney-General* [2013] 2 SLR 844 ("*Manjit Singh*"), where the Court of Appeal observed that while there was no general duty to give reasons for administrative decisions, there may be an exception where the decision involved matters of special importance such as personal

[66] RFS at para 14(b).

liberty: at [85].[67] The applicant also cites the case of *Harshad Patel* as an example of an instance in which the minister in question was obliged to provide reasons why he found that the passage of time bar defence was not made out.[68]

98 The respondent, in turn, argues that the decision of the Minister to issue the Minister's Notice did not, in fact, involve matters of personal liberty – it is not the Minister's Notice but the committal hearing which decides if the applicant should be committed to prison to await the warrant for his surrender. Moreover, before being extradited, the applicant will have had further opportunities to present his case.[69]

99 I agree with the respondent.

100 As noted in *Manjit Singh* (at [85]), the starting position is that there is no general duty to give reasons for administrative decisions. While exceptions may be made to this rule where, for instance, the decision involves matters of special importance such as personal liberty, this does not apply to all decisions resulting in the deprivation of personal liberty – the existence of a duty to record reasons in necessarily fact-specific. For example, in the case of *Effrizan Kamisran v Public Prosecutor* [2020] 5 SLR 747 ("*Effrizan*"), the High Court found that in general, there was no need to give reasons in respect of the decision of the director of the Central Narcotics Bureau to order that a drug user is admitted to a drug rehabilitation centre ("DRC") in lieu of prosecution. In particular, the High Court found that notwithstanding the loss of liberty that results from confinement in a DRC it was satisfied that the personal liberty

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67 ASS at para 33.

68 AWS at paras 86–88.

69 RFS at para 21.

exception in *Manjit Singh* did not apply as a general rule in the context of the case as the confinement was for rehabilitation rather than punishment. In this regard, it was important to consider not only the fact of confinement but also the reason for it: *Effrizan* at [50]. Finally, I reiterate the Court of Appeal's observations in *Subbiah Pillai* (at [57]) that the requirements of natural justice in relation to a body whose function is only to inquire into the facts to determine if a matter should proceed further are less stringent than those in relation to a body whose function is to determine whether misconduct has been committed and/or the punishment.

101 In the present case, the Minister's decision to issue an s 11 notice does not directly result in a fugitive's loss of liberty. Where there is no provisional warrant for the apprehension of the fugitive in place, the s 11 notice authorises a Magistrate to issue a warrant for the apprehension of the fugitive. The Magistrate must then conduct his own assessment of whether to issue a warrant pursuant to s 12(1) of the EA. Where there is a provisional warrant in place, the issuance of an s 11 notice simply means that the fugitive's imprisonment will continue until a Magistrate decides whether the fugitive should be committed to prison to await the warrant for surrender. Further, as noted above (at [93]), the issuance of an s 11 notice is only a preliminary step in the extradition proceedings. Whether or not the applicant should be committed to prison is left to be determined by a Magistrate at a later date. Accordingly, I am of the view that the personal liberty exception in *Manjit Singh* should not apply in the present case.

102 In so far as the applicant relies on the case of *Harshad Patel*, I do not think that *Harshad Patel* stands for the proposition that there is a general duty for a Minister to give reasons in his assessment of the passage of time bar in extradition proceedings. It is important to note that the basis of the challenge

was not with the Minister's failure to provide reasons. Rather, the issue in that case was whether the Minister's decision to return the applicant to the United States for trial reached the standard of *Wednesbury* unreasonableness: *Harshad Patel* at 57B–C, 64G–H and 72E. Henry LJ's criticisms of the Minister's reasons should therefore not be read to set out any general duty to give reasons.

(3) Whether the Minister breached his duty of candour

103 The applicant argues that the Minister failed in his public law duty of candour by failing to explain his decision on whether the passage of time since the offence was alleged to have been committed rendered it unjust, oppressive or too severe a punishment to surrender the applicant. The applicant submits that there is no meaningful explanation of the Minister's reasoning in the proceedings.

