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

[2025] SGHC 242

Magistrate's Appeal No 9023 of 2025/01

Between

Pritam Singh

… *Appellant*

And

Public Prosecutor

… *Respondent*

JUDGMENT

[Criminal Law — Statutory offences — Parliament (Privileges, Immunities and Powers) Act 1962]

TABLE OF CONTENTS

Pritam Singh
v
Public Prosecutor

[2025] SGHC 242

General Division of the High Court — Magistrate's Appeal No 9023 of 2025/01
Steven Chong JCA
4 November 2025

4 December 2025 Judgment reserved.

Steven Chong JCA:

Introduction

1 Ms Raeesah Begum bte Farid Khan ("Ms Khan") told a lie in Parliament on 3 August 2021 as a Member of Parliament ("MP") of the Workers' Party ("WP"). She repeated the lie in Parliament on 4 October 2021. The lie, in essence, was a fabricated anecdote where Ms Khan falsely claimed that she had accompanied a rape victim to make a police report, and that the police officers handling the case had exhibited inappropriate behaviour (referred to below as the "Anecdote" or the "Untruth", as the context requires). The appellant, who had been the Secretary-General of the WP since 2018 and the Leader of the Opposition since 2020, learned on 7 August 2021 that Ms Khan had lied.

2 The Untruth was eventually revealed in Parliament. The revelation precipitated an inquiry by the Committee of Privileges ("COP"). While

Ms Khan's conduct was the subject of the COP proceedings, the appellant appeared before the COP to assist in the investigations by giving evidence. In doing so, he purportedly gave the false answers that are the subject of the two charges he has been convicted of under s 31(*q*) read with s 36(1)(*b*) of the Parliament (Privileges, Immunities and Powers) Act (Cap 217, 2000 Rev Ed) (the "PPIPA"). He appeals his conviction on both charges.

3 This appeal essentially turns on the findings of the District Judge (the "Judge") in relation to two statements allegedly made by the appellant. Each of the statements correspond to the two charges against the appellant:

(a) The first statement, which was the subject of the First Charge, was whether the appellant had told Ms Khan on 8 August 2021 to take the Untruth to the grave (the "Grave Statement"). The Judge found that the appellant did make the Grave Statement.

(b) The second statement, which was the subject of the Second Charge, contained the phrase "I will not judge you" or "I won't judge you" (the "Judgment Statement"). It is common ground that the appellant did say the Judgment Statement to Ms Khan on 3 October 2021, and the dispute at the trial concerned only its proper meaning: was it that the appellant would not judge Ms Khan if she decided to maintain the narrative (*ie*, the Untruth)? Or did the appellant mean, as he so claims, that he would not judge Ms Khan for taking ownership and responsibility for the Untruth (*ie*, to clarify the Untruth if the matter were to be raised in Parliament the next day)? The Judge found that it was the former and rejected the appellant's contention as to the latter.

4 At its core, this appeal turns on the assessment of the evidence by the Judge. To be clear, this appeal is *not* about whether Ms Khan's or the appellant's

version of the events concerning the two statements should be preferred for being more probable: *Jayasekara Arachchilage Hemantha Neranjan Gamini and another v Public Prosecutor* [2011] 3 SLR 689 at [2] and [23], citing *Public Prosecutor v Mohammed Liton Mohammed Syeed Mallik* [2008] 1 SLR(R) 601 ("*Liton*") at [34]–[35]. Instead, the "sacrosanct principle" of proof beyond reasonable doubt undoubtedly applies (*Public Prosecutor v GCK and another matter* [2020] 1 SLR 486 ("*GCK*") at [1]), and the overarching inquiry is whether this burden has been discharged. As will be seen, in addition to Ms Khan's testimony, the Judge carefully evaluated an entire body of evidence, which included contemporaneous WhatsApp messages, the testimony of other witnesses, and the evidence of the appellant's own conduct at the material times. It was the totality of the evidence, rather than merely Ms Khan's evidence, that persuaded the Judge to convict the appellant.

5 At the outset, I observe that the appellant elected not to call as witnesses some of the other leaders of the WP, even though they had attended some material meetings with the appellant. In the trial below, the Prosecution did not invite the Judge to draw an adverse inference from the appellant's choice, and none was drawn by the Judge. As such, I will say no more, save to express that it is curious that the appellant did not avail himself of seemingly available evidence which may have served as corroboration of his account of events.

6 Having considered the parties' submissions and the evidence before the court, I find that the Judge's decision to convict the appellant on both charges is supported by the evidence. While I do not agree with the Judge's assessment of some peripheral aspects of the evidence, that does not ultimately impact the veracity of distinct pieces of evidence, including the appellant's own conduct during the relevant period, which prove the charges beyond a reasonable doubt. Accordingly, I dismiss the appeal.

Background Facts

7 The full facts are set out extensively in the Judge's decision in *Public Prosecutor v Pritam Singh* [2025] SGDC 90 (the "GD"). For the purposes of this appeal, I set out the relevant facts as follows.

The Untruth is told in Parliament

8 On 3 August 2021, Ms Khan told the Untruth while giving a speech in Parliament on the motion "Empowering Women". In this speech, she recounted the Anecdote, *ie*, her experience of accompanying a rape victim to a police station to make a police report and how the conduct of the police officer handling the matter had caused distress to the victim:

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

9 In the same speech, Ms Khan also discussed the issues of polygamy and female genital cutting in relation to the Muslim community (the "Muslim Community Issues").

10 It is undisputed that the Anecdote was untrue. Ms Khan had not, in fact, accompanied a rape victim to make a police report in Singapore. However, this was not known to the appellant (or any other members of the WP) at the time when Ms Khan gave her speech.

The appellant discovers the Untruth

11 On 7 August 2021, Ms Khan told the appellant over a phone call that the Anecdote was untrue. The appellant then hung up the phone.

12 Subsequently, on the same day, Ms Khan had a Zoom call (the "7 August Zoom Meeting") with two WP cadre members, Ms Loh Pei Ying ("Ms Loh") and Mr Yudhisthra Nathan ("Mr Nathan"). At the time, Ms Loh was Ms Khan's secretarial assistant, while Mr Nathan had both a friendly and professional relationship with Ms Khan in which he would advise her on her parliamentary speeches and social media posts. While the contents of the Zoom call are disputed, it appears clear, at least, that during this meeting, Ms Khan had informed Ms Loh and Mr Nathan of the Untruth, and told them that she had come clean to the appellant about the Untruth. It is also relevant to note that the three of them maintained WhatsApp group chats; as will be seen below, the messages therein are material to the present appeal.

8 August Meeting: The appellant allegedly tells Ms Khan to take the Untruth to the grave

13 On the morning of 8 August 2021, the appellant sent WhatsApp messages to Ms Khan and Mr Muhamad Faisal bin Abdul Manap ("Mr Manap"), inviting them to attend a meeting with the appellant and Ms Lim Swee Lian Sylvia ("Ms Lim") to discuss the public's reaction to Ms Khan's remarks on the Muslim Community Issues (*ie*, the 8 August Meeting). At the time, Ms Lim was the Chairperson of the WP, while Mr Manap was the Vice-Chairman of the WP. The meeting was held at the appellant's home around 11am, and lasted approximately one and a half hours. Broadly, I shall refer to Ms Lim, Mr Manap and the appellant as the "WP leaders".

14 The 8 August Meeting is a key event, the contents of which form the subject of the First Charge.

15 At some point during the 8 August Meeting, Ms Khan informed the attendees of the Untruth. She explained that she was a victim of sexual assault and had learned about the contents of the Anecdote through a support group. A key dispute concerns what was said by the appellant following her revelation. The crux of the dispute is as follows:

(a) According to Ms Khan, the appellant said that the Untruth would "probably be something we would have to take to the grave" (*ie*, the Grave Statement). He also asked Ms Khan if her parents knew of her sexual assault, to which Ms Khan answered in the negative. Ms Khan further testified that Ms Lim remarked that "probably the issue wouldn't come up again".

(b) The appellant denies making the Grave Statement. The appellant testified that he asked Ms Khan if her parents knew about the matter, and the conversation proceeded to the Muslim Community Issues with no decision made on what to do about the Untruth. After the meeting ended, as the appellant walked Ms Khan to the gate of his house, he told Ms Khan to speak to her parents before they discussed "that matter" or "the issue" further (or some combination of words to that effect). Nobody was within earshot when he told Ms Khan this.

16 Crucially, after the 8 August Meeting, at 12.41pm, Ms Khan sent Ms Loh and Mr Nathan the following message on WhatsApp, recounting the contents of the meeting (the "12.41pm WhatsApp Message"):

> Hey guys. I just met with pritam, Sylvia and Faisal. And we spoke about the Muslim issues and the police accusation. I told

> them what I told you guys, and they've agreed that the best thing to do is to take the information to the grave.
>
> They also suggested that I write a statement to send out this evening.

As will be seen, this message is a crucial piece of evidence which the Judge relied on in finding that the appellant did in fact make the Grave Statement.

Events between the 8 August Meeting and the 3 October Meeting

17 From 9 August 2021 to 2 October 2021, the appellant did not discuss the Untruth with Ms Khan. Ms Khan was ill with shingles in September 2021 and did not attend the September sitting of Parliament.

18 Three events of note occurred during this period:

(a) On 10 August 2021, the appellant met Ms Loh and Mr Nathan at the Aljunied Town Council headquarters (the "10 August Meeting") to discuss the application of a code of conduct to WP members and volunteers. It is common ground that before Mr Nathan arrived, Ms Loh spoke to the appellant and made reference to Ms Khan's sexual assault by sharing details on sexual assault survivors. The specific contents of this exchange, however, are disputed.

(b) On 18 August 2021 and 21 September 2021, the appellant communicated with Ms Khan on the Muslim Community Issues and provided feedback on Parliamentary questions prepared for the sitting in October 2021.

(c) On 1 October 2021, the appellant sent an e-mail to members of the WP, including Ms Khan, reminding them of the importance of being

able to "back up and defend" statements made in Parliament or risk being hauled up before the COP (the "1 October E-mail").

3 October Meeting: The appellant tells Ms Khan "I will not judge you"

19 On 3 October 2021, the appellant visited Ms Khan at her home (the "3 October Meeting"), a day before the Parliamentary sitting on 4 October 2021. Ms Khan and the appellant had a conversation on (a) the 1 October E-mail and (b) what Ms Khan ought to do regarding the Untruth. As mentioned above at [3(b)], in relation to the latter topic, while it is common ground that the appellant did tell Ms Khan "I will not judge you" (*ie*, the Judgment Statement), Ms Khan and the appellant presented different accounts on the context in which the Judgment Statement was made, and the proper interpretation of this statement.

(a) According to Ms Khan, the appellant told her that if the matter of the Untruth came up in Parliament, he would not judge her for continuing the narrative. Ms Khan understood this to mean that the appellant would not judge her if she continued to maintain the Untruth.

(b) According to the appellant, he told Ms Khan that she would have to take "ownership and responsibility" and followed up by saying "I will not judge you". By those words, the appellant meant that he would not judge Ms Khan if she took ownership and responsibility in relation to the Untruth, and this meant clarifying the Untruth in Parliament.

4 October Parliamentary Sitting: Ms Khan repeats the Untruth

20 Parliament sat the next day (the "4 October Parliamentary Sitting"). Around 12.30pm, the then-Minister for Home Affairs and Law, Mr K Shanmugam ("Minister Shanmugam"), asked Ms Khan for further details on the Anecdote to assist the investigation into the allegations against the

Singapore Police Force ("SPF"). While Minister Shanmugam was speaking, Ms Khan sent the appellant a WhatsApp message at 12.34pm asking: "What should I do Pritam". Ms Khan then responded to Minister Shanmugam by confirming that the Anecdote had taken place, but declined to provide further details on the basis of confidentiality.

21 At 12.45pm, the appellant responded to Ms Khan's WhatsApp message and told her that they would speak after the sitting. Subsequently, around 11.15pm, Ms Khan met the appellant and Ms Lim at the office of the Leader of the Opposition in Parliament.

Preparing to admit to the Untruth: Events between the 4 October and the 1 November Parliamentary Sittings

22 After the 4 October Parliamentary Sitting, a series of events occurred that led to Ms Khan clarifying the Untruth in Parliament on 1 November 2021 (the "1 November Parliamentary Sitting").

23 On 7 October 2021, the SPF sent an e-mail to Ms Khan requesting an interview so that Ms Khan could provide further details about the Anecdote. That same day, Ms Khan forwarded the SPF's e-mail to the appellant, Ms Lim, and Mr Manap, and asked them what they would like her to do (the "7 October E-mail"). Ms Khan's e-mail ended with the following line: "Thank you for listening to me, for caring for me and for guiding me through this without judgement." The appellant, Ms Lim and Mr Manap did not respond to Ms Khan's e-mail. Ms Khan also did not respond to the SPF's request.

24 On 11 October 2021, the appellant and Ms Lim met Mr Low Thia Khiang ("Mr Low") at Mr Low's home (the "11 October Meeting"). Mr Low was the former Secretary-General of the WP from 2001 to 2018. The appellant

and Ms Lim consulted Mr Low on the steps to take in relation to the Untruth – in particular, whether to hold a press conference to clarify the Untruth. The contents of this meeting are largely undisputed. Mr Low testified that during this meeting, he had told Ms Lim and the appellant that Ms Khan should apologise in Parliament if she had told the Untruth.

25 The next day, on 12 October 2021, Ms Khan, Ms Lim and the appellant met at the appellant's home in the afternoon. At this meeting, the appellant and Ms Lim communicated to Ms Khan that she would have to make a statement in Parliament clarifying the Untruth. Later, on the same day, Ms Loh and Mr Nathan met the appellant at the appellant's home to discuss, among other things, the contents of Ms Khan's clarification in Parliament.

