

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

Magistrate's Notice Case No 900426-2024 and another

Public Prosecutor

Against

Pritam Singh

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**ORAL JUDGMENT (VERDICT)**

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[Criminal Law] [–[Parliament (Privileges, Immunities and Powers) Act (Cap 217, 2000 Rev Ed)] – [– [Section 31(*q*) read with section 36(1)(*b*)] – [– [Wilfully making a false answer to questions material to the subject of inquiry put during examination before the Committee of Privileges]

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## **Public Prosecutor**

v

## **Pritam Singh**

Magistrate's Court Notice No 900426-2024 and another  
District Judge Luke Tan  
14 October 2024 - 18 October 2024, 21 - 24 October 2024, 5 - 8 November  
2024, 17 February 2025

17 February 2025

**District Judge Luke Tan**

### **Introduction**

1 This is my oral judgment to outline how and why I have reached my decision on the two charges in this case. My oral judgment may be supplemented, and is subject to full grounds being issued in due course, if necessary.

2 This case starts with a lie being told in Parliament on 3 August 2021 by a Member of Parliament ("MP"), Ms Raeesah Khan ("Ms Khan") of the Workers' Party ("WP"). The lie was then essentially repeated by her in Parliament on 4 October 2021. On 1 November 2021, through a personal statement that she made in Parliament, Ms Khan admitted to having lied in Parliament.

3 In December 2021, an inquiry was conducted by a Parliamentary Committee of Privileges (“COP”) into Ms Khan’s lying in Parliament. The accused, Mr Pritam Singh, the Secretary-General of the WP since 2018 and the Leader of the Opposition since 2020, testified before the COP.

4 The accused is alleged to have wilfully made false answers to questions which were material to the subject of inquiry during his examination before the COP. The accused faces two charges in these proceedings for committing offences under s 31(*q*) read with s 36(1)(*b*) of the Parliament (Privileges, Immunities and Powers) Act (Cap 217, 2000 Rev Ed) (“PPIPA”). The accused claimed trial to both charges.

5 The charges are set out as follows:

(a) Magistrate’s Court Notice 00426-2024 (“First Charge”)

You...are charged that you, on 10 December 2021, in the Public Hearing Room at Parliament House, located at 1 Parliament Place, Singapore, 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) Magistrate’s Court Notice 00427-2024 (“Second Charge”)

You...are charged that you, on 10 and 15 December 2021, in the Public Hearing Room at Parliament House, located at 1



Parliament Place, Singapore, 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(*g*) read with section 36(1)(*b*) of the Parliament (Privileges, Immunities and Powers) Act (Cap 217, 2000 Rev Ed).

### **Outline of the Facts and the Chronology of Events**

6 At the commencement of the trial, parties set out the agreed facts in a Statement of Agreed Facts (“SOAF”). This document was admitted under s 267(1) of the Criminal Procedure Code 2010 (“2020 Rev Ed”) (“CPC”). Together with the SOAF was included a set of agreed documents.

7 I set out below the undisputed facts of the case which are largely reproduced from SOAF.

#### ***Ms Khan’s anecdote in Parliament on 3 August 2021***

8 On 3 August 2021 at 5.41 pm, PW1 Ms Khan, who was then a WP MP, gave a speech on the motion “Empowering Women” in Parliament, where she discussed issues relating to the Muslim community in connection with polygamy, female genital cutting and the treatment of victims of sexual offences.

9 In the course of her speech, Ms Khan recounted the following anecdote about having accompanied a rape victim to a police station and raised questions about the Police’s treatment of the victim (the “Anecdote”). She stated:

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

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

10 At 6.33 pm, Minister of State Desmond Tan (“MOS Tan”) asked Ms Khan to furnish further details regarding the Anecdote so that the Police could investigate the matter, but Ms Khan declined to do so.

11 At 6.39 pm, the accused messaged Ms Khan via WhatsApp and urged her to provide further details to the Police or MOS Tan, but Ms Khan indicated that she was unable to contact the victim mentioned in the Anecdote. The accused then drafted a short statement for Ms Khan to read out in Parliament to clarify her earlier position. Ms Khan agreed and subsequently made a clarification in Parliament.