104 In the first affidavit of Mr Neo Eng Hong ("Mr Neo"), who staffed the Minister in processing the Extradition Request, all that is said is that the time bar factor was considered, and that "it is relevant to note" that the prosecution of the offence is not time-barred in Indonesia. In Mr Neo's second affidavit, Mr Neo simply repeats his explanation in his first affidavit, *ie*, that "given the specific nature of [the applicant's] allegation and the fact that [the first affidavit] rebutted it by confirming the exact opposite, there is no reasonable basis to [the applicant's] claim that the Minister failed to comply with the duty of candour".[70]

105 The applicant relies on the case of *National Bank of Anguilla (Private Banking and Trust) Ltd (in administration) and others v Chief Minister of Anguilla and others* [2025] UKPC 14. In that case, the Privy Council considered

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[70] ASS at para 36.

that the court can take account of a lack of candour in deciding whether to grant leave to apply for judicial review, and noted that the court will not permit public bodies to withhold crucial information or documents and then submit to the court that the applicant for judicial review has consequently failed to establish an arguable case.[71]

106 The respondent accepts that, where a public body respondent in judicial review proceedings chooses to file an affidavit, such a respondent bears a duty to provide information relevant to, and necessary for the fair disposal of, the issues as identified from the statement and affidavit supporting the application. However, the respondent argues that as the applicant's complaint is not that the Minister's decision was irrational, but rather that the Minister *did not* take the passage of time factor under s 10(2)(*c*) of the EA into account when issuing the Minister's Notice, it was sufficient for the first affidavit to state that the Minister in fact took into account this factor in making his decision.[72]

107 I agree with the respondent that in assessing whether the Minister has breached his duty of candour, it is important to consider the nature of the allegations against him. In my view, the observations of the English Court of Appeal in *R v Lancashire County Council, ex parte Huddleston* [1986] 2 All ER 941 ("*Huddleston*") at 947a–d are instructive:

> … If, for example, the allegation on which leave is given is that consideration A was not taken into account, the authority's answer may be merely: (i) 'We admit it was not taken into account but it was not relevant' or (ii) 'We did take it into account'.
>
> Depending on the basis of the attack, it may however have to go further. If the applicant's case is that the particular consideration was not taken into account and that, if it had

71 AWS at para 93.

72 RFS at para 25.

> been, no reasonable authority properly directing itself could have refused the application, the authority would almost certainly have to go further and say, "We did take it into account but we also took into account considerations B, C and D which were equally relevant, and having regard to A, B, C and D together, our refusal was not one which no reasonable authority could reach'. …

108 The applicant's original statement filed in support of his application for leave to commence judicial review proceedings stated as follows:[73]

> 52. Pursuant to section 10(1) of the EA, the Minister must not give a notice if he is satisfied that by reason of the passage of time since the offence the Applicant is alleged to have committed and having regard to the circumstances under which the offence the Applicant is alleged to have committed has taken place, it would be unjust, oppressive or too severe a punishment to surrender the Applicant. The Minister *erred in not taking this factor into account when issuing the S 11(1)(b) Notice*. [emphasis added]

109 As such, initially, the applicant's complaint was that the Minister had completely failed to take into account the factor of the passage of time under s 10(1) of the EA. Given this, I agree with the respondent's argument that it is reasonable for the first affidavit of Mr Neo to simply state that the Minister in fact took into account this factor in making his decision in response to the applicant's complaint.

110 The applicant's complaint, however, is not limited to the first affidavit of Mr Neo. The applicant also argues that the second affidavit, which was filed after the applicant amended his statement to include the ground that "the Minister failed to take into account relevant considerations and / or took into account irrelevant considerations", must include a meaningful explanation of the Minister's reasoning in order to sufficiently address this contention.

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[73] Applicant's O 24 r 5 Statement at para 52.

However, I am satisfied that Mr Neo's second affidavit in fact provides a sufficient explanation of the Minister's reasoning. I reproduce the relevant paragraphs below:[74]

> 22. First, Tannos claims that the Minister limited his assessment under section 10(2)(c) of the EA to whether the prosecution of the Indonesian Offence was time-barred in Indonesia. This claim is misconceived. The Minister did not limit his assessment under section 10(2)(c) of the EA to whether the prosecution of the Indonesian Offence was time-barred in Indonesia. Instead, the Minister considered all the facts and information available to him when making his assessment under section 10(2)(c) of the EA, including the fact that there were still a few years to go before the limitation period to prosecute Tannos in Indonesia would expire. Based on the facts and information available to the Minister, there was no basis for considering that the passage of time would make Tannos' surrender unjust, oppressive, or too severe a punishment.
>
> 23. Instead, the following (non-exhaustive) facts available to the Minister when making the assessment under section 10(2)(c) of the EA indicate just the opposite:
>
> > (a) Tannos' extradition was being sought for a serious offence in connection with his role in wide-ranging corruption which caused significant losses to the Indonesian government.
> >
> > (b) Indonesia did not delay in seeking Tannos' extradition for the Indonesian Offence. Extradition between Singapore and Indonesia was not legally possible until the Treaty came into force in March 2024. Singapore received the provisional arrest request in relation to Tannos from Indonesia within the year, in December 2024.

