

# Strengthening Partnerships

By forging relationships with judiciaries and other stakeholders near and far, we expand our reach to further uphold the rule of law.

# SINGAPORE INTERNATIONAL COMMERCIAL COURT SYMPOSIUM 2021

## Trends & Developments in International Commercial Litigation

The Singapore International Commercial Court (SICC) Symposium 2021 was organised to increase awareness of the SICC among the international legal and business community.

In the light of the COVID-19 situation, the Symposium was held as a live webinar on 10 March 2021.

A landmark event, the Symposium brought together key players in the international commercial dispute resolution sphere, with about 300 local and foreign delegates including those from Australia, Germany, India, Jamaica, Malaysia, the People's Republic of China, South Korea, Uganda, the United Arab Emirates, the United Kingdom and the United States of America in attendance.

### The Path Forward for International Commercial Courts

The theme was "Trends & Developments in International Commercial Litigation". In his opening address, Chief Justice Sundaresh Menon spoke about the likely dispute hotspots in the post-pandemic landscape, the expected impact of the pandemic on the ways in which commercial parties manage disputes, and the value proposition offered by international commercial courts.

The Symposium featured distinguished speakers from both Singapore and abroad, who comprised Judges and legal luminaries in the field of international commercial litigation. They shared their views and perspectives during the panel discussions, covering topics such as the development and key features of the SICC Rules 2021, emerging trends and opportunities for international commercial



Due to the COVID-19 situation, the SICC Symposium 2021 was held as a live webinar instead of a physical event.

courts, dispute resolution options in a post-pandemic world (including in the area of commercial and infrastructure disputes), the enforceability of court judgments, and the role of commercial courts in cross-border insolvency disputes. The delegates also had the opportunity to establish connections in a virtual networking lounge.

**About 300 local and foreign delegates were in attendance at the landmark event.**

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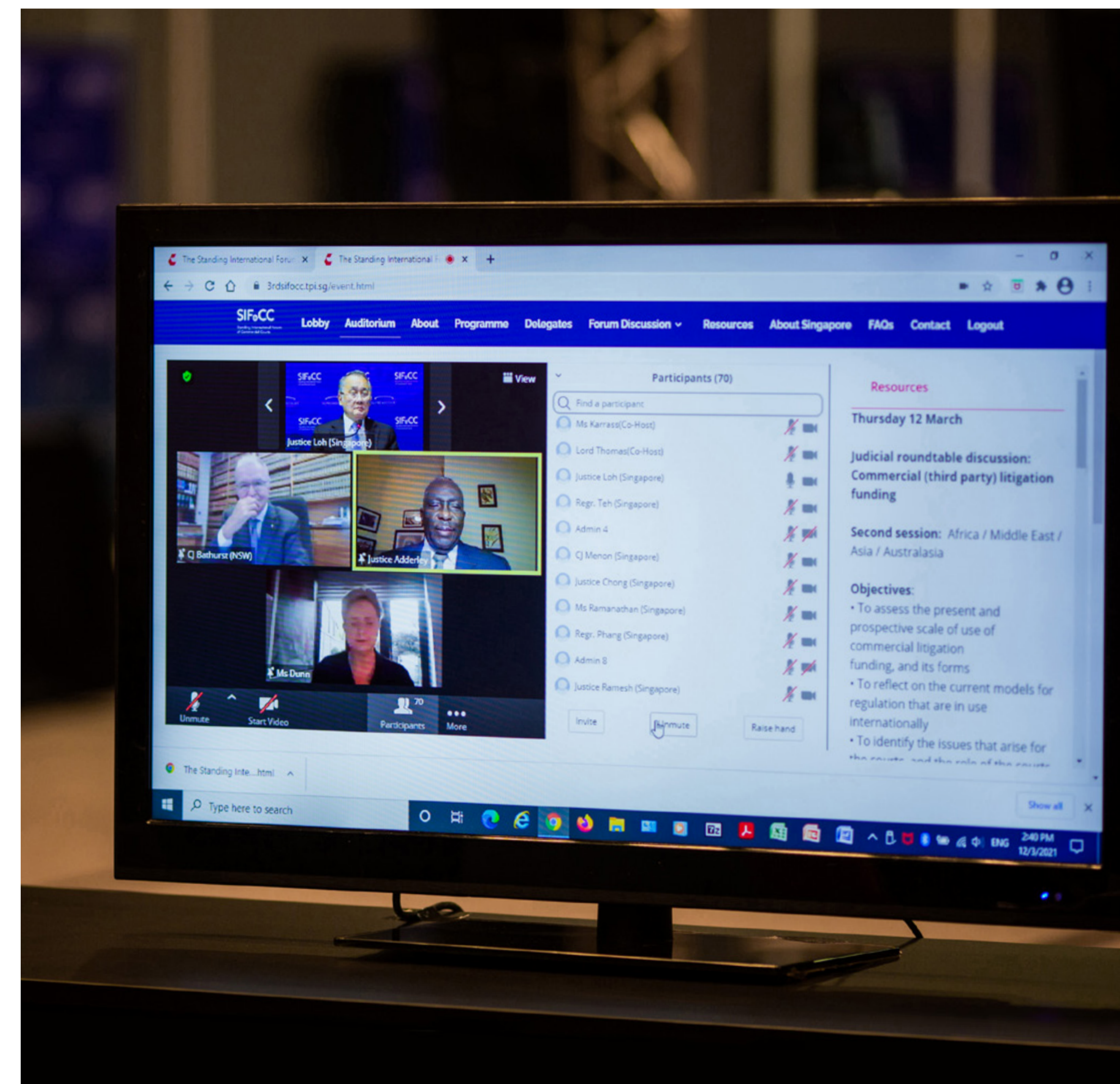
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# THIRD MEETING OF THE STANDING INTERNATIONAL FORUM OF COMMERCIAL COURTS