***Ms Khan reveals on 7 August 2021 that the incident in the Anecdote did not occur***

12 On 4 and 5 August 2021, the accused continued to message Ms Khan about the Anecdote and what transpired in Parliament on 3 August 2021. He also gave her some words of comfort and advice, and urged her to follow up on the matter by trying to contact the rape victim mentioned in the Anecdote.

13 On 7 August 2021, the accused spoke to Ms Khan on the phone. When the accused pressed Ms Khan for further details about the Anecdote and whether the incident happened, Ms Khan told the accused that the incident did not occur. The accused hung up the phone.

***Ms Khan meets with the accused and other WP leaders on 8 August 2021***

14 On the following day *ie*, 8 August 2021, a meeting was held at the accused's home at about 11.00 am (the "8<sup>th</sup> August Meeting"). The accused had invited two senior members of the WP to attend, namely Chairperson Ms Lim Swee Lian Sylvia ("Ms Lim") and Vice-Chairman Mr Muhamad Faisal bin Abdul Manap ("Mr Faisal"). Both Ms Lim and Mr Faisal have been MPs for Aljunied GRC since 2011 together with the accused, and they were also members of the WP's Central Executive Committee ("CEC") at the material time. The accused also invited Ms Khan to attend.

15 The accused had informed Mr Faisal and Ms Khan *via* a WhatsApp message on 8 August 2021 that the meeting was to discuss the adverse reaction in the Muslim community to Ms Khan's comments on polygamy and female genital cutting in her speech on 3 August 2021.

***Events leading up to 4 October 2021 Parliament Sitting***

16 From 9 August 2021 to 2 October 2021, the accused did not meet with Ms Khan to discuss the matter of the untrue Anecdote uttered in Parliament (the "Untruth"). She was ill with shingles in September and did not attend the September 2021 sitting of Parliament.

17 On 1 October 2021, the accused sent an email to members of the WP (including Ms Lim, Mr Faisal and Ms Khan) to remind them of the importance of being able to "back up and defend" statements made in Parliament or risk being hauled up before the COP.

18 On 3 October 2021, the accused visited Ms Khan at her home (the "3<sup>rd</sup> October Meeting").

***Events on 4 October 2021: Parliamentary sitting and meeting at the Opposition's office***

19 On 4 October 2021 at about 12.30 pm in Parliament, the Minister for Home Affairs and Law, Mr K Shanmugam (“Minister Shanmugam”), made a short statement in relation to the Anecdote and asked Ms Khan for further details so that the allegations against the Police could be investigated. As Minister Shanmugam was speaking, Ms Khan sent the accused a WhatsApp message at about 12.34 pm, asking “What should I do, Pritam?”.

20 Ms Khan responded to Minister Shanmugam by confirming that the Anecdote did indeed take place, but declined to provide further details on the basis of confidentiality. Following a further exchange with Ms Khan, Minister Shanmugam explained that the Police would investigate the matter further, including by interviewing Ms Khan.

21 At about 12.45 pm, the accused responded to Ms Khan’s 12.34 pm WhatsApp message with the message “Will speak after sitting. Keep Chair and I posted.”

22 Later the same day (*ie*, 4 October 2021), at about 11.15 pm, Ms Khan met with the accused and Ms Lim at the Leader of the Opposition’s office (“LOTO”) in Parliament.

***Events from 7 to October 2021: Police’s invitation to Ms Khan to attend an interview and her subsequent meeting with the accused***

23 On 7 October 2021, the Police emailed Ms Khan and invited her to attend an interview to provide further details about the Anecdote. Ms Khan forwarded the Police’s email to the accused, Ms Lim and Mr Faisal on the same day at 5.07 pm and asked what they would like her to do. Neither the accused,

nor Ms Lim, nor Mr Faisal replied to Ms Khan's email. Ms Khan also did not respond to the Police's request.

24 From 8 October 2021 to 11 October 2021, Ms Khan and the accused arranged via WhatsApp to meet in person. They met on 12 October 2021 at the accused's home.

***Meeting with Mr Low Thia Khiang on 11 October 2021***

25 On 11 October 2021, the accused and Ms Lim met with the former Secretary-General of the WP, Mr Low Thia Khiang ("Mr Low"), at Mr Low's home. Mr Low remained a member of the WP after he stepped down as Secretary-General on 8 April 2018 and is still a Committee Member on the WP's CEC.