111 The above paragraphs explain that the Minister took into account "all the facts and information available to him", and these included: (a) the fact that there were still a few years to go before the limitation period to prosecute Tannos in Indonesia would expire; (b) the fact that Tannos' extradition was sought for a serious offence; and (c) the fact that the ROI did not delay seeking

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74 2nd Affidavit of Neo Eng Hong dated 14 January 2026 at paras 22–23.

Tannos' extradition for the Indonesian offence. Given this, the applicant's argument that the respondent has failed to provide a meaningful explanation of the Minister's reasoning is meritless.

(4) Whether the limitation period to prosecute Tannos in Indonesia was an irrelevant consideration

112 The applicant argues that the Minister erred in considering whether the prosecution in Indonesia was time-barred as this would also already have been considered at s 8(6) of the EA. Further, the Minister erred in "*confining* [his] analysis [under s 10(2)(c)] of the EA to foreign time-bar considerations" [emphasis added].[75]

113 The respondent argues that the fact that the limitation period for criminal prosecution would be considered under s 8(6) of the EA does not mean the Minister could not also take the same into account when conducting his assessment under s 10(2)(*c*) of the EA. The fact that the time period for the applicant's prosecution had yet to expire is relevant to the Minister's assessment under s 10(2)(*c*) in at least two ways:[76]

(a) In considering the effect of the passage of time since the alleged offence, the court should have regard to whatever safeguards may exist in the domestic law of the requesting state. The limitation period for criminal prosecution is one such safeguard.

(b) Another relevant consideration is whether the applicant was lulled into a false sense of security. Given that the applicant's prosecution would only be time-barred in 2029, he cannot have

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75 ASS at para 38; AWS at paras 99,

76 RFS at paras 31–34.

considered that he was no longer at risk of being prosecuted for the offence.

114 I disagree with the applicant. First, pursuant to Mr Neo's explanation above at [110], it is clear that the Minister had not *only* considered whether the prosecution in Indonesia was time-barred in finding that it would not be unjust, oppressive, or too severe a punishment to surrender the applicant given the passage of time since the offence is alleged to have been committed. Second, in my view, the limitation period to prosecute the applicant is not an irrelevant consideration. I accept the respondent's explanation that the amount of time remaining before the prosecution is time-barred is a relevant factor in considering whether the applicant was lulled into a false sense of security due to the passage of time since the commission of the alleged offence.[77]

(5) Whether the Minister erred in failing to consider certain specific factors

115 Finally, the applicant argues that the Minister erred by failing to consider the following factors:[78]

(a) The applicant is accused of paying three bribes to a Mr Sugiharto. Mr Yosep Sumartono ("Mr Sumartono") was allegedly tasked by Mr Sugiharto to receive the monies each time. However, Mr Sumartono has since passed away. In the absence of his testimony, the Minister "had no way of being satisfied there was any evidence establishing the [applicant's] role in payment of the alleged bribes".

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77 RFS at para 33.

78 AWS at paras 114–118.

(b) Neither Mr Sumartono nor Mr Sugiharto had ever met the applicant's former wife, Ms Lina Rawung, prior to the alleged bribes taking place.

(c) It is "very difficult" for the applicant to rebut the allegations against him as many of the documents, such as invoices and bank records, would have been kept in hard copy and it would not be easy for the applicant to retrieve those documents.

116 The respondent argues as follows:[79]

(a) The Minister was aware that Mr Sumartono has passed away. However, this factor alone did not indicate to the Minister that it would be unjust or oppressive to surrender the applicant. The applicant's claim that in the absence of Mr Sumartono's testimony, the Minister could not be satisfied that there was evidence establishing the applicant's role in the payment of the alleged bribes is misconceived as (a) Mr Sumartono's evidence (in his interrogation statements) may be relied upon despite his passing and (b) Mr Sumartono's testimony is not the only available evidence establishing the applicant's role in the alleged bribes.

(b) The fact that neither Mr Sugiharto nor Mr Sumartono met the applicant's former wife prior to the alleged bribes taking place is irrelevant. In any case, it is not a factor which flows from or is connected with the passage of time.

(c) The Minister had not considered the alleged fact that it is difficult for the applicant to run his defence as he will not be easily able to

[79] RFS at paras 40–42.