26 Thereafter, from 15 October 2021 to 31 October 2021, several drafts of Ms Khan's statement to Parliament were prepared and reviewed by the appellant, Ms Lim, Ms Loh and Mr Nathan. Towards the end of this process, a meeting of the WP's Central Executive Committee ("CEC") was convened by the appellant on 29 October 2021. At this CEC meeting, Ms Khan read out a draft of the statement she was going to make in Parliament.

Clarifying the Untruth: The 1 November Parliamentary Sitting, the WP Disciplinary Panel proceedings and the COP proceedings

27 On 1 November 2021, Ms Khan delivered her personal statement in Parliament. Among other things, she admitted that the Anecdote was untrue and explained that she had only heard the account being recounted at a support group for women. The matter was then referred to the COP.

28 On 2 November 2021, the WP announced on its Facebook page that a Disciplinary Panel ("DP") had been formed to "look into the admissions made

by MP Raeesah Khan in Parliament on 1 Nov 2021" and that the members of the DP would comprise the appellant, Ms Lim and Mr Manap. Ms Khan then attended two sessions before the DP on 8 November 2021 and 29 November 2021. Ms Loh and Mr Nathan also attended before the DP on 25 November 2021 to provide their views. On 30 November 2021, Ms Khan resigned as a member of the WP and as an MP. Ms Khan's resignation was, in any event, accompanied by a resolution by the WP's CEC, passed on the same day following a presentation of the DP's findings and recommendations at a meeting of the CEC, that she would be expelled from the WP if she did not resign.

29 The COP subsequently conducted hearings in December 2021 and called, among other people, Ms Khan, Ms Loh, Mr Nathan, Mr Manap, Ms Lim and the appellant to give evidence. The COP presented its report to Parliament on 10 February 2022.

The Charges

30 The two charges against the appellant were framed as follows:

(a) The First Charge alleged that the appellant had falsely testified before the COP that at the conclusion of the 8 August Meeting, he wanted Ms Khan to clarify the Untruth at some point:

> You, [Pritam Singh]
>
> …
>
> are charged that you, on 10 December 2021 … did wilfully make a false answer to questions material to the subject of inquiry put during examination before the Committee of Privileges, *to wit,* by falsely testifying, including but not limited to the testimony excerpted in the annex hereto, that as at the conclusion of your meeting with Raeesah Begum Bte Farid Khan ("Ms Khan"), Lim Swee Lian Sylvia and Muhamad Faisal bin Abdul Manap on 8 August 2021, you wanted Ms Khan

> to, at some point, clarify in Parliament that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue, and you have thereby committed an offence under section 31(*q)* read with section 36(1)(*b)* of the Parliament (Privileges, Immunities and Powers) Act (Cap 217, 2000 Rev Ed).

(b) The Second Charge alleged that the appellant had falsely testified before the COP that during the 3 October Meeting, he wanted to convey to Ms Khan that she should clarify the Untruth if the issue came up at the 4 October Parliamentary Sitting:

> You, [Pritam Singh]
>
> …
>
> are charged that you, on 10 and 15 December 2021 … did wilfully make a false answer to questions material to the subject of inquiry put during examination before the Committee of Privileges, *to wit,* by falsely testifying, including but not limited to the testimony excerpted in the annex hereto, that when you spoke to Raeesah Begum Bte Farid Khan ("Ms Khan") on 3 October 2021, you wanted to convey to Ms Khan that she had to clarify that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue if this issue came up in Parliament on 4 October 2021, and you have thereby committed an offence under section 31(*q)* read with section 36(1)(*b)* of the Parliament (Privileges, Immunities and Powers) Act (Cap 217, 2000 Rev Ed).

The decision below

31 The Judge convicted the appellant on both charges.

32 In relation to the First Charge, the Judge was satisfied that at the 8 August Meeting, the appellant had made the Grave Statement to Ms Khan. This was based on: (a) the evidence of Ms Khan, the appellant, Ms Loh, Mr Nathan and Mr Low; (b) documentary evidence; and (c) other circumstantial evidence: GD at [293] and [381]. An important finding underlying the Judge's

conclusion was his view that, as at 8 August 2021, the appellant and the other WP leaders did not think that the issue of the Untruth would come up again in Parliament: GD at [299]–[301] and [303]. This belief set the stage for the appellant to make the Grave Statement, and indeed, the following pieces of evidence showed that the appellant had done so.

33 First, Ms Khan's account of the Grave Statement was corroborated by her near-contemporaneous 12.41pm WhatsApp Message to Ms Loh and Mr Nathan: GD at [317]. The Judge placed full weight on this piece of evidence as it was sent "almost immediately" after the 8 August Meeting and there was no reason for Ms Khan to lie to Mr Nathan and Ms Loh: GD at [318]–[319].

34 Second, Ms Khan's account that the appellant had said the Grave Statement at the 8 August Meeting was supported by the evidence of other witnesses. In particular, Ms Loh testified that at the 10 August Meeting, she asked the appellant if the Anecdote would be followed up in Parliament, and the appellant appeared to nod his head, "affirming that it probably would not". Ms Loh's takeaway was that the matter would not come up again, and that they could focus on Ms Khan's future performance in Parliament rather than dealing with the Untruth. This was consistent with Ms Khan's account of the 8 August Meeting: GD at [304].

35 Third, the Judge also relied on the appellant's inactivity after the 8 August Meeting. For around two months from 8 August 2021 until he spoke to Ms Khan at the 3 October Meeting, the appellant took no obvious step to get Ms Khan to reveal the truth: GD at [313]. This was despite him continuing to actively monitor Ms Khan's other parliamentary work during this time: GD at [313(3)]. This was consistent with him having made the Grave Statement as he

was of the view, at and after the 8 August Meeting, that the issue of the Untruth would likely not be raised again: GD at [315].

36 Based on the evidence above, the Judge found Ms Khan's account of the Grave Statement to be clear, consistent, and corroborated: GD at [329]. In contrast, the appellant's claim that he had told Ms Khan to "speak to [her] parents" and that they would talk about "that matter" or "the issue" was uncorroborated and unbelievable: GD at [330]–[380]. There was no documentary evidence supporting the appellant's claim that he had told Ms Khan to speak to her parents, and it was unbelievable that Ms Khan needed to inform her parents that she was a victim of sexual assault *before* the WP could even begin discussing how to deal with Untruth: GD at [345]–[353].

37 Accordingly, the evidence showed that at the conclusion of the 8 August Meeting, the appellant had not wanted Ms Khan to clarify the Untruth in Parliament at some point: GD at [381]. The First Charge was thus established.

38 In relation to the Second Charge, the Judge found that the appellant had told Ms Khan at the 3 October Meeting that he would not judge her if she continued the narrative and did not clarify the Untruth.

39 The Judge noted that Ms Khan's account of the Judgment Statement was corroborated by the evidence of Ms Loh and Mr Nathan, who both gave evidence of their meeting with the appellant on 12 October 2021. Ms Loh and Mr Nathan testified that when they spoke with the appellant at the meeting, the appellant said that he had told Ms Khan that it was up to her whether to come clean in Parliament at the 4 October Parliamentary Sitting, and that he would not judge her regardless of her decision. The Judge also found Mr Nathan's

account to be corroborated by text messages sent between Ms Loh, Mr Nathan and Ms Khan on 23 November 2021: GD at [388]–[393].

40 Furthermore, the records of the DP session on 29 November 2021 showed that the appellant had given Ms Khan a choice at the 3 October 2021 Meeting between clarifying the Untruth at the 4 October Parliamentary Sitting or not. Specifically, during the DP session, the appellant characterised his instructions to Ms Khan during the 3 October Meeting as telling her that "it was [her] call" whether to clarify the Untruth: GD at [399]. The Judge considered that the appellant was unable to explain how these words could be interpreted as a direction for Ms Khan to "take ownership and responsibility" by clarifying the Untruth if it came up: GD at [400]–[404].

41 The Judge also noted that in Ms Khan's 7 October E-mail to the WP leaders concerning the SPF's request for an interview, she had thanked them for their guidance "without judgement", which did not draw any reaction from the appellant. This was more consistent with Ms Khan's account of the Judgment Statement (*ie*, that the appellant would not judge her if she maintained the Untruth) and with her having acted according to the appellant's guidance that it was up to her whether to clarify the Untruth at the 4 October Parliamentary Sitting: GD at [406]–[410].

42 The Judge found that the turning point in the appellant's position, where he shifted from not wanting Ms Khan to clarify the Untruth in Parliament to deciding that she should now do so, was the 11 October Meeting where Mr Low advised the appellant and Ms Lim that Ms Khan had to clarify the Untruth in Parliament irrespective of whether the Government could uncover it: GD at [443]–[457].

43 Finally, and consistent with the fact that the appellant had only wanted Ms Khan to clarify the Untruth after the 11 October Meeting, the Judge further noted that the lack of guidance or assistance from the appellant to Ms Khan on how she should clarify the Untruth before the 4 October Parliamentary Sitting was only consistent with the appellant having given Ms Khan a choice to continue the narrative at the 3 October Meeting: GD at [466]. In this regard, the Judge also rejected one of the appellant's justifications for not making preparations for Ms Khan to clarify the Untruth between 8 August 2021 and 4 October 2021, *viz*, that the appellant was waiting for Ms Khan to inform him that she had spoken to her parents about the sexual assault: GD at [412]–[420]. Furthermore, the appellant's inaction ahead of the 4 October Parliamentary Sitting was striking when juxtaposed against the "extensive preparations" subsequently made for Ms Khan to clarify the Untruth during the 1 November Parliamentary Sitting, which included Ms Khan preparing multiple drafts of her personal statement to be read in Parliament and running them by the appellant: GD at [470]–[477].

44 Consequently, the Judge found that both charges had been proven beyond reasonable doubt. The Judge imposed a fine of $7,000 for each charge, in the aggregate sum of $14,000: GD at [653].

The parties' submissions on appeal

45 The appellant makes three main submissions. First, he appears to contend that the charges are framed in a defective manner. According to the appellant, for a charge under s 31(*q*) of the PPIPA, the Prosecution is required to identify the specific question that was asked of an accused, and the answer to that question must be false. The Prosecution has not done so, and its approach of framing the charges by amalgamating the appellant's responses and

summarising the *gist* of his answers to the COP falls short of what is required by the statute.

46 Second, as regards the First Charge, the appellant submits that he did not make the Grave Statement during the 8 August Meeting, and instead, that the evidence shows that he wanted Ms Khan to clarify the Untruth at some point. To this end, the appellant argues that the Judge erred in relying on Ms Khan's evidence of the appellant making the Grave Statement, which was not corroborated or credible. Specifically, Ms Khan's account of the 8 August Meeting is internally inconsistent, and the Judge had erroneously relied on the 12.41pm WhatsApp Message as corroborative of Ms Khan's account of events. The appellant points to a second message sent two seconds after the 12.41pm WhatsApp Message, which he submits could not have been typed in that span of time.

47 Instead, the appellant asserts that it was Ms Khan, Ms Loh and Mr Nathan who agreed to take Ms Khan's lie to the grave during their 7 August Zoom Meeting, and that Ms Khan's evidence of the 8 August Meeting is not corroborated by Ms Loh or Mr Nathan. The appellant also claims that his failure to follow up with Ms Khan on the Untruth after the 8 August Meeting does not support the First Charge, as it is equally consistent with his position that he wanted Ms Khan to clarify the Untruth at some point. Given the above, the appellant argues that the Judge erred in not applying the standard of "unusually convincing" to Ms Khan's evidence as it is uncorroborated, and that Ms Khan's evidence fails to meet this standard.

48 Third, in relation to the Second Charge, the appellant argues that his conviction is based foundationally on the unreliable evidence of Ms Khan as to the Judgment Statement, which cannot sustain a conviction:

(a) Ms Khan's evidence in respect of the 3 October Meeting is unreliable and the Judge erred in assessing the appellant's application to impeach Ms Khan's credit.

(b) The Judge erred in finding Ms Loh and Mr Nathan to be credible witnesses capable of corroborating Ms Khan's account of the 3 October Meeting.

(c) Mr Low's evidence of the 11 October Meeting between the appellant, Ms Lim and Mr Low does not corroborate Ms Khan's account, as Mr Low's evidence ought to be understood on the premise that the appellant and Ms Lim had already made up their minds before the 11 October Meeting to have Ms Khan clarify the Untruth. The consultation with Mr Low was merely to decide if a press conference ought to be held; in other words, the mode or forum for clarifying the Untruth.

(d) Finally, the Judge erred in relying on the appellant's inaction in guiding or assisting Ms Khan to clarify the Untruth for the 4 October Parliamentary Sitting. There was no need to prepare for Ms Khan to tell the truth at the 4 October Parliamentary Sitting as "all she had to do … was tell the truth". The preparations leading up to the clarification on 1 November 2021 were not a relevant comparator to the appellant's inaction ahead of the 4 October Parliamentary Sitting as the preparations were only made necessary by Ms Khan having doubled down on the Untruth at the 4 October Parliamentary Sitting.

49 The Prosecution's submissions on appeal largely affirm the Judge's decision and reasoning.

The issues to be determined

50 The two main issues to be decided are as follows:

(a) In relation to the First Charge, at the 8 August Meeting, did the appellant want Ms Khan to clarify the Untruth in Parliament at some point, or did he tell her to take the Untruth to the grave (*ie*, the Grave Statement)?