***Meetings at the accused's home on 12 October 2021***

26 In the afternoon of 12 October 2021, Ms Khan met with the accused at his home as previously arranged.

27 In the evening of 12 October 2021 at about 8.45 pm, then-WP cadre members, Mr Yudhisthra Nathan ("Mr Nathan") and Ms Loh Pei Ying ("Ms Low") also met with the accused at the accused's home.

28 The accused, Mr Nathan, and Ms Loh, amongst other things, discussed whether Ms Khan's clarification in Parliament should refer to her own sexual assault.

**Events from 20 October to 29 October 2021: Statement by the police and the lead-up to Ms Khan's personal statement in Parliament**

29 On 20 October 2021, the Police issued a statement indicating that Ms Khan had not responded to the Police's repeated requests for an interview.

30 In response, and after consulting with the accused, Ms Khan informed the Police and the media that she would be making a statement on the matter at the next sitting of Parliament on 1 November 2021.

31 By this time, Ms Khan had already begun preparing drafts of her statement. From 15 October 2021 to 31 October 2021, drafts of the statement were prepared by Ms Khan and reviewed by the accused. Mr Nathan, Ms Loh and Ms Lim were also involved. During this period, the accused and Ms Khan arranged *via* WhatsApp to discuss the drafts.

32 On 29 October 2021, the accused convened a WP CEC meeting to inform the WP CEC members of the admission that Ms Khan was going to make in Parliament on 1 November 2021 about having repeatedly lied about the Anecdote. At the meeting, Ms Khan was directed to read out a draft of the statement she was going to make in Parliament.

***Ms Khan's personal statement made in Parliament on 1 November***

33 On 1 November 2021, Ms Khan delivered her personal statement in Parliament, in which she admitted that the Anecdote on 3 August 2021 was untrue and that she had only heard the account being recounted at a support group for women which she was a part of. Ms Khan explained that she had attended the support group because she herself was a survivor of a sexual assault on her when she was 18 years old and studying abroad. Ms Khan sought to correct the record by retracting the Anecdote.

34 Subsequently, the Leader of the House Ms Indranee Rajah sought certain clarifications with Ms Khan before asking the Speaker of Parliament to refer the matter to the COP. The Speaker of Parliament, being satisfied that the matter complained of *prima facie* affected the privileges of Parliament, did so.

35 On the same day, the accused issued a statement on the matter on the WP Facebook page.

***Disciplinary Panel and Ms Khan's resignation: 2 to 30 November***

36 On 2 November 2021, the accused informed Ms Lim and Mr Faisal that he intended to form a Disciplinary Panel ("DP") to look into Ms Khan's conduct. Ms Lim and Mr Faisal had no objections.

37 On the same day, approval was obtained from the WP CEC and the WP issued a statement on its Facebook page announcing that a DP had been formed to "look into the admissions made by MP Raeesah Khan in Parliament on 1 Nov 2021" and that the DP would comprise the accused, Ms Lim and Mr Faisal. That evening, Ms Lim (on behalf of the DP) emailed Ms Khan with further information about the DP.

38 On 8 November 2021, Ms Khan attended her first session before the DP.

39 On 10 November 2021, WP members received an invitation from the DP to provide their view on the matter.

40 On 22 November 2021, Ms Khan messaged the accused *via* WhatsApp and requested to meet the DP again before the DP came to a decision.

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41 On 25 November 2021, Mr Nathan and Ms Loh attended before the DP to provide their views.

42 On 29 November 2021, Ms Khan attended her second session before the DP pursuant to her request.

43 On 30 November 2021, at about 4.30 pm, Ms Khan informed the accused that she intended to resign as a member of the WP and as an MP.

44 That same evening, there was a WP CEC meeting at about 8.15 pm. At the meeting, Ms Khan informed the CEC that she would be resigning. Ms Khan was then excused from the meeting and Ms Lim presented the DP's findings and recommendations to the CEC. The CEC voted for Ms Khan to be expelled if she did not resign. Later that evening, Ms Khan resigned as a member of the WP and as an MP.

***Committee Of Privileges***

45 The COP, to whom Ms Khan's conduct had been referred, sat on several days in December 2021 and heard oral evidence on oath or affirmation from nine witnesses, including the accused, in the Public Hearing Room at Parliament House. On 10 February 2022, the COP presented its report to Parliament.