> retrieve the relevant invoices and bank documents as they would have been kept in hard copy. However, this was as the applicant failed to make these alleged concerns known to the Minister prior to his issuance of the Minister's Notice. In any case, the applicant does not allege that he cannot retrieve relevant documents due to the passage of time, only that he cannot do so easily. Hardship alone is not sufficient to show that it would be unjust to extradite a person.

The respondent also argues that as it has been confirmed that, having considered the facts raised afresh, the Minister would still come to the view that s 10(2)(*c*) of the EA does not apply, any failure to consider those facts at the outset cannot justify the grant of OA 961. Relief should not be ordered if the new facts would make no difference, as it would be a pointless exercise to send the matter back for fresh consideration.[80]

117 In my view, the applicant has failed to establish an arguable case of reasonable suspicion that the Minister erred by failing to consider the three factors raised.

118 The Minister had sufficient reason to disregard the death of Mr Sumartono as affecting his present decision to allow extradition. As the respondent notes, there is other available evidence to establish the applicant's role in the alleged bribes. For example, appended to the sworn statements from the investigating officers were signed interrogation minutes from Mr Sugiharto, who admitted to having directly communicated with the applicant regarding multiple bribes from the applicant, and to receiving those bribes.[81] The

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80 RFS at para 43.

81 MFMK at pp 1311–1315.

statements also included interrogation minutes from Mr Andi Agustinus ("Mr Agustinus"), who acted as the liaison between the PNRI Consortium and certain Indonesian government officials. In these statements, Mr Agustinus admitted that the representatives of the PNRI Consortium had agreed to provide bribes to ensure that the tender for the e-KTP Project would be awarded to them, and that the representatives (including the applicant) had indeed paid such bribes after the e-KTP Project was awarded to the PNRI Consortium.[82]

119 The Minister could reasonably have concluded from the above that there was sufficient evidence to justify a prosecution despite Mr Sumartono's unavailability as a witness, and accordingly, that Mr Sumartono's death would not render the applicant's extradition unjust or oppressive – it would be odd for the death of one witness amongst several to derail the entire prosecution of an offence.

120 The applicant has also failed to adequately explain how the fact that neither Mr Sumartono nor Mr Sugiharto had met the applicant's former wife prior to the alleged bribes taking place is relevant in any way. In any case, I also agree with the respondent that this factor is unrelated to the passage of time and is therefore irrelevant to the Minister's determination of whether the *passage of time* has rendered the applicant's extradition unjust.

121 I agree with the respondent's observation that the applicant's complaint is that it is merely difficult, and not impossible, for him to retrieve the relevant invoices and bank records that would establish his innocence. In this regard, I note that both parties accept that the essential question underlying the ground that the passage of time has made it unjust to extradite a fugitive is whether, by

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[82] MFMK at pp 759 and 765.

reason of that passage of time, a fair trial is impossible: *Loncar v Croatia* [2015] EWHC 54 at [29(3)] ("*Loncar*").[83] As noted in *Loncar* (at [29(3)]), while prejudice in the conduct of a fugitive's defence at a trial or retrial may be a factor contributing to a conclusion that a return would be oppressive, it would not in and of itself satisfy the injustice criterion.

Relevance of breaches of Art 6 of the Treaty to the legality of the Minister's Notice

122 For completeness, the respondent has also argued that even if the Extradition Request did not comply with Art 6 of the Treaty, this would not affect the legality of the Minister's Notice. According to the respondent, the Treaty is incorporated into Singapore law by way of s 4 of the EA, which provides as follows:

> 4.—(1) Where, after 1 August 1968, an extradition treaty (including an extradition treaty that affects or amends an earlier extradition treaty) comes into force between Singapore and a foreign State —
>
> > (a) if this Act (except for Parts 5 and 6) applies in relation to the foreign State at the time of the coming into force of that treaty — the Minister may by notification in the Gazette direct that this Act (except for Parts 5 and 6) applies in relation to that State after that time subject to such limitations, conditions, exceptions or qualifications as are necessary or desirable to give effect to that treaty and are specified in the notification; or
> >
> > (b) if this Act (except for Parts 5 and 6) does not apply in relation to the foreign State at the time of the coming into force of that treaty — the Minister may by notification in the Gazette direct that this Act (except for Parts 5 and 6) applies in relation to that State after that time and may also provide that it so applies subject to such limitations, conditions, exceptions or qualifications as are necessary or desirable to give effect to that treaty and are specified in the notification.