(b) In relation to the Second Charge, at the 3 October Meeting, did the appellant want to convey to Ms Khan that she had to clarify the Untruth in Parliament if the issue came up during the 4 October Parliamentary Sitting, *or* did he want to convey the contrary (*ie*, that there was no need to clarify the Untruth) when he told Ms Khan that he would not judge her if she maintained the Untruth?

51 It is also of importance that I explain why I have focused on the Grave Statement and the Judgment Statement as grounding the First and Second Charges respectively.

(a) For the First Charge, if the appellant did indeed make the Grave Statement during the 8 August Meeting, he could not logically have intended for Ms Khan to clarify the Untruth at some point in the future, as the meaning of the Grave Statement is diametrically opposed to coming clean about the Untruth.

(b) As for the Second Charge, if the proper meaning of the Judgment Statement was that the appellant would not judge Ms Khan if she maintained the Untruth, that too would be logically inconsistent with a positive intention that she clarify it at the 4 October Parliamentary

Sitting, as the appellant would at best be *indifferent* to the need for clarification.

Preliminary issues

52 Before examining the parties' submissions in relation to the two charges, it is useful to address a few preliminary points on the legal approach to be adopted to the assessment of the evidence in this appeal, and the appellant's suggestion that the charges are defectively framed.

The threshold for appellate intervention

53 The applicable principles governing the threshold for appellate intervention with respect to a trial judge's findings of fact are well-settled. It is not the role of an appellate court to retry the matter: *Soh Chee Wen v Public Prosecutor and another appeal* [2025] 2 SLR 176 ("*Soh Chee Wen*") at [1]. Accordingly, where a trial judge's finding of fact hinges on the assessment of the credibility and veracity of witnesses, an appellate court will be slow to interfere unless such findings can be shown to be plainly wrong or against the weight of the evidence: *Soh Chee Wen* at [65], citing *Yap Giau Beng Terence v Public Prosecutor* [1998] 2 SLR(R) 855 at [24]. Conversely, where the finding of fact by the trial judge is based on inferences drawn from the internal consistency (or lack thereof) in the content of the witnesses' testimony or the external consistency between the content of their testimony and the extrinsic evidence, an appellate court is in as good a position as the trial court to assess the veracity of the witness's evidence: *Haliffie bin Mamat v Public Prosecutor and other appeals* [2016] 5 SLR 636 at [31(b)], citing *ADF v Public Prosecutor* [2010] 1 SLR 874 at [16].

54 Ultimately, in cases such as the present where the disputes on appeal are primarily factual, the court's task is to determine whether the trial judge's findings are supported by, or against the weight of, the evidence: *Liton* at [32], citing *Jagatheesan s/o Krishnasamy v Public Prosecutor* [2006] 4 SLR(R) 45 ("*Jagatheesan*") at [38]. This principle must be borne in mind when addressing each of the appellant's arguments below.

The "unusually convincing" standard is not applicable to Ms Khan's evidence

55 The "unusually convincing" standard applies where the uncorroborated testimony of a witness forms the *sole* basis for a conviction. When applied, it serves as a heuristic tool to remind the adjudicator of the anxious scrutiny that must be directed at the sufficiency and overall calibre of the sole witness's testimony: *GCK* at [87]–[91]; *GII v Public Prosecutor* [2025] 3 SLR 578 ("*GII*") at [26]. It follows from the premise behind the standard that the need for such anxious scrutiny is ameliorated where sufficient corroboration of a witness's testimony is found. In this regard, it is settled law that corroborating evidence does not need to be independent evidence implicating the accused in a material particular (*ie*, the standard of corroboration as laid down in *R v Baskerville* [1916] 2 KB 658 at 667), as Singapore law favours a more liberal approach towards corroboration. What is important is the "substance as well as the relevance of the evidence, and whether it is supportive or confirmative of the weak evidence which it is meant to corroborate": *GCK* at [96]; *AOF v Public Prosecutor* [2012] 3 SLR 34 at [173], citing *Liton* at [43].

56 The appellant argues that the "unusually convincing" standard applies as the Judge relied substantially on Ms Khan's testimony in court. I am unable to agree. The Judge's decision to convict the appellant on both charges was based not only on the testimony of Ms Khan, but also contemporaneous

documentary evidence (namely, text messages), the appellant's own conduct during the relevant period and the testimony of other witnesses. In these circumstances, I agree with the Judge's holding that there is no reason to apply the "unusually convincing" standard in this case: GD at [502]. In any event, as I explain below at [107]–[108], nothing really turns on the application or otherwise of the "unusually convincing" standard in the light of all the evidence before me.

57 Moreover, as prefaced at [6] above, while I do not agree with the Judge's assessment on certain peripheral aspects of the evidence, that does not ultimately impact the veracity of distinct pieces of evidence that prove the charges beyond a reasonable doubt. Indeed, the mere fact that an appellate court disagrees with the trial judge's reliance on some pieces of corroborative evidence does not necessarily lead to a reversal of the decision below. This is illustrated by the case of *Goh Han Heng v Public Prosecutor* [2003] 4 SLR(R) 374, where the accused person appealed against his conviction on a charge of outrage of modesty which occurred in a toilet. The trial judge had found that the charge was made out based on the victim's evidence, which was also independently corroborated by the evidence of the victim's girlfriend: at [19]. On appeal, Yong Pung How CJ disagreed with the trial judge on one aspect, and found that the testimony of the victim's girlfriend on the victim's adverse reaction outside the toilet did not corroborate the victim's account. Yong CJ nonetheless upheld the conviction as he was satisfied that the trial judge's findings were not plainly wrong because the victim was a credible witness and the remaining aspects of the girlfriend's testimony independently corroborated the victim's testimony of the offence. The trial judge's error in relying on one aspect of the victim's girlfriend's evidence thus did not render the conviction unsafe: at [27]–[31].

58 Similarly, in *Foong Seow Ngui and others v Public Prosecutor* [1995] 3 SLR(R) 254, the three appellants were convicted of joint possession of controlled drugs for the purpose of trafficking with common intention. In relation to the second appellant, the trial judge held that his failure to disclose certain facts in his cautioned statement corroborated the evidence against him. On appeal, the Court of Appeal found that this was not a justified inference to draw given that there was no such failure to disclose: at [51]. Nevertheless, the Court of Appeal was satisfied that based on the remaining available evidence, the charge against the second appellant was made out: at [49]–[54].

59 As these cases show, even if an appellate court disagrees on the corroborative weight of *some* pieces of evidence, this does not *ipso facto* warrant a reversal of the decision. The appellate court must still assess the soundness of the decision below based on the remaining evidence which is not disturbed on appeal. In this exercise, the appellate court would have to examine the reasons for and the impact of its rejection of some pieces of corroborative evidence, and determine if the remaining evidence suffices to support the decision. In short, the analysis remains the same – whether the evidence accepted by the appellate court has proven the charges beyond a reasonable doubt.

The charges are not defective

60 Section 31(*q*) of the PPIPA provides that no person shall "wilfully make a false answer to any question material to the subject of inquiry" which is put during examination before Parliament or a committee. The plain wording makes clear that the provision was designed to deal with the misconduct of making false answers which are material to an inquiry before the COP.

61 In the trial below, the Prosecution explained that it had framed the charges (set out at [30] above) in a manner that set out the "thrust or gist" of the appellant's answers to the COP in the main text of the charges, and annexed the relevant extracts of the COP minutes of evidence (spanning at least 15 pages for each charge) which form the basis for the charges. However, as the main text of the charges did not contain the full or exact words used by the appellant before the COP, the Judge directed the parties to consider whether there was a need to amend the charges. In sum, the Prosecution submitted that its approach was correct in law, and avoided the unwieldly alternative of including each and every instance of a false answer verbatim in the main text of the charges. In any case, the Prosecution was willing to amend the charges to include within the main text, by way of cross-referencing, the relevant instances from the COP minutes of evidence (currently in the annexures to the charges) which made up the relevant false answer. The Judge ultimately concluded that the charges were not defective and did not need to be amended.

62 On appeal, the appellant submits that the Judge erred in law and repeats his argument that the charges cannot be framed based on an amalgamation of the appellant's answers to the COP. The appellant argues that s 31(*q*) of the PPIPA requires the charge to be based on a *singular* question asked of an accused, to which the corresponding answer is false.

63 I see no basis to adopt such a restrictive interpretation of the provision. To begin with, s 2 of the Interpretation Act 1965 (2020 Rev Ed) states that words in the singular include the plural and *vice versa*. As stated by the Court of Appeal in *Chang Peng Hong Clarence v Public Prosecutor* [2024] 2 SLR 722 at [59], this principle applies unless the statutory context indicates otherwise (see also *Bachoo Mohan Singh v Public Prosecutor and other applications* [2010] 1 SLR 966 at [56] and *Mah Kiat Seng v Public Prosecutor* [2011] 3 SLR

859 at [16], for applications of this principle in the context of criminal proceedings). Thus, a pure textual reading of s 31(*q*) of the PPIPA does not inexorably point to the need for a single question and answer. In fact, although s 31(*q*) is expressed in the singular, it is only logical that it must apply, and I would say *a fortiori*, to multiple false answers. I say so for the following reasons.

64 In a straightforward case where the subject of the charge is a single false answer provided in response to a single question, it is clear that s 31(*q*) of the PPIPA would be engaged. However, it does not follow that if multiple false answers are given, where the words used in the multiple answers are not identical, that those multiple answers cannot be the subject of a single charge, *even where those multiple answers are in substance the same*.

65 The present case was one such situation. The appellant's charges were framed based on his various responses to the COP, and while he had used different terms at different junctures of his testimony, all of his answers spoke with one voice. It suffices to reproduce the material exchanges as follows:

(a) In relation to the First Charge, as the appellant's position was that he wished for Ms Khan to clarify the Untruth "at some point", he was questioned by the COP on what he meant by this. In response, the appellant told the COP multiple times, and in no uncertain terms, that as at the 8 August Meeting, his view was that the Untruth was to be clarified once Ms Khan had informed her parents of her past sexual assault:

> **[7190] Mr Edwin Tong Chun Fai:** … You were asked a question by CNA and your answer below … is: "Certainly, an MP cannot be expected to leave an

untruth on the record. She would have had to clarify it at some point."

…

[7259] Mr Edwin Tong Chun Fai: … I want a quick answer from you as to what you mean by "at some point".

…

[7262] Mr Pritam Singh: … [W]hen I got to know when [Ms Khan] said she had been [sexually assaulted] when she was 18, I was prepared to give her the time, speak to her parents, settle herself, speak to her therapist whom she admitted at the [8 August Meeting] she was seeing and who was aware of her condition, "Settle yourself and once you've done that, we'll have to go to Parliament and you'll have to make a personal statement." That was at least my frame of mind. So, that's what I mean by "at some point".

…

[10052] Mr Edwin Tong Chun Fai: Can you give us an account of [the 8 August Meeting?] …

…

[10062] Mr Pritam Singh: … [M]y guidance to [Ms Khan] was to "speak to your parents about it" because, in my mind, this would have to be corrected in Parliament. …

…

[10094] Mr Pritam Singh: I told [Ms Khan], "You'll have to speak to your parents about this issue", and I don't think it went beyond that. But as she left my house, I

> told her, "We'll have to deal with this issue, but speak to your parents first." …
>
> …
>
> **[10118] Mr Pritam Singh:** She left my home with a direction to speak to her parents and that we would have to deal with this issue. …

(b) Similarly, for the Second Charge, it is abundantly clear that the appellant had told the COP that at the 3 October Meeting, he wanted to convey to Ms Khan that she had to clarify the Untruth in Parliament if the issue came up in Parliament on 4 October 2021:

> **[7462] Mr Edwin Tong Chun Fai:** … Can you tell me what happened at [the 3 October Meeting]?
>
> …
>
> **[7468] [Mr Pritam Singh]:** … I sit with Ms Khan and I tell her, "Look, I am not sure what is going to happen with this anecdote that you've told, but it is entirely possible that there could be a clarification made. Somebody may ask you something about it and it is important that you take responsibility and take ownership of the issue." And I did say – and she started getting a bit uncomfortable when I said that, and then I told her, "I will not judge you", and "I will not judge you" meant I will not judge you if you take responsibility and ownership. That was the gist of the conversation. …
>
> …
>
> **[7588] Mr Edwin Tong Chun Fai:** At that point in time, according to your evidence, there was no doubt in your

> mind that she knew that should the matter come up for clarification, she would have to clarify the truth, right?
>
> **[7589] Mr Pritam Singh:** Yeah, because I had told her to take ownership and responsibility. So, in my mind, it would have been clear what the right thing to do was.
>
> …
>
> **[7846] Mr Edwin Tong Chun Fai:** And you had expected that, if the issue came up, she would clarify it and tell the truth. Correct?
>
> **[7847] Mr Pritam Singh:** Yes.

66 Based on the above exchanges, it is evident that both charges were framed based on the appellant's own responses to the COP – responses which he phrased differently, but which were no doubt the same in substance. The crux of the appellant's objection is that the Prosecution's approach permits the "cherry-picking of various portions of [the appellant's] COP evidence, amalgamating them, and asserting the purported answer that is to be inferred from this mishmash of statements is false." But that is not how the charges have been formulated. Instead, as can be seen from the COP extracts reproduced above, each of the appellant's exchanges with the COP *independently* convey the same false answer, the substance of which grounds the charges.

67 Indeed, the relevant inquiry is not whether there was a *single* answer to a *single* question as the appellant contends, but whether the appellant's amalgamated answers each convey the same false response, and whether the accused had sufficient notice of the charge. A fundamental aim of a charge is to ensure that the accused person knows with certainty the case he has to meet: *Mui Jia Jun v Public Prosecutor* [2018] 2 SLR 1087 at [1], citing *Lim Beh v Opium Farmer* (1842) 3 Ky 10. In this regard, there has been no suggestion that the appellant did not have sufficient notice of the charges which were brought against him, despite his grievances with the fact of amalgamation.