**Outline of the Prosecution's Case**

46 The Prosecution called the following four witnesses to testify:

- (a) PW1 Ms Khan: She was elected to Parliament as a first-time WP MP in the middle of 2020. She was 26 years old at that time. Ms Khan resigned as a member of the WP and as an MP on 30 November 2021 (see above at [44]).



- (b) PW2 Ms Loh: Ms Loh started in 2011 as a general election volunteer with the WP and was a volunteer for about 10 years, until 2022 when she left the party. Ms Loh started working with the party's media team in 2012, and was involved in by-elections in Hougang and Punggol East. Thereafter, she was in charge of updating the WP's election website and media graphics. Ms Loh was also in the policy team of the WP, and was a WP cadre member from 2015 or 2016.
- (c) PW3 Mr Nathan: Mr Nathan was a volunteer with the WP in 2013 and became a member in 2015. He became a cadre member in mid-2016 and continued until his resignation in 2022. He was formerly a member of the WP media team, the WP policy team, and the WP Youth Wing Executive Committee. Mr Nathan assisted the accused with media matters, and gave comments on Facebook posts and the occasional budget or Parliament speeches.
- (d) PW4 Mr Low Thia Kiang: Mr Low is the former Secretary-General of the WP and a member of the WP CEC.

47 The Prosecution set out its case in the Prosecution's Closing Submissions ("PCS") and the Prosecution's Reply Submissions ("PRS") (collectively, the "Prosecution's Submissions").

48 In the Prosecution's Submissions, the Prosecution highlighted that it was undisputed that when the accused appeared before the COP, the accused testified, through answering questions posed to him by the COP, that:

- (a) At the conclusion of the 8<sup>th</sup> August Meeting, he wanted Ms Khan to, at some point, clarify in Parliament that the Anecdote was untrue; and

- (b) At the 3<sup>rd</sup> October Meeting, he wanted to convey to Ms Khan that she had to clarify that the Anecdote was untrue if the issue came up in Parliament the next day.

49 To the extent relevant for the present case, the crux of the Prosecution's case, as set out [93] – [94] of the PCS is as follows:

- (a) The accused's testimony to the COP was false, and he had accordingly wilfully lied to the COP about his intentions at the 8<sup>th</sup> August Meeting and the 3<sup>rd</sup> October Meeting.

- (b) Contrary to the accused's testimony to the COP, the truth is that:

- (i) At the conclusion of the 8<sup>th</sup> August Meeting, the accused was content for Ms Khan to leave the Anecdote unclarified in Parliament and for the truth to be buried; and

- (ii) At the 3<sup>rd</sup> October Meeting, the accused intentionally conveyed to Ms Khan that she could maintain the untrue Anecdote if the issue came up the next day in Parliament.

- (c) The accused attempted to bury the truth and gave Ms Khan permission to continue the Untruth until she was finally advised on 12 October 2021 to come clean in Parliament.

- (d) Hence, the accused gave false answers to the COP about what he wanted Ms Khan to do about the untrue Anecdote at the 8<sup>th</sup> August Meeting and the 3<sup>rd</sup> October Meeting to distance himself from Ms Khan's conduct, and to downplay his own responsibility in the matter.

50 The Prosecution further submitted that three out of the four elements of each charge were not in doubt in that:

- (a) For each charge, the accused had made an answer to the COP's questions as identified in the First Charge and the Second Charge;
- (b) The COP's questions on the issue were material to the subject of inquiry before the COP, and
- (c) The accused had given his answer wilfully.

51 For each charge, the only remaining element to be considered was whether the answer made by the accused was false.

52 The Prosecution clarified in the Prosecution's Submissions that its case was not premised on Ms Khan's account of the 8<sup>th</sup> August Meeting and the 3<sup>rd</sup> October Meeting alone.<sup>1</sup>

53 Instead, in relation to the First Charge, Ms Khan's account of the 8<sup>th</sup> August Meeting ultimately went towards the larger question of what the accused wanted her to do about the Untruth at the conclusion of the 8<sup>th</sup> August Meeting. Thus, the Prosecution's case was premised on Ms Khan's account of what transpired at that meeting, which was corroborated by evidence of the accused's and Ms Khan's *subsequent* conduct and their *subsequent* communications or lack thereof with each other or with other parties (such as Ms Lim, Mr Faisal, Mr Low, Ms Loh and Mr Nathan) about the Untruth and what was to be done about it. The evidence includes:

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<sup>1</sup> PRS at [11] to [14].