## Singapore Takes Over Hosting Duties

The Supreme Court hosted the third meeting of the Standing International Forum of Commercial Courts (SIFoCC) on 11 and 12 March 2021.

SIFoCC, which was established in 2017, brings together commercial courts from around the world, and is aligned with global efforts to support the rule of law as well as promote best practices in commercial dispute resolution. It was first mooted by Lord Thomas of Cwmgiedd, the former Lord Chief Justice of England and Wales. This led to the inaugural SIFoCC meeting in London in May 2017. The second SIFoCC meeting was hosted by the United States of America and took place in September 2018 in New York.



While Singapore delegates including Justice Quentin Loh (left), President of the Singapore International Commercial Court, convened at the Supreme Court in compliance with safe management measures, others joined remotely from around the world (above).

### Affirming the Importance of Cooperation

The third SIFoCC meeting, which was initially scheduled to take place in Singapore in March 2020, was conducted virtually for the first time with Chief Justices, Judges and senior judicial representatives participating remotely from around the world. Minister Indraneel Rajah SC delivered the opening remarks, while Minister Edwin Tong SC spoke



Chief Justice Menon said it was a “privilege” to host the occasion and referred to the SIFoCC as an “invaluable” forum.

about third-party litigation funding. Other topics that were discussed included the use of technology and artificial intelligence, how to best meet the needs of court users, and the future role of the world’s commercial courts.

Pre-recorded contributions and materials from guest speakers were made available on an online platform, which was jointly developed by the Supreme Court team and the SIFoCC Secretariat. The platform also featured a chat-style forum that allowed meeting participants to share ideas and experiences on topics concerning arbitration, cross-border insolvency and technological developments in member courts.

The event was a success with over 35 jurisdictions represented at the most senior level.

Australia will host the fourth SIFoCC meeting, which is scheduled to take place in Sydney in October 2022.

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# MEMORANDA WITH OTHER COURTS

## Agreements with the Supreme Courts of Rwanda and China

**B**ilateral relations remained a strategic focus of the Supreme Court in 2021. In April 2021, the Supreme Court entered into a Memorandum of Understanding for Judicial Cooperation, and a Memorandum of Guidance as to Enforcement of Money Judgements, with the Supreme Court of Rwanda, further elevating the excellent bilateral judicial relations between Singapore and Rwanda.

Chief Justice Sundaresh Menon observed after the virtual signing ceremony that these memoranda demonstrated the resolve of the two nations to further develop our legal and judicial expertise as we continue to learn, improve and adapt to the post-pandemic environment. Following the signing of the memoranda, the two parties jointly organised a virtual discussion forum on court technology on 22 November 2021. The forum was the first in a series of collaborative activities, focusing on capability development.