68 Further, as the Prosecution highlights, permitting a charge based on amalgamated answers accords with the realities of witness testimony, which often involves questions, responses, clarifications and follow up questions. That is inherently the nature of witness testimony. Permitting amalgamation also works in favour of an accused person, as it avoids the need to bring multiple charges where multiple answers essentially repeat the same falsehood. As the Prosecution argues, it is out of fairness *to the appellant* that he is only required to answer one charge for each substantive answer, rather than a fresh charge for each instance where the same answer in substance was uttered.

69 That said, while some level of distillation may be expected in framing the charges based on voluminous extracts of questions and answers, caution should be exercised in setting out charges based on the "gist" or the "thrust" of one's responses, as this may lead to unnecessary disputes over whether such a "gist" or the "thrust" has been accurately represented in an accused person's charges. However, as no such difficulty is engaged on the facts of this case, I will say no more on this point.

70 Accordingly, I uphold the Judge's determination that the charges are not defective.

71 Before leaving this point, I should add that the wording of the Second Charge seems unusual on its face, as it states that the appellant had falsely told the COP that he "wanted to convey" *to Ms Khan* that she should clarify the Untruth, as opposed to wanting Ms Khan to clarify the Untruth in Parliament if it came up. In contrast, the First Charge more directly stated that the appellant had falsely testified that he "wanted Ms Khan to" clarify the Untruth. Although subtle, there is a difference between the two charges in so far as the First Charge focuses on whether the appellant in his own mind wanted Mr Khan to clarify

the Untruth, whereas the Second Charge focuses on whether the appellant *wanted Ms Khan to understand* that she should clarify the Untruth. When I pointed out this difference during the hearing, Deputy Attorney-General Goh Yihan SC ("DAG Goh"), appearing on behalf of the Prosecution, explained that the Second Charge was framed in fairness to the appellant based on his testimony to the COP, as his evidence was that he wanted to or meant to convey, through the phrase "take ownership and responsibility", that Ms Khan had to clarify the Untruth in Parliament. I am satisfied with DAG Goh's explanation and find that it is borne out by the appellant's responses to the COP. In any case, this was not a point raised by the appellant on appeal or before the Judge. As explained, there has been no suggestion that the appellant was in any way prejudiced by the nature or language of the Second Charge. The appellant knew the case which he was required to meet.

The First Charge: The appellant made the Grave Statement at the 8 August Meeting

72 To recapitulate, the First Charge concerns the appellant's testimony before the COP that as at the conclusion of the 8 August Meeting, he wanted Ms Khan to, at some point, clarify in Parliament that the Anecdote was untrue. As a matter of common sense and logic, if the Judge was right in finding that the appellant had made the Grave Statement to Ms Khan (*ie*, telling her to take the Untruth to the grave), it must follow that what he said to the COP about the 8 August Meeting (*ie*, that he wanted Ms Khan to clarify the Untruth) cannot be true (see [51] above).

73 Based on the evidence, I agree with the Judge that the appellant made the Grave Statement. Two key planks undergird my finding. First, central to the Judge's finding was the contextual fact that the WP leaders, including the appellant, held the hope or belief at the 8 August Meeting that the Untruth might

not be raised in Parliament again. Second, and keeping this crucial context in mind, Ms Khan's contemporaneous messages and the appellant's own conduct both show that the appellant did not want Ms Khan to clarify the Untruth as at 8 August 2021. In sum, because of the appellant's belief that Ms Khan's lie was unlikely to surface again, he did not think that there was any need to rock the boat by volunteering the truth. The appellant had therefore made a false statement to the COP when he claimed otherwise.

The WP leaders' hope or belief that the Untruth might not be raised in Parliament again

74 I begin with the attitude of the WP leaders – including the appellant – in relation to the Untruth. As explained at [73], this plays an important role in assessing the veracity of the Judge's finding that the appellant made the Grave Statement.

75 To set the scene, the WP leaders found themselves in an invidious situation following the 8 August Meeting. A member of their party, Ms Khan, had lied in Parliament. Ms Khan crucially testified that, during the meeting, Ms Lim said that the Untruth "probably… wouldn't come up again". This was some five days after the Untruth was said in Parliament. In the circumstances, I am satisfied that the Judge was not plainly wrong in finding that, at the 8 August Meeting, the WP leaders (including the appellant) seemed to think that the issue of the Untruth would not come up again in Parliament.

76 It is significant that Ms Khan was not challenged on her evidence that Ms Lim had made the statement above. In cross-examination, the appellant's counsel, Mr Andre Jumabhoy ("Mr Jumabhoy"), only sought to confirm that the person who said that the issue "won't come up" during the 8 August Meeting was Ms Lim and not the appellant. I also note, for completeness, that the

appellant did not allude to this statement by Ms Lim in his examination-in-chief; it was only when Ms Lim's statement was put to him during cross-examination that he disagreed and said that he did not recall such a statement having been made. Ms Lim was also not called as a witness (see [5] above). The sum of all this is that Ms Khan's testimony on what Ms Lim said at the 8 August Meeting was unchallenged.

77 While there is no direct evidence that the appellant shared a similar view to that articulated by Ms Lim, it is not disputed that the appellant did not express disagreement with Ms Lim or expressly distance himself from what Ms Lim had said. The Judge opined that this suggested that the appellant shared her view or belief that the matter of the Untruth would probably not come again: GD at [299], [301] and [303(3)]. In my view, this was a justifiable inference to draw.

78 Moreover, it appears that Ms Lim had consistently held this view – *ie*, that the Untruth would probably not come up again – even after the 8 August Meeting. Mr Low testified that during the 11 October Meeting between Mr Low, Ms Lim and the appellant, Mr Low asked if the Government was aware of the Untruth, to which Ms Lim responded that the Government did not know and that it was not easy to know "because there are so many police stations in Singapore". To this, Mr Low made clear to Ms Lim and the appellant that whether the Government could find out about the lie or not was not the point, as Ms Khan should apologise if she had told a lie. There is no evidence that the appellant disagreed with what Ms Lim said on this occasion, and indeed, Mr Low confirmed that the appellant did not say anything. Ms Lim's view during this meeting is consistent with her view expressed during the 8 August Meeting that the issue (of the Untruth) would probably not come up again. Notably, Mr Low's evidence in this respect was not challenged.

79 I emphasise that Ms Lim's view that the Untruth would not come up again, a view which was shared (at least tacitly) by the other WP leaders including the appellant who had attended the 8 August Meeting, is an important piece of context concerning what the WP leaders thought they should do as regards the Untruth (*ie*, whether to admit to it or not). In simple terms, if the issue of the Untruth was unlikely to come up again, there might be no need to clarify the Untruth.

80 For completeness, I note that the appellant did say in his testimony that he was "quite sure that [the] matter [of the Anecdote] would be followed up by the government" after the Parliamentary sitting on 3 August 2021. However, on appeal, the appellant has not relied on this evidence to dispute the Judge's finding that he shared the view expressed by Ms Lim at the 8 August Meeting that the matter would not come up again (though this testimony was mentioned in his reply submissions before the Judge).

The 12.41pm WhatsApp Message

81 I turn to consider the 12.41pm WhatsApp Message. This was a message sent by Ms Khan to Ms Loh and Mr Nathan almost immediately after the 8 August Meeting, which recounted the Grave Statement made by the appellant (see [16] above). Despite the appellant's vigorous attempts at disputing this message, I find that it is strongly corroborative of Ms Khan's account that the appellant had made the Grave Statement. The Judge was justified in placing full weight on this piece of evidence: GD at [318].

82 It is very significant that the 12.41pm WhatsApp Message was sent shortly after the 8 August Meeting, which began at 11am and lasted for around an hour and a half. Importantly, there is no reason to disbelieve the accuracy of the 12.41pm WhatsApp Message. As I pointed out to Mr Jumabhoy during the

hearing, the only two ways that the appellant could dispute the accuracy of the contents of the 12.41pm WhatsApp Message were either to (a) say that Ms Khan had lied to Ms Loh and Mr Nathan in the 12.41pm WhatsApp Message by telling them something that had *not* happened at the 8 August Meeting, or (b) assert that Ms Khan, Ms Loh and Mr Nathan had conspired to bury the Untruth and pin it on the appellant, such that the 12.41pm WhatsApp Message did not reflect the true state of affairs. In response, Mr Jumabhoy claimed that he did not have to "go so far" and make these arguments. It is curious that he said this, given that both arguments were alluded to either in his written submissions on appeal and/or before the Judge.

83 In any case, I find neither argument defensible. Dealing first with the possibility that Ms Khan had lied to Ms Loh and Mr Nathan, I find that there was simply no reason for Ms Khan to misrepresent what the appellant had said during the 8 August Meeting to Ms Loh and Mr Nathan in the 12.41pm WhatsApp Message, and indeed no evidence that she had done so. As the Judge found, the appellant's case is not that Ms Khan has some form of axe to grind with or personal grudge against him that would give her reason to falsely implicate him: GD at [318(3)] and [555]. Indeed, on the contrary, Ms Khan's evidence was that she "revered" the appellant and "really looked up to [him]".

84 The Judge noted that the 12.41pm WhatsApp Message had accurately recounted other matters discussed at the 8 August Meeting, such as the fact that Ms Khan was asked by the WP leaders to write a statement clarifying the Muslim Community Issues. This led the Judge to observe that there was no reason to suggest that Ms Khan would lie in the same message to Ms Loh and Mr Nathan about one aspect of what transpired at the meeting, but tell the truth about the other aspect, which reinforced his finding that the 12.41pm WhatsApp Message was an accurate recollection of the 8 August Meeting: GD at [318(4)].

In my view, the mere fact that the 12.41pm WhatsApp Message contained some true statements does not in and of itself mean that everything said in the same message was necessarily true. This is somewhat of a *non sequitur* and as such, I will disregard this observation. In any case, nothing turns on this observation by the Judge, as the 12.41pm WhatsApp Message remains of strong corroborative weight even disregarding this factor.

85 Next, I deal with the appellant's submission that it was Ms Khan, Ms Loh and Mr Nathan who had conspired to bury the Untruth during the 7 August Zoom Meeting, and not the appellant. The fundamental defect with this conspiracy case theory is that it was never put to Ms Loh and Mr Nathan during cross-examination. As held by the Judge, this was a clear breach of the rule in *Browne v Dunn* (1893) 6 R 67: GD at [322(3)(i)]. As this submission is clearly of such a nature and importance that Ms Loh and Mr Nathan ought to have been given the opportunity to respond, the appellant's failure to question them on the same precludes him from making the attendant submission: *Sudha Natrajan v The Bank of East Asia Ltd* [2017] 1 SLR 141 at [48], citing *Hong Leong Singapore Finance Ltd v United Overseas Bank Ltd* [2007] 1 SLR(R) 292 at [42].

86 This difficulty is compounded by the fact that the appellant's conspiracy case theory is *entirely* bereft of factual basis. Taken to its logical conclusion, the appellant is essentially suggesting that as early as 7 August 2021, Ms Khan, Ms Loh and Mr Nathan had decided to pre-emptively concoct the 12.41pm WhatsApp Message so as to pin the blame on the appellant, in anticipation that the Untruth may be subsequently unearthed. It is difficult to see why they would have had such an intent. On Ms Khan's evidence, she looked up to the appellant (at [83] above). As for Ms Loh and Mr Nathan, as the Judge found, the appellant has not produced any credible evidence that such an intent was present, and the

undisputed facts are that they are long-standing members of the WP: GD at [561]. I agree with the Judge that the appellant has therefore not discharged his evidential burden of showing a plausible motive on the part of any of the alleged co-conspirators to falsely incriminate him, so as to raise a reasonable doubt in the Prosecution's case: GD at [579]–[580], citing *XP v Public Prosecutor* [2008] 4 SLR(R) 686 ("*XP v PP*") at [21]. The conspiracy case theory was rightly rejected by the Judge as unmeritorious.

87 For completeness, there is no substance in the appellant's submission that Ms Khan had admitted to the alleged conspiracy during cross-examination. The relevant exchange is reproduced below.

> Q: In relation to the Zoom call, did you, Mr Loh, and Mr Nathan agree that the best thing to do in relation to the lie was to "bury it"?
>
> A: To bury it, you say?
>
> Q: Yes
>
> A: Yes
>
> Q: So that's what you agreed?
>
> A: I think we had a discussion that we would see what the leaders would say. *There was no agreement on what we should do.*
>
> Q: But you said that, "Yes, that's what we agreed" first.
>
> A: Sorry, when did I say that?
>
> [emphasis added]

It is clear to me that when Ms Khan said "yes", she was not agreeing with Mr Jumabhoy that she had agreed with Ms Loh and Mr Nathan to bury the Untruth. Indeed, Ms Khan stated unequivocally that "[t]here was no agreement on what we should do". And in response to a follow-up question by Mr Jumabhoy telling her that she had admitted to such an agreement, she even said "when did I say that?" Further, within the same line of cross-examination

which the appellant relies on, Ms Khan went on to firmly deny any such alleged conspiracy.

88 The appellant's third challenge against the Judge's reliance on the 12.41pm WhatsApp Message is to suggest that it was sent in circumstances that were suspect. The substance of the challenge pertains to the fact that two seconds after sending the 12.41pm WhatsApp Message, Ms Khan sent Ms Loh and Mr Nathan another message containing a relatively lengthy draft statement concerning the Muslim Community Issues that was to be posted on social media. The appellant argues that the Judge erred in relying on the 12.41pm WhatsApp Message as it is practically impossible for Ms Khan to have sent these two messages within the span of two seconds.