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[83] AWS at para 111; RFS at para 42.

> (2) The limitations, conditions, exceptions or qualifications referred to in subsection (1) may, in relation to a foreign State, be expressed in the form that this Act (except for Parts 5 and 6) applies in relation to that State subject to the extradition treaty referred to in that subsection.

The respondent argues that the applicant has failed to demonstrate that Art 6 of the Treaty contains elements which would constitute "limitations, conditions, exceptions or qualifications" to the EA that are "necessary or desirable to give effect to [the Treaty]". Nothing in s 11(1)(*b*) of the EA constrains the Minister to issue a notice only if he was satisfied that the extradition request complied with Art 6(3) of the Treaty, and the Treaty does not state that non-compliance with Art 6 would invalidate an extradition request. There is no nexus between s 11(1)(*b*) and Art 6 which would render Art 6 a "limitation, condition, exception or qualification" on s 11(1)(*b*). Making compliance with Art 6 of the Treaty's documentary requirements mandatory at the stage of issuance of a notice under s 11(1)(*b*) of the EA is also not "necessary or desirable" as it would curtail the Minister's discretion to facilitate a request which may not comply in full with Art 6 of the Treaty, regardless of the nature of the non-compliance.[84]

123 The applicant disagrees with the respondent on multiple grounds.

124 The applicant disagrees with the respondent's position that individual provisions of EA must be separately considered to determine the extent to which they are modified by individual provisions of the Treaty. The applicant argues that given that the Minister had chosen to bring the EA into effect in relation to the ROI subject to the Treaty (as opposed to specifying particular provisions in the notification), the EA ought to be read subject to the entirety of the Treaty. According to the applicant, where the Minister chooses to bring the EA into

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[84] RWS at paras 60–67.

effect by stating that the EA applies in relation to a foreign state subject to an extradition treaty between Singapore and that state pursuant to s 4(2) of the EA, the Minister should be taken to have made a determination that subjecting the EA to the entirety of the extradition treaty would be necessary or desirable to give effect to that treaty.[85]

125 In any event, the applicant argues that Art 6 of the Treaty clearly contains elements which would constitute a "limitation, condition, exception or qualification" to the EA, which are necessary or desirable to give effect to the Treaty. There is a clear nexus between s 11(1)(*b*) of the EA and Art 6, through ss 11(2) and 7(1)(*b*) of the EA.[86]

126 In my view, the applicant has failed to establish a *prima facie* case of reasonable suspicion that the EA ought to be read subject to the entirety of the Treaty.

127 Section 4 of the EA sets out how the Minister may bring the EA into force in relation to a foreign state by notification in the Gazette following the coming into force of an extradition treaty between Singapore and that state. Where the Minister wishes to bring the EA into force subject to certain "limitations, conditions, exceptions or qualifications", they must be specified in the notification and will apply insofar as they are "necessary or desirable to give effect to [the] treaty": s 4(1) of the EA.

128 Section 4(2) of the EA then provides that "[t]he limitations, conditions, exceptions or qualifications referred to in subsection (1) may … *be expressed*

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85 Notes of Evidence ("NE") dated 19 February 2026 at p 41 line 22 to p 43 line 5.

86 ASS at paras 49–50.

in the form that [the EA] applies in relation to [the foreign state] subject to the extradition treaty" [emphasis added]. It is thus clear from the plain wording of s 4(2) that it does not create any new category of "limitations, conditions, exceptions or qualifications" from those in s 4(1). Rather, s 4(2) simply provides a shorthand method for the Minister to incorporate treaty terms without having to specify each provision individually in the notification. In other words, where the Minister directs that the EA applies to a foreign state subject to an extradition treaty, this has the same effect as if the Minister had reproduced every provision of the extradition treaty in the notification in accordance with s 4(1).

129 I note that the applicant also relies on statements from Parliamentary debates to support his interpretation of s 4(2) of the EA. However, where the ordinary meaning of the provision is clear, extraneous material can only be used to confirm the ordinary meaning but not to alter it: *Tan Cheng Bock* at [54(c)(iii)(A)].

130 Accordingly, there is no basis for the applicant's contention that a distinction should be drawn between the two methods of expressing limitations under s 4 of the EA. It is clear that both are subject to the same requirement that they be "necessary or desirable to give effect to [the extradition treaty]".