- (a) P10, Ms Khan's message sent to Mr Nathan and Ms Loh on 8 August 2021 at 12.41 pm (the "12.41 pm Message") which stated that the leaders (who included the accused) had agreed that the best course of action was to take the information to the grave;
- (b) Ms Loh's and Mr Nathan's testimony of their meeting with the accused on 10 August 2021, two days after the 8<sup>th</sup> August Meeting;
- (c) Ms Khan's activities and communications with the accused after the 8<sup>th</sup> August Meeting;
- (d) The lack of communication between the accused and Ms Lim and/or Mr Faisal after the 8<sup>th</sup> August Meeting about what to do with the untrue Anecdote; and
- (e) The accused's communications with Mr Low.

54 In relation to the Second Charge, Ms Khan's account of the 3<sup>rd</sup> October Meeting pertained to the question of what the accused wanted to convey to her to do in Parliament the following day. Thus, the Prosecution's Submissions took the position that evidence pertaining to the events *from* 4 October 2021 *onwards, and evidence* relating to what the accused had *previously* conveyed to Ms Khan concerning the Untruth would be of corroborative value. Such evidence includes:

- (a) Mr Nathan's and Ms Loh's testimony of what the accused recounted to them on 12 October 2021;
- (b) The accused's, Ms Loh's, and Mr Nathan's testimony on the amount of preparation needed if Ms Khan was to come clean in Parliament;

- (c) Ms Khan’s testimony that the accused used the phrase “I will not judge you” at the 3<sup>rd</sup> October Meeting;
- (d) The accused’s email on 1 October 2021 highlighting that MPs who made unsubstantiated allegations could be referred to the COP;
- (e) Ms Khan’s email to the WP leaders on 7 October 2021; and
- (f) The accused’s inaction on 4 and 5 October 2021 and the events thereafter, including his communications with Mr Low on 11 October 2021.

55 In its PRS, the Prosecution also clarified that contrary to the Defence’s submissions, it has never taken the position that this case would turn on the question of whose account was “more probable”. Instead, its position all along has been that there is sufficient evidence to establish every element of both charges beyond a reasonable doubt.

**Outline of the Defence’s case**

56 The accused was the only witness for the Defence, as the Defence declined to call any other witness after the accused completed his testimony.

57 The accused is the Secretary-General of the WP and has been in that post since 2018. He is currently also the Leader of the Opposition.

58 The Defence’s case was set out in the Defence Closing Submissions (“DCS”) and the Defence Reply Submissions (“DRS”) (collectively, the “Defence’s Submissions”).

59 Essentially, the Defence argued that:

- (a) Ms Khan’s evidence was uncorroborated, and hence must be “unusually convincing” to sustain a conviction.<sup>2</sup> The Defence further argued that this threshold has not been met because her account is not internally or externally consistent.<sup>3</sup> In this regard, the Defence submitted that Ms Khan, the main witness for the Prosecution, was a prolific liar who lied to her friends Ms Loh and Mr Nathan, and had lied about the Untruth told in Parliament to the accused.<sup>4</sup> The Defence also took issue with exhibits relied on by the Prosecution, including the 12.41 pm Message sent by Ms Khan to Ms Loh and Mr Nathan, and argued that this message did not amount to corroboration.<sup>5</sup>
- (b) As for Ms Loh and Mr Nathan, the Defence took the position that their evidence is unreliable, and also that they had, at the very least, conspired to hide from Parliament evidence of how they persuaded Ms Khan to continue lying in Parliament.<sup>6</sup> The Defence also alleged that it was Ms Loh and Mr Nathan who wanted Ms Khan to bury the Untruth, and who were now pointing the finger at the accused.<sup>7</sup>
- (c) The Defence argued that in contrast, the accused was credible and should be believed because:
- (i) From the moment he had sight of the Anecdote, he had called on Ms Khan to substantiate it. Further, after the sitting of

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<sup>2</sup> DCS at [44], [46], and [95].