Another milestone was achieved on 3 December 2021, when the Supreme Court entered into a Memorandum of Understanding on Cooperation on Information on Foreign Law with the Supreme People's Court of the People's Republic of China. This memorandum establishes a bilateral mechanism for the referral of questions on foreign law between the two courts, and will enhance the accuracy of judicial decisions and the efficiency of civil and commercial proceedings involving the application of Singapore or Chinese law.

The memorandum is the first of its kind signed between the Supreme People's Court and a foreign court. It reflects our courts' shared commitment to strengthening bilateral judicial cooperation in the sphere of international commercial dispute resolution.



The Supreme Court signed Memoranda of Understanding with its Rwandan and Chinese counterparts in April 2021 (left) and December 2021 (above), respectively.

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# COMMUNICATION AND COOPERATION WITH THE FEDERAL COURT OF MALAYSIA

The Supreme Court has implemented two protocols with effect from 23 July 2021 to facilitate communication and cooperation with the Federal Court of Malaysia in proceedings concerning selected matters:

- (i) the Protocol on Court-to-Court Communication and Cooperation between Malaysia and Singapore in Related Admiralty and Shipping Matters; and
- (ii) the Protocol on Court-to-Court Communication and Cooperation between Malaysia and Singapore in Cross-Border Corporate Insolvency Matters.

The protocol on admiralty and shipping matters applies to related proceedings commenced in Malaysia and Singapore that involve a claim (or claims) coming within the admiralty jurisdiction of either Court, involve the arrest of the same vessel, or arise out of the same casualty and involve parties to an existing limitation action.

The protocol on cross-border corporate insolvency matters applies to related proceedings commenced in Malaysia and Singapore that relate to insolvency, or the adjustment of debt, of corporations (including winding up, judicial management, schemes of arrangement, or such similar processes as are available in Malaysia and Singapore).

## Across the Causeway

Either Court may initiate a request for court-to-court communication under the abovementioned protocols, with the other Court responding directly to the request. Parties before each Court will be notified of each request for court-to-court communication. However, they will not be permitted to participate unless the Courts agree in writing to allow their participation. The confidentiality of documents or information exchanged under either protocol will be maintained.

Although the protocols are not intended to create any legally enforceable rights or binding obligations on either Court, the

establishment of a suitable framework based on these protocols helps facilitate the efficient and timely coordination and administration of cross-border cases, enhancing judicial efficacy and reducing costs for businesses. The protocols also reflect the commitment to support and advance judicial cooperation between Malaysia and Singapore.

**The establishment of a suitable framework based on these protocols helps facilitate the efficient and timely coordination and administration of cross-border cases.**



The two protocols are indicative of the strong bilateral relations between the judiciaries of Malaysia (left) and Singapore (above).

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# DEEPENING PARTNERSHIPS WITH GOVERNMENT AGENCIES

## Specialised Work with the Singapore Prison Service

In 2020, the State Courts and the Singapore Prison Service (SPS) piloted a cross-learning programme to share knowledge and updates in the psychology and criminology fields, as well as on matters related to the professional practice of forensic psychologists. This collaboration remained active in 2021.

Staff in the State Courts Centre for Specialist Services (CSS), who are trained in specialised fields such as social work, counselling and psychology, held monthly discussions with officers in the SPS' Psychological and Correctional Rehabilitation Division to learn more from one another. The sessions covered topics such as Vicarious Trauma, Tech-facilitated Sexual Offending and the Psychological Resilience Framework. Notable cases were discussed, with a focus on the interventions provided to offenders once they are in the court system as well as when they are incarcerated.

Besides advancing the assessment skills of CSS staff, the cross-learning platform also equipped them with additional knowledge to serve court users better, including family members of the offenders. For example, the staff learned what kind of information is relevant to provide to the families, and how to assure them that their loved ones are receiving help in prison. Short cross-attachment stints at the State Courts and SPS were introduced as well.

This initiative has facilitated the exchange of insights and best practices, and allowed participants to gain a deeper understanding of their respective roles and the impact they have on offenders and their families. In the coming year, the State Courts are planning more collaborative efforts with other SPS units that manage aftercare for offenders.