89 I am satisfied that the Judge rightly rejected this argument. The appellant's suspicions on how the second message was sent so quickly after the 12.41pm WhatsApp Message have no bearing on the contents or accuracy of the earlier 12.41pm WhatsApp Message. After all, Mr Jumabhoy confirmed at the hearing that the appellant is not challenging the authenticity of the 12.41pm WhatsApp Message. It is therefore undisputed that the 12.41pm WhatsApp Message was sent by the appellant, and received by the intended recipients, Ms Loh and Mr Nathan, on 8 August 2021 (GD at [322(1)]), and the second message does not alter this. I am also satisfied that there is no basis to disturb the Judge's acceptance of Ms Khan's explanation for the two-second time lapse between the 12.41pm WhatsApp Message and the second message, *ie*, that she had drafted some of the text of the second message beforehand: GD at [322(2)].

90 The appellant's last salvo against the reliability of the 12.41pm WhatsApp Message is the suggestion, made by Mr Jumabhoy at the hearing before me, that it should be given reduced weight as it was "self-corroborating",

ie, derived from Ms Khan herself. I do not agree. There is no rule of law that corroborative evidence from the same witness must *always* be given less weight. Instead, the weight to be given to such evidence from the same witness must be assessed on the facts of each case – indeed, in *GDC v Public Prosecutor* [2020] 5 SLR 1130 ("*GDC*"), Sundaresh Menon CJ found that the victim's testimony was "substantially corroborated" by, among other things, a report the victim had written in her school counsellor's office on the same day on which the alleged offence of outrage of modesty was committed. Menon CJ held that this "added weight to the victim's testimony because it was implausible that she not only lied about the encounter [with the accused], but also knew months ahead of a court appearance that she should conduct herself in a particular way before third parties in order to create an appearance of credibility" (at [14]). Similarly, as I have noted above, it is implausible on the evidence that Ms Khan lied about the Grave Statement in the 12.41pm WhatsApp Message in order to protect herself in the event that the Untruth were to be exposed subsequently (see [86] above). Given that I have already dismissed the various discrete suggestions by the appellant as to the possible collusion, deception or lack of reliability of the 12.41pm WhatsApp Message, there is no basis for diminishing the weight to be accorded to it simply because it emanated from Ms Khan herself.

91 As there is no reason for this court to disturb the weight which the Judge attached to the 12.41pm WhatsApp Message, this message stands as strong corroboration of Ms Khan's account of the 8 August Meeting. It serves as an anchoring piece of evidence that supports the inference that the appellant did in fact make the Grave Statement during the 8 August Meeting.

Ms Khan's three versions of her discussions with the appellant are not materially inconsistent

92 I next consider the appellant's submission that Ms Khan's account of the 8 August Meeting is internally inconsistent. To this end, the appellant points to three accounts provided by Ms Khan on three different occasions as to what had been conveyed to her at the 8 August Meeting:

(a) Before the COP on 2 December 2021, Ms Khan said that the appellant, Ms Lim and Mr Manap conveyed to her that if she were not pressed on the Untruth, she should "retain the narrative".

(b) Before the COP on 22 December 2021, Ms Khan said that the appellant, Ms Lim and Mr Manap conveyed to her that "we would not pursue the matter further and … [the appellant] used the words 'take it to the grave'".

(c) In examination-in-chief during the trial below, Ms Khan said that the appellant had told her that "this would probably be something that we would have to take to the grave."

93 In assessing witness credibility, what matters is whether the alleged inconsistencies are *material* inconsistencies relating to the facts surrounding the commission of the offence, as opposed to minor discrepancies which could legitimately be attributed to human fallibility: *GII* at [38], citing *Jagatheesan* at [82]. A flawed witness is not always an untruthful one, and innocent discrepancies must be distinguished from deliberate lies: *Tan Hui Meng v Public Prosecutor and another appeal* [2025] SGHC 2 at [35], citing *Govindaraj Perulmalsamy and others v Public Prosecutor and other appeals* [2004] SGHC 16 at [30].

94 I accept that there are some differences between Ms Khan's three accounts. In particular, Ms Khan's first account before the COP on 2 December 2021 differed from her subsequent two accounts, in that she had only mentioned the Grave Statement in the latter two accounts. However, I agree with the Judge that the differences are not material: GD at [326]. The common, and to my mind, key thread that runs through all three of Ms Khan's accounts – whether it be that she was to "retain the narrative" or to take the Untruth "to the grave" – is that there was no need for her to proactively clarify the Untruth. Thus, while Ms Khan's three answers might have provided *different details*, they did not *contradict* each other *as a matter of substance*. As such, I would be slow to describe them as "inconsistent" answers.

95 In my view, in understanding why there was no mention of the Grave Statement in Ms Khan's first account, it is important to bear in mind the question that was posed to Ms Khan. She was asked a general question by the COP as to how the appellant, Ms Lim and Mr Manap reacted after she revealed to them that the Anecdote was untrue: "what was their reaction to this?". Ms Khan was *not* asked to recall the *exact words* that had been used: given the general nature of the question, it was understandable for her to answer in the manner which she did.

96 Furthermore, Ms Khan's first answer was also provided some four months after the 8 August Meeting, and therefore, some differences in the details would not be unexpected given the passage of time and human fallibility in observation and recollection: see, for example, *Tay Wee Kiat and another v Public Prosecutor and another appeal* [2018] 4 SLR 1315 at [32] and [44]. More importantly, and as I pointed out to Mr Jumabhoy during the hearing, the differences in the details do not undermine the probative force of the 12.41pm WhatsApp Message. Seemingly inconsistent answers provided in *December*

2021 cannot retrospectively undermine or dilute the corroborative value of the 12.41pm WhatsApp Message sent contemporaneously in *August 2021*, approximately *ten minutes after the 8 August Meeting*.

97 Accordingly, I agree with the Judge that Ms Khan's three accounts of her discussions with the appellant and the other WP leaders at the 8 August Meeting are not materially inconsistent.

The appellant's inaction after 8 August 2021 supports the Grave Statement

98 A person's reaction or inaction to significant events is usually revealing of his or her understanding of the events (see, for example, *Amit Patel v Singapore Dental Council* [2024] SGHC 188 at [71] and *Kok Kuan Hwa v Yap Wing Sang and another appeal* [2025] 1 SLR 1400 at [47]–[50]). In this case, I find that the appellant's complete failure to follow up with Ms Khan or the other WP leaders on the Untruth for around two months after the 8 August Meeting up until the 3 October Meeting is probative of the making of the Grave Statement during the 8 August Meeting and the appellant's prevailing understanding that there was no need to proactively clarify the Untruth in Parliament.

99 If indeed it was the appellant's view that Ms Khan should at some point clarify the Untruth, one would expect that steps would have been taken to decide what, when, and how such clarification should be made. The telling of the Untruth was a significant event for the WP given the potentially serious political fallout if it were not properly managed. Yet, it is common ground that between the 8 August Meeting and the 3 October Meeting, nothing was said between the appellant and Ms Khan or among the WP leaders about making preparations for a clarification of the Untruth. The complete absence of any discussion during this period is entirely consistent with Ms Khan's evidence that at the 8 August

Meeting, the appellant had told her to take the Untruth to the grave, where the upshot of the Grave Statement was that nothing further needed to be done about the Untruth.

100 The appellant's complete inaction between the 8 August Meeting and the 3 October Meeting stands in stark contrast with the appellant's involvement in drafting Ms Khan's personal statement between 15 and 30 October 2021 following the meeting with Mr Low on 11 October 2021, where on Ms Khan's account, a total of *nine* drafts of her clarificatory personal statement were prepared, with multiple in-person meetings between the appellant and Ms Khan to review the statements. I discuss this in detail at [140] below, but it suffices to say at this point that this disparity is striking.

101 In the face of this, the appellant offers two explanations for the lack of any discussion about the Untruth between the 8 August Meeting and the 3 October Meeting:

(a) he was waiting for Ms Khan to get back to him that she had spoken to her parents about her prior sexual assault incident, as he had instructed her to do after the 8 August Meeting (which he termed the "condition precedent" to clarifying the Untruth); and

(b) he was very busy during this period as he was occupied with other political matters.

102 Both explanations do not pass muster. The Judge was correct to reject the condition precedent argument: GD at [412]–[414] and [418]. If indeed the appellant was waiting for Ms Khan to speak to her parents before approaching the appellant on the issue of the Untruth, one would expect him to have followed up with Ms Khan at least to *some* degree, in particular, to confirm if she had

done so. The appellant's complete inaction is particularly inexplicable given his own evidence that the telling of a lie by a member of the WP was a "serious thing" and "could not stand on the record". This long silence is more consistent with, and is probative of, the appellant having made the Grave Statement at the 8 August Meeting.

103 Further, even when the deafening silence was finally broken by the 3 October Meeting, the appellant conceded in cross-examination that at no time during the 3 October Meeting did he ask Ms Khan if she had spoken to her parents. Taking the appellant's account at its highest, his case is that on 3 October 2021, he had asked Ms Khan during the 3 October Meeting to clarify the Untruth at the 4 October Parliamentary Sitting. Yet, by that logic, he did so without knowing if Ms Khan had spoken to her parents. What happened to the "condition precedent" to clarifying the Untruth? In my view, the "condition precedent" appears to be an afterthought devised to explain away what was in truth an inexplicable omission to follow up with Ms Khan if he had, as he claims, wanted her to clarify the Untruth at some point in time as at the 8 August Meeting.

104 I am likewise unable to accept the appellant's explanation that he had been busy and "lost sight" of the issue of the Untruth. As I pointed out to Mr Jumabhoy during the hearing, it cannot be seriously denied that the office of an opposition member, especially the office of the Leader of the Opposition, would be busy. But that does not explain the appellant's *complete* failure to follow up with either Ms Khan or the other WP leaders on the issue of the Untruth. It is inherently improbable for the issue of the Untruth to have eluded the appellant completely given his own evidence that it was a "serious thing" (see [102] above). Moreover, the appellant's inaction *vis-à-vis* the Untruth contrasts with his active monitoring of Ms Khan's other parliamentary work

during this same period. As the Judge noted, among other things, the appellant had contacted Ms Khan on 18 August 2021 about a meeting with the Sengkang mosque committee, and again via e-mail on 21 September 2021 regarding Ms Khan's questions for the upcoming October 2021 parliamentary sitting (*ie*, the 4 October Parliamentary Sitting): GD at [313(3)]. Yet, despite all these interactions and communications between them, the appellant never followed up on the Untruth or the alleged "condition precedent". Indeed, as DAG Goh pointed out, the appellant even found time to bring Ms Loh and Mr Nathan on an office tour in mid-September 2021, during which no mention was made of clarifying the Untruth.

105 Having rejected both of the appellant's explanations for his inaction, I agree with the Judge that the appellant's complete inaction during this period is consistent with him having said the Grave Statement at the 8 August Meeting, and his understanding that the Untruth did not need to be proactively clarified: see GD at [314]–[315].

The evidence collectively corroborated Ms Khan's account of the Grave Statement

106 Thus far, I have affirmed the Judge's findings that:

(a) Ms Lim's view that the Untruth was unlikely to come up again (expressed during the 8 August Meeting) and that the Untruth would not be easily found out by the Government (as expressed during the 11 October Meeting with Mr Low), was shared by the appellant;

(b) the 12.41pm WhatsApp Message carries significant weight in justifying the inference that the appellant made the Grave Statement, with no proper challenge made out as to its authenticity or accuracy;

(c) the appellant displayed complete inaction in relation to the clarification of the Untruth for two months between the 8 August Meeting (where he allegedly made the Grave Statement) and the 3 October Meeting;

(d) the appellant did not genuinely hold the view that there was a "condition precedent" of Ms Khan informing her parents of the sexual assault before preparations could be made for clarifying the Untruth; and

(e) the appellant's continued communications with Ms Khan on other Parliamentary matters militated against his claim of being too preoccupied with other matters to follow-up on the Untruth.

107 Drawing all these threads together, I am satisfied that the circumstantial evidence amply corroborates Ms Khan's account of the appellant having made the Grave Statement at the 8 August Meeting. Viewed collectively, they supported a strong chain of inferences – (a) the appellant had no justification for his inaction in terms of clarifying the Untruth following the 8 August Meeting; (b) his inexplicable inaction continued for two months; and (c) the inaction continued in the backdrop of a prevailing mindset among the WP leaders that the Untruth was unlikely to crop up again and unlikely to be discovered by the Government. These were all underpinned by the anchor point of the 12.41pm WhatsApp Message, which contemporaneously reported the appellant making the Grave Statement and thus explained the reason for his subsequent inaction. These pieces of evidence grounded a significant portion of the Prosecution's case that was accepted by the Judge and was distinct from Ms Khan's testimony. The necessary implication, as alluded to at [56] above, is that there is no need to apply the "unusually convincing" standard to Ms Khan's testimony as there is sufficient corroboration of her testimony: see, for a related

observation, *Tang Kin Seng v Public Prosecutor* [1996] 3 SLR(R) 444 at [56]. Accordingly, I am satisfied that the Judge's finding that the First Charge was established is supported by the weight of the evidence.

108 Ultimately, I emphasise that based on Ms Khan's testimony, which is corroborated by highly relevant circumstantial evidence, the Prosecution has proved its case that the appellant did make the Grave Statement to Ms Khan beyond a reasonable doubt. As mentioned at [56] above, nothing really turns on the application or otherwise of the "unusually convincing" standard. It bears emphasising that the unusually convincing standard is not a "test" *per se*, but a heuristic tool to remind the court of the high threshold that the Prosecution must meet in order to secure a conviction based on the uncorroborated testimony of a sole witness: *GCK* at [91]. It does *not* change the principle that the Prosecution must prove its case beyond a reasonable doubt: *XP v PP* at [31]. The standard serves to remind the court of the Prosecution's burden to prove its case beyond a reasonable doubt, and having perused the evidence in detail, I am satisfied that it has discharged this burden.