131 Nevertheless, I find that the applicant has established a *prima facie* case of reasonable suspicion that the EA applies in relation to the ROI subject to Art 6 of the Treaty. However, nothing turns on this as the applicant has not shown that the extradition request failed to comply with Art 6 of the Treaty.

132 The respondent argues that the Australian case of *Panesar v Attorney-General (Cth)* [2025] FCA 477 serves as useful guidance for how the court should determine whether any particular provision must by modified by the

Treaty.[87] In *Panesar*, the Federal Court of Australia considered the effect of s 7(3) of the Australian Mutual Assistance in Criminal Matters Act 1987 ("MACMA"), which stated that the MACMA applied "subject to the limitations, conditions, exceptions or qualifications that are necessary to give effect, in relation to that country, to that part of the treaty that relates to the provision of assistance in criminal matters", and found that the determination of the extent to which the MACMA is modified by a treaty involves three steps (at [96]):

> (a) First, it is necessary to construe the text of the MACMA and the provision it is contended is modified by a provision of the treaty.
>
> (b) Second, it is necessary to construe the relevant provision of the treaty.
>
> (c) Third, it is necessary to ascertain the meaning of any limitation, condition, exception or qualification set out in the treaty by the application of ordinary principles of statutory construction. This involves a comparison between the meaning of the applicable provision of the MACMA, on its proper construction in the first step, and the meaning of the applicable provision of the treaty, on its proper construction, in the second step.

133 In this case, the applicant contends that Art 6 of the Treaty operates to modify s 11 of the EA, such that the Minister must not issue an s 11 notice where the extradition request fails to comply with the requirements in Art 6.

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87 RWS at para 63.

134 In my view, there is a clear nexus between s 11 of the EA and Art 6 of the Treaty. As noted above at [49], the Minister's receipt of an extradition request is a mandatory legal precondition to the lawful exercise of his power to issue an s 11 notice. Article 6, in turn, provides that an extradition request "shall" be accompanied by certain supporting documents. Accordingly, it is at least arguable that where an extradition request does not comply with the requirements in Art 6, it would not constitute a valid extradition request for the purposes of s 11.

Conclusion on application for leave to commence judicial review proceedings

135 For the above reasons, I find that the evidence before me did not disclose a *prima facie* case of reasonable suspicion in favour of granting the remedies sought by the applicant. Accordingly, I dismiss the application for leave to commence judicial review proceedings.

Application for order for review of detention

136 The applicant also seeks an order for review of detention under O 24 r 3 of the ROC 2021.

137 For applications under O 24 r 3 of the ROC 2021, a two-stage procedure is envisioned, where the first stage consists of an *ex parte* leave hearing, and the second a full merits hearing involving persons on whom the court directs the application to be served: *Tan Seet Eng v Attorney General* [2016] 1 SLR 779 ("*Tan Seet Eng*") at [21]. At the first stage, the detainee simply needs to establish an arguable case which deserves further consideration. However, O 24 r 3(6) of the ROC 2021 allows for the two-stage procedure to be departed from in appropriate circumstances, such as where there are considerations of urgency at

play: *Tan Seet Eng* at [26]. In such a case, the hearing of the originating application without notice becomes the hearing on the merits: *Hia Soo Gan Benson v Public Prosecutor* [2013] 4 SLR 57 at [44].

138 In any case, what an applicant must show to succeed in an application for order for review of detention is that his detention is unlawful on the grounds of illegality, irrationality or procedural impropriety: *Tan Seet Eng* at [73].

139 The applicant's prayer for review of detention is premised on his contention that (a) the Extradition Request is not valid; and (b) if there was an Art 8 request, it was not fulfilled within a specified reasonable time. Accordingly, pursuant to Art 7(5) of the Treaty, the applicant ought to have been released within 45 days of his provisional arrest and his detention is thereby unlawful.[88]

140 Given my findings above that the applicant has failed to make out a *prima facie* case of reasonable suspicion that, amongst other things, the Extradition Request is not valid, or that there was an Art 8 request, I dismiss the applicant's application for an order for review of detention.

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88 AWS at paras 67–68.

Conclusion

141 For the above reasons, OA 961 is dismissed.

Aidan Xu
Judge of the High Court

Suang Wijaya, Hamza Zafar Malik and Faraaz Amzar Mohamed Farook (Eugene Thuraisingam Asia LLC) for the applicant;
Vincent Leow, Sivakumar Ramasamy, Kenneth Chua Han Yuan, Sarah Siaw Ming Hui and Emily Zhao (Attorney-General's Chambers) for the respondent.