Monthly discussions between State Courts and SPS staff facilitated the exchange of insights and best practices in the fields of psychology and criminology.

## Family Violence Taskforce and Working Group

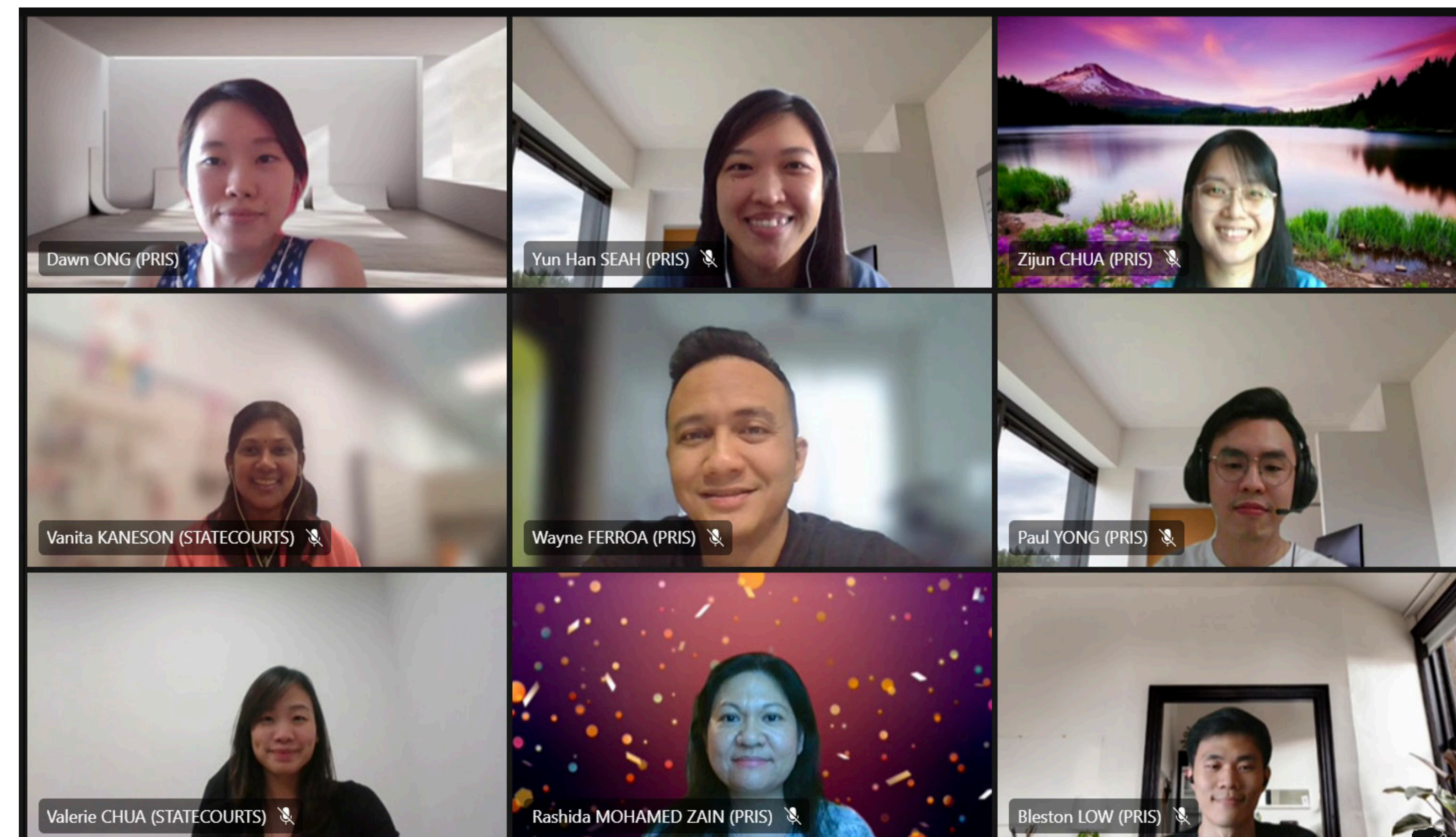
The multi-stakeholder Taskforce on Family Violence was set up in February 2020 to better understand the family violence landscape in Singapore, identify areas for improvement and make recommendations to tackle the issue. Co-chaired by Minister of State for Social and Family Development & Home Affairs, Ms Sun Xueling, and Minister of State for Home Affairs & National Development, Associate Professor Dr Muhammad Faishal Ibrahim, the Taskforce comprises 21 members from social service agencies, non-governmental organisations, the Courts, hospitals and government agencies. Ms Sophia Ang, Senior Director, Counselling and Psychological Services, Family Justice Courts (FJC), represents the FJC on the Taskforce.