109 For completeness, I address briefly Ms Loh's evidence of the 10 August Meeting with the appellant. The Judge relied on Ms Loh's evidence to make a finding that at the 10 August Meeting, the appellant had indicated that the issue of the Anecdote would not be followed up in Parliament again: GD at [304(1)]. On appeal, the appellant argues that Ms Loh was lying and testifying to a non-existent conversation, and to this end, points to her concession that her memory on this was "fuzzy".

110 Contrary to the Judge's view, I think that it is unsafe to attach weight to Ms Loh's evidence as to what was discussed with the appellant at the 10 August Meeting. However, I do not accept the appellant's argument that Ms Loh had

made up her evidence to support Ms Khan's version of events. If Ms Loh had wanted to do so, it would have been odd for her to have candidly acknowledged that her recollection was "fuzzy". That being said, I have some concerns with relying on Ms Loh's evidence of her meeting with the appellant on 10 August 2021 in light of her concession. This renders it unsafe to attach weight to her accompanying point that the appellant had indicated that the issue of the Anecdote would not be followed up in Parliament again. In any case, the relevant portion of Ms Loh's evidence is of peripheral value at best, as it goes towards establishing that the appellant did not think that the Untruth would come up again in Parliament at the relevant time. However, this point is already adequately established by the evidence of Ms Lim's expression of her belief at the 8 August Meeting, as stated in the unchallenged evidence of Ms Khan, and the appellant's silence in response to Ms Lim's statement (see [74]–[80] above).

The Second Charge: the appellant made the Judgment Statement at the 3 October Meeting

111 To recapitulate, the Second Charge concerned the appellant's answer to the COP that at the 3 October Meeting, he wanted to convey to Ms Khan that she had to clarify the Untruth if the issue were to come up in Parliament on 4 October 2021. If the Judge was correct to find that the appellant told Ms Khan at the 3 October Meeting that he would not judge her if she decided to continue the narrative (see GD at [478(3)]), it necessarily follows as a matter of logic that the appellant's answer to the COP was false (see [51] above).

112 In my view, the 3 October Meeting must be viewed in the context of its *timing*. It was no coincidence that the appellant arranged to meet Ms Khan on 3 October 2021, on the eve of the 4 October Parliamentary Sitting. After all, on the appellant's evidence, he arranged the meeting because he was of the view that the Anecdote "may come up" the next day, and he wanted to share his views

on the false Anecdote. In other words, the appellant wanted to discuss how Ms Khan should respond if the Anecdote was raised in Parliament again.

113 It also appears that it was around the time of the 3 October Meeting that the appellant considered, *for the first time*, the possibility that the issue might be raised at the 4 October Parliamentary Sitting. In cross-examination, the appellant acknowledged that the matter of the Anecdote being raised in Parliament and how Ms Khan should respond if this transpired did not come to his mind after the Parliamentary sitting in September 2021 (which Ms Khan did not attend as she had been taken ill with shingles), and it only came to his mind towards the end of September 2021. This must be taken together with Ms Khan's unchallenged testimony that, prior to the 4 October Parliamentary Sitting, there had been remarks from Ms Lim that the issue was unlikely to be raised again (see [74]–[80] above). The above context must be borne in mind in construing the intended meaning of the Judgment Statement.

The appellant does not deny saying "I will not judge you"

114 It is an important common ground between the appellant and the Prosecution that the appellant did make the Judgment Statement to Ms Khan at the 3 October Meeting. As indicated above, the nub of the dispute between the parties is their competing interpretations of the Judgment Statement and the context in which it was made:

(a) The appellant's version was that he told Ms Khan that he would not judge her if she took "ownership and responsibility" for the Untruth should the matter be raised in Parliament during the 4 October Parliamentary Sitting. Before me, Mr Jumabhoy argued that the appellant, in telling Ms Khan to take "ownership and responsibility" for

the Untruth, had "effectively" provided no choice to Ms Khan and that she was to clarify the Untruth in Parliament.

(b) The Prosecution's version, which was based on Ms Khan's account and which the Judge accepted, was that the appellant conveyed to Ms Khan that he would not judge her for continuing the narrative if the matter was raised during the 4 October Parliamentary Sitting.

115 Having reviewed the evidence and the parties' submissions, I am of the view that the Judge did not err in accepting the Prosecution's version of the Judgment Statement. I set out a summary of my reasons which I develop in turn below:

(a) The ordinary meaning of the phrase "I will not judge you" is that the statement-maker would not judge the recipient for taking a course of action normally considered to be *objectionable*.

(b) The appellant's own evidence indicated that he had given Ms Khan a choice on what to do if the Anecdote was raised in Parliament. The provision of a choice necessarily included the option of maintaining the Untruth.

(c) The lack of any reaction from the appellant to the 7 October E-mail (sent by Ms Khan to the WP leaders) indicated that he had previously told Ms Khan that he would not pass judgment on her if she doubled down on the Untruth (as she did during the 4 October Parliamentary Sitting).

(d) The sudden flurry of activity after the appellant's meeting with Mr Low on 11 October 2021, as compared to the complete inaction and lack of preparation for Ms Khan to clarify the Untruth during the

4 October Parliamentary Sitting, indicated that there was an about-turn only around 11 October 2021.

(e) Ms Khan's account of the 3 October Meeting and, specifically, the Judgment Statement, is corroborated by Ms Loh and Mr Nathan's evidence of their meeting with the appellant on 12 October 2021.

(f) Finally, given my decision above to uphold the Judge's finding that the appellant did make the Grave Statement, the Prosecution's interpretation of the Judgment Statement is only consistent with the making of the Grave Statement.

The ordinary meaning of the phrase "I will not judge you"

116 The Judgment Statement is not an uncommon expression. During the 3 October Meeting, it was used in a discussion between two intelligent and well-educated individuals who would be expected to understand its ordinary meaning.

117 In his decision below, the Judge considered that the Judgment Statement would only make sense if the appellant was telling Ms Khan that he would not look poorly on or disapprove of her for taking a certain course of action (GD at [462]). I agree with the Judge's interpretation. The phrase "I will not judge you" is a form of *reassurance* – something said when it is believed that the recipient of the phrase may do something typically said to be wrong. As the Prosecution fairly points out, it would be incongruous to say the phrase to someone who is going to do what is, unobjectionably, the right thing at that point in time. "Judgment" carries the pejorative connotation of *disapprobation*, and a person who does the right thing needs no reassurance against receiving "judgment". Therefore, ordinarily speaking, the Judgment Statement would be said in a

situation where the statement-maker is reassuring the recipient that she will not be judged "negatively", should she decide to do something objectionable like maintaining a lie.

118 Before me, the appellant repeats his argument below that the phrase "I will not judge you" is vague and capable of multiple interpretations. In support, he places reliance on an exchange between the then-Senior Minister of State for Defence and Manpower Mr Zaqy Mohamad ("SMS Mohamed") and Ms Khan during the COP proceedings on 2 December 2021, when Ms Khan purportedly acknowledged that the Judgment Statement could be inferred as a vague statement to make. Accordingly, the appellant submits that such a vague statement cannot sustain a conviction on the Second Charge.

119 For reference, I set out the exchange between SMS Mohamad and Ms Khan:

> **[2059] Mr Zaqy Mohamad:** Don't speculate, right? Okay. What if, after your statement, [the appellant] comes and say you could have gone the other way because you misjudged his statement of "we won't judge you". What would you say to that?
>
> **[2060] Ms Raeesah Khan:** I would say that that's accurate as well.
>
> **[2061] Mr Zaqy Mohamad:** Why so?
>
> **[2062] Ms Raeesah Khan:** Because I guess it could be inferred as a vague statement to make.
>
> **[2063] Mr Zaqy Mohamad:** You don't think it's a "get out" clause or meant for you to go either way or being non-committal?
>
> **[2064] Ms Raeesah Khan:** I don't know. I don't want to assume.

120 In my view, there are several difficulties with the appellant's submission.

(a) The exchange starting at [2059] occurred in the context of a hypothetical question posed by SMS Mohamad, prefaced with the phrase "what if …". In this hypothetical scenario, it was to be assumed that after Ms Khan had repeated the Untruth in Parliament during the 4 October Parliamentary Sitting, the appellant came to tell her that she had "misjudged his statement" – in other words, that Ms Khan had misunderstood the Judgment Statement. However, it is not disputed that the appellant did not, at any time after the 4 October Parliamentary Sitting, confront Ms Khan to tell her that she had such a misunderstanding.

(b) Moreover, both Ms Khan and the appellant themselves did not regard the Judgment Statement as vague, when viewed in its context. In cross-examination, when Ms Khan was brought to her exchange with SMS Mohamad above and it was highlighted to her that she had stated that the appellant had made a "vague statement", Ms Khan clarified, unequivocally, that while she had said that "it could be inferred as a vague statement", "that [was] not [her] inference". This was consistent with Ms Khan's initial testimony in her evidence-in-chief that the appellant had told her that he would not judge her *for* "*continuing the narrative*" (see [19(a)] above). Thus, Ms Khan understood the Judgment Statement as a "direction" by the appellant to "continue the narrative". There is no suggestion that she had actually drawn further inferences or entertained other possible meanings of the Judgment Statement.

(c) The appellant's argument on appeal that the Judgment Statement is vague and capable of multiple interpretations does not sit right with his evidence. He acknowledged during cross-examination that the Judgment Statement was not vague when it was read in context of what

he had said earlier (*ie*, that Ms Khan had to take ownership and responsibility). This is consistent with his position before me that the Judgment Statement did not "effectively" give Ms Khan any choice of whether to clarify the Untruth, when the statement is viewed in its proper context (see [114(a)] above).

(d) Since both the maker and recipient of the Judgment Statement did not regard it as vague, it remains for the court to consider it in its ordinary meaning and its context. As explained above, the ordinary meaning weighs in favour of Ms Khan's account over the appellant's.

Ms Khan's message to the appellant during the 4 October Parliamentary Sitting is equivocal

121 With the above in mind, I turn to consider the immediate context surrounding the 3 October Meeting. In his submissions on appeal, the appellant points to a text message sent by Ms Khan to him during the 4 October Parliamentary Sitting: "What should I do Pritam". This was sent four minutes into Minister Shanmugam's statement, in which he requested clarifications from Ms Khan on the Anecdote.

122 The appellant contends, as he also did below, that the message sent by Ms Khan is inconsistent with her account of the Judgment Statement. According to the appellant, if the purported guidance from the appellant to Ms Khan was clear – *ie*, that Ms Khan could continue the narrative of the Untruth – then it was inexplicable that Ms Khan would still need to ask the appellant what to do the next day.

123 In my view, any inference that can be drawn from Ms Khan's message to the appellant during the 4 October Parliamentary Sitting is equivocal and does not assist either side's case.

(a) As pointed out by Mr Jumabhoy, if the appellant had told Ms Khan that he would not judge her for continuing the narrative, it could fairly be said that Ms Khan had no reason to be unsure as to what to do in the face of Minister Shanmugam's statement.

(b) Similarly, if, on the appellant's account, he had "effectively" given Ms Khan no choice when he told her to take ownership and responsibility (see [114(a)] above), it could also be said that there was no reason for Ms Khan to be unsure as to what to do.

124 Therefore, Ms Khan's sending of the message cuts both ways. On both parties' cases, there would have been no need for Ms Khan to ask the appellant what she should do. It may have been, as the Judge found below, that Ms Khan was seeking assurance from the appellant during Minister Shanmugam's statement: GD at [537]. Nevertheless, in my view, this was an inconsequential point.

The appellant's response to Ms Khan's 7 October E-mail was consistent with Ms Khan's account of the Judgment Statement

125 Putting Ms Khan's message to the appellant during the 4 October Parliamentary Sitting aside, another piece of evidence relied on by the Judge was the 7 October E-mail sent by Ms Khan to the appellant, Ms Lim and Mr Manap on 7 October 2021(see [23] above). It would be recalled that, in the 7 October E-mail, Ms Khan was seeking advice from the WP leadership concerning the SPF's request for an interview, and had ended with the line:

> Thank you for listening to me, for caring for me and for guiding me through this *without judgement*. [emphasis added]

The Judge found that Ms Khan's words in the 7 October E-mail and the lack of any reaction by the appellant was consistent with Ms Khan's account of the Judgment Statement and the 3 October Meeting: GD at [407]–[410].

126 The appellant argues that the Judge's reliance on the 7 October E-mail is misplaced. He points to Ms Khan's testimony that she included the ending line because "that's what I felt they were doing for me". According to the appellant, Ms Khan's testimony did not extend to saying that her ending line in the 7 October E-mail was *connected to the Judgment Statement*.

127 In my view, the Judge was right to consider that the 7 October E-mail was material to ascertaining the proper account of the 3 October Meeting.

128 The 7 October E-mail was made with reference, at least in part, to the 3 October Meeting. For starters, the ending of the e-mail made reference to the WP leaders' guidance "without judgement", which closely mirrored the wording used in the Judgment Statement. This makes it inherently improbable that the 7 October E-mail was not connected to the Judgment Statement, contrary to the appellant's claim.