Over the span of one-and-a-half years, the Taskforce analysed family violence-related data and engaged a range of stakeholders who work directly with family violence survivors and perpetrators. Based on findings from the data and the feedback provided by community partners, the Taskforce released a report in September 2021 containing 16 recommendations to improve immediate support for victims,

## The Taskforce on Family Violence released a report in September 2021 containing 16 recommendations to improve support for victims.

enhance protection for them, prevent violence from recurring, and raise awareness of early warning signs. Among the recommendations were empowering the FJC to make additional types of orders; and strengthening the rehabilitation regime for perpetrators, including through mandatory counselling.

The FJC is also represented in the multi-stakeholder Family Violence Working Group, which will be looking to operationalise some of the Taskforce's recommendations.



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## DEEPENING PARTNERSHIPS WITH GOVERNMENT AGENCIES

**Multi-Agency Cooperation  
in Maritime Matters**

What should happen if a crew member (or members) on board an arrested ship tested positive for COVID-19? This was one of many potential problems that the pandemic threw up regarding ship arrests.

To effectively deal with such a possibility, the Supreme Court Registry, working under the guidance of specialist shipping Judges, approached and consulted the relevant government agencies in charge of port and COVID-19 matters, namely the Maritime and Port Authority of Singapore, the Ministry of Health and the National Environment Agency's Port Health Section. A working Protocol was established to set out how the Sheriff's Office would deal with this scenario. Included in the Protocol are detailed steps and the specific agency responsible for each necessary action, from the point the Sheriff's Office is informed of a suspected COVID-19 case on board an arrested vessel until the crew member(s) is cleared.

The working Protocol is a testament to the good working relationship between the agencies working on maritime matters, and to the Supreme Court's ability to meet challenges brought about by the pandemic.

**Vetting of Content on Lasting Power of Attorney**

In collaboration with the Office of Public Guardian, the FJC Language Services team vetted vernacular content on the making and registering of a Lasting Power of Attorney (LPA) to ensure a true reflection of source text. The LPA is a legal document that allows a person to voluntarily appoint another person to make decisions and act on his or her behalf if the former loses mental capacity one day. Against the backdrop of Singapore's greying population, where many are literate or fluent only in their mother tongue, having an accurate translation of the vernacular content is important to ensure a full understanding of the information online as well as the details required for form filling.

**HACKATHON FOR A  
BETTER WORLD 2021**

Following the success of the inaugural Hackathon for a Better World in 2020, DBS Bank, the Judiciary and the Ministry of Communications and Information jointly organised a second instalment in 2021. It drew participation from 40 teams with diverse compositions, such as practising lawyers, law students, public officers and DBS employees.

Themed "Designing a Safer, Kinder & Responsible Internet for All", the 2021 competition tackled the issue of online harms, particularly against women and girls, and sought to generate innovative solutions for safer and kinder online spaces in today's digital age. Participants were challenged to "hack" one of three problem statements and adopted a "learn-as-you-hack" format, where they worked on the problem statements over two months through an iterative process.

Four teams, namely Go Women (Singapore Management University), All Shook Up (Shook Lin & Bok LLP), Voicehackers (State Courts) and Pin It Down! (National Arts Council & Others), emerged as overall winners for their innovative solutions.

**WINNERS OF HACKATHON FOR A BETTER WORLD 2021**

**Go Women**  
(Singapore Management University)

**MOST INNOVATIVE IDEA**

Equipping female Telegram users with safety and privacy functions whilst deterring non-consensual circulation of their explicit photographs

**All Shook Up**  
(Shook Lin & Bok LLP)

**MOST FEASIBLE IDEA**

Utilising existing infrastructure to counter the rise of image-based sexual abuse

**Voicehackers**  
(State Courts)

**MOST LIFE-CHANGING IDEA**

A CyberTogether Hub that fortifies legal and non-legal support to victims through public-private partnerships and spearheads the whole-of-nation fight against cyberbullying through a one-stop platform

**Pin It Down!**  
(National Arts Council & Others)

**MOST HUMAN-CENTRED IDEA**

A three-pronged approach that empowers loved ones of sexual offenders to share their personal journeys through social media, and a one-stop website with resources from key stakeholders and support groups

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# PANEL OF THERAPEUTIC SPECIALISTS



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The FJC has teamed up with multiple stakeholders to expand the range and depth of therapeutic services for court users and their families.

First announced in September 2021, the Panel of Therapeutic Specialists (POTS) was conceived with the aim of making therapeutic specialist services more accessible to court users and their families who require mental health-related support, or specialised assessment or intervention during mediation or in legal proceedings.

The Family Justice Courts (FJC) signed a Memorandum of Understanding with the College of Psychiatrists, Academy of Medicine, Singapore, the Singapore Association for Counselling and the Singapore Psychological Society to set up the POTS.

The POTS, which comprises qualified mental health and social science professionals from the private sector, is part of the FJC's efforts to expand the range and depth of therapeutic services to meet the needs of families undergoing or concluding family proceedings beyond existing public-sector schemes. Through the directions of a Judge or under a voluntary referral process, families may access the panel for paid private-sector services.

A Steering Committee headed by the Registrar of the FJC, Mr Kenneth Yap, oversees the development of this project. A pilot initiative will also commence in 2022.



Feedback was gathered from the Family Bar to obtain suggestions for improvement and better delivery of therapeutic justice.

## ENGAGEMENT OF THE FAMILY BAR

To gather feedback and suggestions on opportunities for growth and areas of improvement for the FJC, Registrar Mr Kenneth Yap has been engaging members of the Family Bar through focus group discussions on an annual basis since 2019.

In 2021, there were a total of 67 attendees. With the FJC's renewed vision to be a family court that delivers Therapeutic Justice (TJ), the focus of the 2021 discussions was on gathering feedback from the ground up on TJ in family proceedings. Members of the Family Bar suggested ways to bolster the adoption of TJ in family law. They also provided feedback on other matters, such as how existing processes could be improved and how court proceedings could be conducted post-pandemic.



# REHABILITATING OFFENDERS WITH INTELLECTUAL DISABILITIES

The State Courts have partnered the Centre for Psychotherapy (CFP) to rehabilitate offenders with intellectual disabilities through the Court-Directed Pre-Sentencing Protocol (CPSP).

The CPSP is a multi-agency initiative launched in 2016 to manage offenders in cases where community-based sentencing options are unavailable. Aimed at addressing underlying problems commonly faced by individuals who commit minor offences, the Courts direct offenders to undergo treatment, receive counselling or voluntarily participate in residential or structured programmes, before passing a sentence.

Under this partnership, the State Courts Centre for Specialist Services (CSS) conducts initial interviews with an offender before referral, monitors his or her progress and compliance with therapy, and reviews strategies to prevent reoffending. The CFP provides

counselling and psychotherapy services, and submits reports to the Courts for consideration. Both the CFP and CSS reach out to the offender's family as well, to understand the offender's background, needs and challenges, and to equip them with relevant skills and knowledge to assist the offender's rehabilitation.

On 31 July 2021, the CFP received the Public Service Transformation Star Partner Award for its work with the State Courts. This award recognises exemplary non-government agencies that have demonstrated a strong spirit of partnership with public agencies.

Recognising that such partnerships allow the State Courts to respond more effectively to the needs of court users and guide them in their journey to improve their lives, the State Courts intend to generate greater awareness of this initiative amongst stakeholders so that more can benefit from it.



Under the CPSP, individuals with intellectual disabilities who commit minor offences receive counselling or treatment to address underlying problems and hopefully prevent reoffending.

# INTERNATIONAL WORKSHOPS FOR ASEAN JUDICIARIES

More than 50 participants comprising judges and court administrators from the 10 ASEAN judiciaries attended the inaugural International Framework for Court Excellence (IFCE) Train-the-Trainer Workshop on 8 and 9 April 2021. The objective of the workshop was to help build a core team within ASEAN member states with IFCE expertise.