129 By this time, even by the appellant's account, Ms Khan had received some form of advice or instruction from the appellant (regardless of which account is to be believed) and she had subsequently maintained the Untruth in Parliament at the 4 October Parliamentary Sitting. It is clear that her ending line thanking the WP leaders for their guidance "without judgement" must be viewed in the context of the appellant's advice and/or instruction given at the 3 October Meeting and her subsequent repetition of the Untruth. It is congruent

with her account that, in repeating the Untruth, Ms Khan was doing or at the very least thought that she was doing something that was consistent with the appellant's advice.

130 Furthermore, the appellant's submission fails to address the Judge's point concerning his reaction (or lack thereof) to Ms Khan's reference to the WP leaders' guidance "without judgement" in the 7 October E-mail. On the appellant's account, Ms Khan's repetition of the Untruth during the 4 October Parliamentary Sitting was diametrically opposed to what he had guided her to do during the 3 October Meeting. In other words, she had acted in direct contradiction to the appellant's instructions. If the appellant had in fact given the instruction or guidance that he testified to, one would naturally expect some form of rebuke, or even a reaction to the 7 October E-mail. Yet, the undisputed evidence is that the appellant did not reply to Ms Khan's e-mail (and neither did Ms Lim nor Mr Manap). It would also be extremely odd for Ms Khan to thank the WP leaders for their guidance "without judgement" if she had plainly acted against it. In my judgment, this points away from the appellant's account that he had instructed Ms Khan during the 3 October Meeting to clarify the Untruth if it was raised in Parliament.

The appellant's own evidence is consistent with him having given Ms Khan a choice

131 A separate finding made by the Judge was that by the Judgment Statement, the appellant had conveyed to Ms Khan that he was giving her a *choice*. The Judge found that the giving of a choice was clearly more consistent with Ms Khan's account of the Judgment Statement (see GD at [398]–[405]).

132 I agree with the Judge. There are two pieces of evidence stemming from the appellant which show that, as far as the appellant was concerned, he had given Ms Khan a choice:

(a) The first piece of evidence is the appellant's recounting of the 3 October Meeting during the WP's DP session on 29 November 2021. The appellant was recorded as telling Ms Khan, "Before Oct session, I met you + told you it was *your call*" [emphasis added]. In cross-examination, the appellant confirmed that he did make the above statement during the DP session, and in particular, that he had used the words "your call" in that session.

(b) The second piece of evidence is the appellant's testimony in the court below on the conversation between him, Ms Lim and Ms Khan on the night of 4 October 2021, after the day's Parliamentary sitting had concluded. The appellant testified that after Ms Khan suggested to tell the truth, he retorted angrily to say, "But look at the *choice* you've made" [emphasis added].

133 The above shows that as far as the appellant was concerned, the decision to clarify the Untruth or to maintain the narrative was Ms Khan's choice. This contradicts the appellant's submission that he had given Ms Khan no choice but to clarify the Untruth if it came up during the 4 October Parliamentary Sitting when he told her to take ownership and responsibility.

134 Against this, the appellant takes issue with the Judge's reliance on the recorded phrase "told you it was your call". He argues that the Judge failed to consider the phrase in the context of the subsequent question posed by the appellant to Ms Khan during the DP proceedings on 29 November 2021:

> [Appellant]: Before Oct session, I met you + told you it was your call. Did need to tell the truth in Parl occur to you?
>
> [Ms Khan]: Yes but consumed with guilt + own experience. Thought it wouldn't come up.
>
> [Appellant]: *Can't lie right?*
>
> [Ms Khan]: Yes.
>
> [emphasis added]

135 The appellant argues that, seen in this context, the question "[c]an't lie right" shows that Ms Khan had no choice but to clarify the Untruth during the 4 October Parliamentary Sitting. The difficulty with this submission is that it effectively denudes the earlier phrase "told you it was your call" of meaning. Why would the appellant convey to Ms Khan that "it was [her] call", when there was in fact no choice for her to make other than to clarify the Untruth? As the Prosecution points out, the appellant did not testify on how this phrase "can't lie, right" reinforces his account.

136 Hence, the evidence thus far showed that the appellant had given Ms Khan a choice during the 3 October Meeting; that Ms Khan had exercised that choice during the 4 October Parliamentary Sitting by maintaining the Untruth; and that up to when the 7 October E-mail was sent, Ms Khan believed and conveyed that what she had done – *ie*, maintain the Untruth by repeating it during the 4 October Parliamentary Sitting – was not inconsistent with the appellant's advice or instructions to her and that the appellant did not pass judgment on her for how she had exercised her choice. All this was significantly more consistent with Ms Khan's account of the Judgment Statement than the appellant's, and supported the Judge's decision to accept Ms Khan's account.

The decision to clarify the Untruth was made by the appellant on or about 11 October 2021

137 The Judge fortified his decision by considering the evidence of the appellant's conduct leading up to the 11 October Meeting between the appellant, Ms Lim and Mr Low, as well as the flurry of activity that followed thereafter: GD at [443]–[455]. I agree with the Judge. The evidence shows that the decision to clarify the Untruth was only taken after the 11 October Meeting, which militates against the appellant having told Ms Khan to clarify the Untruth at the 3 October Meeting. To explain this view, it is important to set out the context of how the 11 October Meeting came about and what occurred there:

(a) During the 4 October Parliamentary Sitting, Minister Shanmugam ended his exchange with Ms Khan by saying that the SPF would conduct further investigations on the Anecdote, including an interview with Ms Khan. Three days later, on 7 October 2021, the SPF sent Ms Khan an e-mail requesting an interview on the Anecdote, and asked Ms Khan to respond by 14 October 2021.

(b) It cannot be overemphasised that the SPF's request for an interview was a significant turning point. Until then, for the eight weeks or so between 3 August 2021 and 4 October 2021, there had been no indication that the Anecdote would be subject to an investigation. As may be recalled, the Judge drew an inference from Ms Lim and the appellant's conduct during the 8 August Meeting that the WP leaders shared the view that the matter could just blow over; an inference that I have agreed with (see [74]–[80] above). Taken together, the period of inactivity following the Parliamentary sitting on 3 August 2021 may have encouraged the WP leaders' hope that the Anecdote might not be raised again in Parliament.

(c) As it happened, things developed rapidly following the SPF's request. As to be expected, Ms Khan forwarded the e-mail to the appellant, Ms Lim and Mr Manap on the same day (*ie*, the 7 October E-mail). On 9 October 2021, the appellant arranged to meet Ms Khan on 12 October 2021.

(d) On 11 October 2021, the appellant and Ms Lim visited Mr Low to discuss *inter alia* the SPF's request to interview Ms Khan. Significantly, as the Judge noted, this meeting was arranged to take place *before* the arranged meeting with Ms Khan on 12 October 2021: GD at [445(4)]. It would therefore appear that the appellant wanted to seek Mr Low's views on how best to deal with the situation before meeting Ms Khan. As Mr Jumabhoy submitted before me, the appellant and Ms Lim consulted Mr Low on whether to hold a press conference to clarify the Untruth.

(e) Although Ms Lim still appeared hopeful that the Government might not discover the Untruth, Mr Low's clear advice was that the decision to clarify depended not on whether the Government could find out, but simply on the fact that a lie had been told (see [78] above).

(f) The following day, on 12 October 2021, the appellant and Ms Lim met and instructed Ms Khan that she was to clarify the Untruth in Parliament. Ms Khan then conveyed this new instruction to Ms Loh and Mr Nathan, shortly before Ms Loh and Mr Nathan's own meeting with the appellant. In this latter meeting, both Ms Loh and Mr Nathan testified that the appellant told them that he had consulted Mr Low, who had advised that the best course to take was for Ms Khan to come clean and clarify the Untruth as soon as possible. Ms Loh and Mr Nathan also confirmed that they were only made aware of the plan for Ms Khan to

clarify the Untruth on 12 October 2021, after the relevant instructions had been conveyed to Ms Khan .

138 At the hearing before me, DAG Goh further highlighted that when Ms Lim told Mr Low during the 11 October Meeting that she was considering holding a press conference to clarify the Untruth, Mr Low responded that the correct forum for clarifying the Untruth was Parliament as opposed to a press conference. Significantly, the appellant did not respond to or comment on Mr Low's opinion by stating that that was already their intent as he had previously told Ms Khan to take ownership and responsibility for the Untruth during the 3 October Meeting. This shows that the appellant had not yet decided to clarify the Untruth when they met Mr Low on 11 October 2021.

139 I agree with DAG Goh. If the appellant's account is to be believed, the decision for Ms Khan to clarify the Untruth in Parliament would already have been made as at the 3 October Meeting, more than a week before the 11 October Meeting. Despite this, it was Mr Low's unchallenged evidence that the appellant did not inform him that they had already told Ms Khan to clarify the Untruth in Parliament during the 3 October Meeting. By extension, Mr Low was also not told that Ms Khan had, in direct contradiction to the appellant's advice, doubled down on the Untruth during the 4 October Parliamentary Sitting. This was a striking detail not to tell Mr Low, since, by the appellant's own case, Ms Khan's repetition of the Untruth made the situation much worse, and would have been a detail necessary for Mr Low to give an informed opinion. I agree with the Judge and the Prosecution that the appellant's omission to inform Mr Low of these material details severely militates against the appellant's interpretation of the Judgment Statement: GD at [447]–[449].

140 The final point which fortifies my view that the decision to clarify the Untruth was only made after the 11 October Meeting was the subsequent flurry of activity for Ms Khan to prepare her personal statement to clarify the Untruth in Parliament. It is common ground that the appellant only instructed Ms Khan to prepare her personal statement on 12 October 2021 (after the 11 October Meeting). Thereafter, the following preparations were made:

(a) From 15 to 31 October 2021, Ms Khan's unchallenged evidence was that a total of nine drafts of her personal statement were circulated and reviewed by the appellant, Ms Lim, Ms Loh and Mr Nathan.

(b) The appellant had at least four in-person meetings with Ms Khan to discuss her personal statement.

(c) Ms Khan was instructed to read the final draft at the WP CEC Meeting on 29 October 2021, before it was delivered during the 1 November Parliamentary Sitting.

141 When this flurry of activity is contrasted with the complete lack of any discussion or preparation in relation to clarifying the Untruth between the 8 August Meeting and the 3 October Meeting (see [98]–[105] above), the irresistible inference is that the decision for Ms Khan to clarify the Untruth was only made after the 11 October Meeting. In particular, it was Mr Low who had brought home to the appellant and the other WP leaders that the Untruth had to be clarified, regardless of whether it had been discovered by the Government.

142 Since there is no basis to disturb the Judge's finding that the decision to clarify the Untruth was only made by the appellant on or after the 11 October Meeting (see GD at [455]), it follows that the appellant's position before that meeting was not to clarify the Untruth. Indeed, when I posed this proposition to

Mr Jumabhoy, he candidly acknowledged this proposition to be "logical". By extension, it must follow that the appellant's evidence to the COP that he had wanted to convey to Ms Khan that she should clarify the Untruth at the 3 October Meeting was untrue.

Ms Khan's account of the Judgment Statement was corroborated by Ms Loh and Mr Nathan's evidence of their discussion with the appellant on 12 October 2021

143 In the GD, the Judge found that Ms Khan's version of the 3 October Meeting was corroborated by Ms Loh and Mr Nathan's evidence of their meeting with the appellant on 12 October 2021: GD at [388]–[391]. Both Ms Loh and Mr Nathan testified that at this meeting, the appellant had conveyed to them that he had visited Ms Khan on 3 October 2021 and had told her then that he would not judge her whether or not she came clean about the Untruth in Parliament.

144 The key issue below was whether Ms Loh and Mr Nathan's testimonies of their meeting with the appellant on 12 October 2021 were credible. In this regard, I agree with the Judge's finding that the WhatsApp messages sent between Ms Loh, Mr Nathan and Ms Khan on 23 November 2021 provided significant support to Ms Loh and Mr Nathan's testimonies: GD at [392]–[393].

145 By way of background, the WhatsApp messages on 23 November 2021 came about as a reaction to the appellant's message to Ms Khan the day before. On 22 November 2021, following her first session with the DP on 8 November 2021, Ms Khan texted the appellant requesting to meet the DP a second time before it came to a decision. During this exchange, Ms Khan stated that she was not fully prepared during the first DP session to address issues of her "character

and behaviour" as that was "not what [she] thought the [DP] was convened for", which culminated in the following reprimand from the appellant:

> Dear Raeesah - I hope you can see that it is precisely your character and behaviour that is under review here, in view of your actions in Parliament and your decision to stick to the untruthful anecdote when asked again in Oct. …

146 The next morning, Ms Khan forwarded (among other messages) the appellant's above message to Ms Loh and Mr Nathan, to which they responded as follows:

Ms Khan:	I was shocked by his reply about October …
Ms Loh:	I am too but don't worry I'm ready to tell him we know.
Mr Nathan:	"your decision to stick to the untruthful anecdote when asked again in Oct" What happened to "I won't judge you" ?? [Replying to Ms Loh's message above] And we know cos he literally told us in his house that that's what he said

147 Mr Nathan's messages are particularly significant because they recorded his understanding of the discussion between Ms Loh, Mr Nathan and the appellant on 12 October 2021. They showed that Mr Nathan understood the appellant to have told him and Ms Loh that he had, by the Judgment Statement, told Ms Khan that he would not judge her *if she chose to stick to the Untruth* were the matter to be raised again. Not only was this understanding consistent with Mr Nathan and Ms Loh's testimonies of their meeting with the appellant on 12 October 2021, but it was also consistent with the ordinary meaning of the Judgment Statement (see [117]–[120] above).

148 In my view, unless the appellant could establish that the WhatsApp messages on 23 November 2021 were part or in furtherance of a conspiracy between Ms Khan, Ms Loh and Mr Nathan, such that they should be seen as speaking untruths as between them, the Judge was right to accept their corroborative value *vis-à-vis* their accounts of their meeting with the appellant on 12 October 2021. But such a conspiracy is untenable given, as I explained in relation to the 12.41pm WhatsApp Message, that it was not put to Ms Loh and Mr Nathan and devoid of evidential basis in any event (see [82]–[91] above).