The IFCE serves as a guide to court excellence, and reinforces values and aspirations deemed critical to an effective and publicly respected court. It was first developed in 2008 and has since undergone two revisions, the latest of which was launched in 2020.

The April workshop, which was organised by the State Courts, covered theoretical and practical aspects of the IFCE. These included the formation and development of the International Consortium for Court Excellence (ICCE), of which the State Courts are a founding member;

the origins and evolution of the IFCE; and its holistic approach to evaluating court performance and continuous improvement methodology. In addition, the workshop allowed for the exchange of ideas with members of the ICCE Executive Committee.

Prior to that, on 23 March 2021, the State Courts and the Administrative Court of Thailand held a one-day workshop to cover the latest developments in the IFCE and its application to court operations. The State Courts shared updates on the third edition of the IFCE and how it had guided them in overcoming challenges brought about by the COVID-19 pandemic. Representing Thailand, Judge Siriwan Chullapo of the Supreme Administrative Court, alongside the President of a Chamber of the Central Administrative Court, Judge Ekkanut Jinasen, recounted their implementation of the IFCE in three courts and how various projects had been undertaken to strengthen certain areas under the Framework.



Judge Siriwan Chullapo (centre) led the Thailand delegation at the IFCE workshop from their base in Bangkok, while the State Courts team joined virtually from Singapore.

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# JUDICIAL TRAINING ACROSS BORDERS



The SJC joined its Chinese counterpart in co-hosting a special edition of the Case Forum of the SPC Judicial Case Academy in December 2021.

Leveraging technology, the Singapore Judicial College (SJC) successfully bridged the physical divide amid travel restrictions to strengthen its collaborations with partner institutions significantly in 2021.

## China as a Key Partner

The SJC's 2021 training calendar was bookended by two signature events in furtherance of the Memorandum of Understanding on Advancing Continuing Judicial Education between the Supreme Court of Singapore and the Supreme People's Court of the People's Republic of China (SPC).

In January, the SJC hosted a joint online seminar with the SPC National Judges College (NJC) to raise awareness of the Chinese commercial legal system, the Belt and Road Initiative, the Chinese International Commercial Court and the Singapore International

Commercial Court (SICC). In attendance were Justice Andrew Phang (Vice-President, Court of Appeal of Singapore), Judges of the Supreme Court of Singapore, International Judges of the SICC, Justice Yang Wanming (Vice-President, SPC) and Mr Sun Xiaoyong (President, NJC). They were joined by over 30 participants from the Supreme Court, State Courts and Family Justice Courts of Singapore, as well as various Chinese courts.

In December, the SJC was invited as the first foreign institution to co-host, together with the NJC, a special edition of the Case Forum of the SPC Judicial Case Academy. The Case Forum centred around discussions of selected cases from *A Compendium of Singapore-China International Commercial Cases Curated for Their Relevance to the Belt and Road Initiative*, a joint publication of the Supreme Court of Singapore and the SPC, led by judges and academics from both countries. Attendees included Justice of the Court of Appeal Steven Chong (Judge in charge of international judicial relations), Justice Ang Cheng Hock (Governor, SJC), Justice Tao Kaiyuan (Vice-President, SPC) and Justice Liu Guixiang (Standing Member of SPC's Adjudication Committee), along with 143 participants from the Singapore and Chinese courts.

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## Other Training Initiatives in 2021

The SJC conducted an International Conference on Pedagogy with the Judicial Research and Training Institute (JRTI) of the Supreme Court of Korea. Subsequently, Mr Foo Chee Hock SC (Dean, SJC) and District Judge Paul Quan (Executive Director, SJC) were invited to speak at the JRTI International Conference on the occasion of its 50th anniversary.

The SJC hosted a joint conference on international commercial law with the Hainan High People's Court in China. It focused on the SICC as well as the Foreign-related Civil and Commercial Courts of Hainan, and their respective cases.

Under the Singapore Cooperation Programme of the Ministry of Foreign Affairs of Singapore, the SJC ran two online international programmes on court technology and managing international investment treaty commitments. A total of 55 attendees from 29 countries participated in both programmes.



Foreign government officials gained an overview of how international treaty commitments apply to governments during a four-day online course in August 2021.

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