149 In this connection, the appellant expectedly argues that Ms Loh and Mr Nathan's testimonies of their meeting with the appellant on 12 October 2021 are not credible. Similar to the arguments mounted in respect of the 12.41pm WhatsApp Message, the appellant alleges that Ms Loh and Mr Nathan colluded to encourage Ms Khan to maintain the Untruth after 4 October 2021 and selectively deleted text messages from their group chat in order to hide their involvement in Ms Khan's lies. In particular, at the hearing before me, the appellant focused on a message sent by Mr Nathan to Ms Loh and Ms Khan on 12 October 2021 at 5.13pm, where Mr Nathan said:

> In the first place I think we should just not give too many details. At most apologise for not having the facts abt her age accurate

150 According to the appellant, this message was of particular importance because in the course of providing these messages to the COP, Ms Loh redacted it on the ground that the message was "a comment about another Member of Parliament not related to this issue". In cross-examination, Ms Loh admitted that the basis for the redaction was false, and also admitted that she had done so because the message gave a bad impression of Mr Nathan and that he might be criticised if the message became public.

151 In my view, the appellant's argument that Ms Loh and Mr Nathan's credibility is affected by the deletion and redaction of text messages does not take him very far. Crucially, it fails to address why the deletion and redaction of *other* text messages on different dates affects the corroborative value of the WhatsApp messages sent on 23 November 2021. After all, the appellant's submission is that Ms Loh and Mr Nathan's testimonies were "self-serving narrative[s] that omit[ted] any wrongdoing on their parts", but his submissions do not extend to suggesting that Ms Loh and Mr Nathan had fabricated the messages and reactions sent on 23 November 2021. The submission also does not strictly cover the messages on 23 November 2021, including the conversation I have extracted above, as there is and has been no suggestion of any omission or deletion of messages in that conversation.

152 I would record, however, that I am doubtful of some of the Judge's findings concerning Ms Loh and Mr Nathan's deletion of messages from their phones. The Judge seems to have accepted that Ms Loh and Mr Nathan deleted their messages due to a fear that their phones had been hacked rather than a desire to conceal their roles and actions: GD at [570(1)]. In my view, the appellant has raised fair questions as to the strength of this finding by the Judge given the selective manner in which some messages were deleted and, by the same token, left undeleted. Nevertheless, as explained above, these deletions do not affect the corroborative value of the 23 November 2021 messages, which supports Ms Loh and Mr Nathan's testimonies of the Judgment Statement as communicated to them on 12 October 2021.

153 Lastly, I would add that notwithstanding my decision not to place weight on Ms Loh's evidence of her meeting with the appellant on 10 August 2021 (see [109]–[110] above), that does not affect my decision to rely on her evidence of the subsequent meeting on 12 October 2021. In this regard, it is well-established

that a witness can be found believable and credible on some, even if not necessarily all, aspects of her evidence: *Hon Chi Wan Colman v Public Prosecutor* [2002] 2 SLR(R) 821 at [71]–[74]. The testimony of a witness need not be believed in its entirety or not at all: *Chai Chien Wei Kelvin v Public Prosecutor* [1998] 3 SLR(R) 619 at [72], citing *Public Prosecutor v Datuk Haji Harun Bin Haji Idris (No 2)* [1977] 1 MLJ 15 at 19. This is especially so because my decision not to attach weight to Ms Loh's evidence of her meeting on 10 August 2021 was not on account of her lack of credibility but rather due to her own concession that her recollection of the meeting was "fuzzy".

The Judge correctly rejected the appellant's attempt to impeach Ms Khan's credit

154 Finally, I consider the appellant's challenge against the Judge's decision to reject his application to impeach Ms Khan's credit based on two alleged discrepancies between Ms Khan's testimony in court and a statement given by Ms Khan to the SPF on 12 May 2022 (the "May 2022 Police Statement"). In my view, the Judge did not err in dismissing the impeachment application on either ground.

155 The appellant argues that there is an inconsistency in Ms Khan's description of her reaction to the appellant's 1 October E-mail (see [18(c)] above):

> (a) In the May 2022 Police Statement, Ms Khan stated that she felt "fear" that the Untruth would be brought up in Parliament during the 4 October Parliamentary Sitting. According to the appellant, this implies that Ms Khan did not know whether the WP leaders would expose the Untruth during the 4 October Parliamentary Sitting if she did not come clean of her own volition.

(b) In contrast, in her examination-in-chief, Ms Khan thought that the e-mail was a dig at her and felt insecure. This suggested that she knew her lie would not be exposed, as the appellant was letting Ms Khan know of the consequences had he decided that she should come clean.

156 I disagree with the appellant that these two responses are "fundamentally different". Ms Khan could have felt fear at the mere prospect of being questioned on the Untruth in Parliament – there is no necessary implication that her fear must have stemmed from *the WP leaders* exposing the Untruth during the 4 October Parliamentary Sitting. There is therefore strictly no contradiction, as Ms Khan could have simultaneously felt fear at the mere prospect of being questioned on the Untruth and that the e-mail was a dig at her by the appellant. As the Judge noted, it would have been a different matter if Ms Khan was asked and then *denied* feeling fear. In any case, I also agree with the Judge that the matter of how Ms Khan felt when she received the 1 October E-mail was not material to her account that she had understood the Judgment Statement as the appellant not passing any judgment on her if she decided to maintain the Untruth: GD at [519].

157 The appellant further argues that Ms Khan has been inconsistent in her account of the 3 October Meeting:

(a) In the May 2022 Police Statement, she told the SPF that the appellant had told her that the Untruth "might" be brought up again.

(b) However, during her examination-in-chief, she testified that the appellant told her that he did not think the issue would come up again.

The Judge accepted that there was indeed a discrepancy concerning what the appellant said about the likelihood of the Untruth being raised in Parliament the

next day, but found that it was innocent and did not undermine Ms Khan's credit or account of the 3 October Meeting: GD at [523], [526] and [530].

158 Having examined Ms Khan's statements, I agree with the Judge that the discrepancy in Ms Khan's testimony is an innocent one and did not undermine her account of the 3 October Meeting. Neither version (*ie*, that the appellant *did not think* it would come up, or that it *may* come up) made Ms Khan's account of the Judgment Statement more or less believable, and it did not affect the crux of her testimony (*ie*, the content of the Judgment Statement).

159 In a similar vein, I disagree with the appellant that this discrepancy caused Ms Khan's conversation with the appellant at the 3 October Meeting to take on "entirely different meanings". The appellant attempts to argue that there would have been no need for him to have discussed the 1 October E-mail or make the Judgment Statement if he thought it unlikely for the Anecdote to come up, but there is no such necessary implication. In any case, this point is of no real consequence, since it is undisputed that during the 3 October Meeting, the appellant *did* discuss the 1 October E-mail and told Ms Khan that he would not judge her. Moreover, it does not affect the substance or believability of Ms Khan's testimony on what the Judgment Statement referred to and meant. Accordingly, this discrepancy was inconsequential, and thus did not afford any basis to impeach Ms Khan's credit.

160 For completeness, I briefly deal with the appellant's suggestion that I ought to depart from the three-step approach laid down in *Muthusamy v Public Prosecutor* [1948] MLJ 57 ("*Muthusamy*") that governs the procedure for applications to impeach a witness's credit under s 157(*c*) of the Evidence Act 1893 (2020 Rev Ed) ("Evidence Act"): see, for example, *Kwang Boon Keong Peter v Public Prosecutor* [1998] 2 SLR(R) 211 at [21]–[22]. In essence, the

appellant argues that there is an "inequality" between the Prosecution and Defence's respective abilities to use a witness's prior statements at trial, since any statement by the accused person is admissible under s 258(1) of the Criminal Procedure Code 2010 (2020 Rev Ed) ("CPC") for the purpose of cross-examination and impeaching the accused person's credit. Comparatively, s 259(1) of the CPC provides that any statement made by a person other than the accused (such as Ms Khan) in the course of any investigation by any law enforcement agency is inadmissible in evidence, save where it is *inter alia* used for impeaching the person's credit in the manner provided in s 157(*c*) of the Evidence Act (*ie*, via the *Muthusamy* procedure).

161 In my view, it is unnecessary to re-examine the *Muthusamy* procedure in the present case because none of the discrepancies identified by the appellant would have assisted the appellant *even if* Ms Khan's prior statements in her May 2022 Police Statement were admissible. In the present case, where the appellant's core complaint is that Ms Khan's account is riddled with lies and fabrications, there were no material discrepancies which showed that Ms Khan deliberately lied in court. As the Prosecution submits, the ultimate outcome is that the Judge considered these alleged discrepancies, and found that none of the discrepancies had the impact which the appellant had hoped for. Bearing further in mind that the procedure in *Muthusamy* has been affirmed by the Court of Appeal in *Loganathan Venkatesan and others v Public Prosecutor* [2000] 2 SLR(R) 904 at [50], *Lim Young Sien v Public Prosecutor* [1994] 1 SLR(R) 920 at [19], and *Somwang Phatthanasaeng v Public Prosecutor* [1992] 1 SLR(R) 682 at [33], I do not think it is necessary to consider this submission further.

The findings on the First Charge are consistent with the findings of the Second Charge

162 Before concluding on the Second Charge, I make a further point in relation to the interaction between the two charges. It seems to me that my decision to uphold the Judge's key findings in relation to the First Charge has a material bearing on the proper interpretation of the Judgment Statement. After all, although the two charges related to different conversations at different times, they were both discussions as to what to do about the Untruth.

163 In particular, as I have upheld the Judge's finding that the appellant did make the Grave Statement at the 8 August Meeting, this makes it difficult to understand the phrase "I will not judge you" in the manner contended by the appellant. Indeed, an indication to Ms Khan at the 3 October Meeting that it would be permissible for Ms Khan to maintain the Untruth would only be consistent with the fact that the appellant did not want Ms Khan to clarify the Untruth in Parliament by the end of the 8 August Meeting. The appellant's interpretation of the Judgment Statement – *ie*, that he would not judge Ms Khan if she owned up to the Untruth during the 4 October Parliamentary Sitting – would have represented an about-turn in his position from the Grave Statement during the 8 August Meeting. Given that no events of note occurred between the 8 August Meeting and the 3 October Meeting (indeed, as noted above, there was complete inaction on the appellant's part on the Untruth), it appears that the appellant's approach to addressing the Untruth remained unchanged in this period. Seen in this light, the Judgment Statement was a reiteration of the appellant's position in the earlier Grave Statement.

164 For the reasons above, I hold that the Judge did not err in convicting the appellant on the Second Charge.

165 For completeness, I note that the Judge drew several inferences from the conduct of the DP proceedings, including that the actions seemed to suggest a hidden agenda by the WP leaders to distance themselves with an earlier position that the Untruth need not be clarified: GD at [479]–[499]. Given my assessment of all the evidence before the court, there is no need to rely on the inferential value of the DP proceedings to support my decision affirming the appellant's convictions on the two charges.

Conclusion

166 The gravamen of the two charges is that the appellant did not intend that Ms Khan should clarify the Untruth and that he had given false testimony to the COP by claiming that he did. The sequence of events following Ms Khan's telling of the Untruth in Parliament on 3 August 2021 establishes that the appellant indeed did not hold such an intention for at least two months thereafter, a period which encompasses *both* charges.

167 The appellant was confronted with an inconvenient truth: a sitting MP from his party had told the Untruth, an unsolicited lie. From the time he learnt about the Untruth on 7 August 2021 till the time when it was decided that Ms Khan should clarify the Untruth on 11 October 2021 (after the meeting between the appellant, Ms Lim and Mr Low), the appellant was hoping that he would not have to deal with it. The WP leaders, including the appellant, were trying to manage the risks of admitting to the Untruth. It was for this reason that the WP leaders were examining issues like – would the Untruth be raised again in Parliament? Would the Government be able to discover the Untruth? It would be recalled that *both* of these points were raised by Ms Lim during the 8 August Meeting and the 11 October Meeting, during which the appellant said nothing.

The WP leaders, essentially, were engaged in an exercise of risk assessment and/or damage control.

168 Right till the end when the decision was made that Ms Khan should clarify the Untruth at the 1 November Parliamentary Sitting (which was only *after* Mr Low advised that the truth should be revealed in Parliament at the 11 October Meeting), it was never the appellant's position that Ms Khan should voluntarily come clean to clarify the Untruth *irrespective* of whether the issue would be raised in Parliament again or whether the Untruth would be discovered by the Government. The appellant's own case, taken at its highest, is that he wanted Ms Khan to clarify the Untruth ***if*** *it was raised in Parliament*. But what if the WP leaders' initial view, expressed by Ms Lim during the 8 August Meeting, came to pass and the matter was *not* raised again in Parliament again? It appears to me that the appellant's approach in that scenario would have been to let sleeping dogs lie; *ie,* that there was no need to resurrect the issue if it was already "buried". Alas, that was not to be.

169 Having never taken the position until the 11 October Meeting that Ms Khan should clarify the Untruth, it necessarily follows that the appellant did not intend that she should do so as at the 8 August Meeting (the focus of the First Charge) or the 3 October Meeting (the focus of the Second Charge). His claims of the contrary to the COP were thus false. The appellant's conviction on both charges is accordingly sound and his appeal is dismissed.

Steven Chong
Justice of the Court of Appeal

Andre Darius Jumabhoy and Eng Zhen Yang Aristotle (Andre Jumabhoy LLC) for the appellant;
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