<sup>3</sup> DCS at [47] – [67], [75], [97], [115] – [122], and [125].

<sup>4</sup> DCS at [2], [4].

<sup>5</sup> DCS at [76] – [84].

<sup>6</sup> DCS at [4], [85] – [94].

<sup>7</sup> DCS at [145] and [157].

Parliament on 3 August 2021, he pressed Ms Khan to provide the necessary details.

(ii) In addition, on 1 October 2021, he sent an email to the WP MPs, including Ms Khan, impressing on them the importance of being able to back up and defend what an MP says in Parliament. Following this, on 3 October 2021, went to Ms Khan's house to warn her that the government may bring up the issue again.

(iii) The accused has been consistently clear in his position, and while he was initially prepared to give Ms Khan time to speak to her parents and collect herself before admitting the fact that she lied to Parliament, he was not prepared to let that go on indefinitely.

(iv) The accused also emphatically rejected the pleas from Ms Khan's friends, Ms Loh and Mr Nathan to cover up the Untruth with another lie and he has never hidden the fact that it was Ms Khan's duty to take responsibility and ownership of the issue, and that it was her decision to continue to lie.

(v) Further, he did not seek to control how Ms Khan responded to questions following her admission to Parliament that she had lied, nor did he get together with Ms Khan, Ms Loh and Mr Nathan before the COP in any attempt to align his account.

(vi) Instead, his advice to anyone who asked, was to tell the truth, and he did not seek to delete his messages to the COP because there was nothing for him to hide about his conduct.

- (d) The Defence characterised the Prosecution’s case as essentially that the word of a proven liar and her two friends desperate to cover up their own roles, over the words of the accused.<sup>8</sup>

**Th elements of the First Charge and the Second Charge, and the factual issues arising**

60 For each charge, the accused is alleged to have committed an offence under s 31(*q*) read with s 36(1)(*b*) of the PPIPA.

61 Section 31(*q*) of the PPIPA provides that:

**Offences**

**31.**No person shall —

...

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

62 Under s 36(1)(*b*) of the PPPIA, any contravention of s 31(*q*) is an offence, and the punishment prescribed is a fine not exceeding \$7,000 or imprisonment for a term not exceeding three years or both.

63 The elements of each charge are similar and are set out below:

(a) Firstly, that the accused made an answer to the COP’s questions (“First Element”) that:

- (i) For the First Charge: At the conclusion of the 8<sup>th</sup> August Meeting, he wanted Ms Khan to, at some point, clarify in Parliament that the Anecdote was untrue, and

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<sup>8</sup> DCS at [6].



(ii) For the Second Charge: At the 3<sup>rd</sup> October Meeting, he wanted to convey to Ms Khan that she had to clarify that the Anecdote was untrue if the issue came up in Parliament the next day;

(b) Secondly, the COP's questions to which the accused gave his answer for each charge were material to the subject of inquiry put during examination before the COP ("Second Element");

(c) Thirdly, that the answer made by the accused for each charge was false ("Third Element"); and

(d) Fourthly, the accused had made such false answer wilfully ("Fourth Element").

64 Of the four elements of each charge, I agree with the Prosecution that it has proven beyond a reasonable doubt, the First Element, Second Element and the Fourth Element.<sup>9</sup>

65 As regards the First Element, which pertains to the answer given by the accused to the COP's questions, the answers for both charges are set out in the COP Minutes of Meeting ("COP MOE") which were admitted into evidence by agreement. Specifically, as set out in the COP MOE:

(a) In respect of the First Charge, the accused had testified, through answering questions, that as at the conclusion of the 8<sup>th</sup> August Meeting, he wanted Ms Khan to speak to her parents<sup>10</sup>, settle

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<sup>9</sup> PCS at [103] - [106].

<sup>10</sup> COP MOE at ([7262], [10056], [10090], [10092], [10094], [10118], [10126], and [10132].

herself<sup>11</sup>, speak to her therapist,<sup>12</sup> and thereafter deal with and resolve the issue<sup>13</sup> by making a personal statement in Parliament<sup>14</sup> to correct<sup>15</sup> what she told Parliament on 3 August 2021 regarding the Anecdote – *ie*, he wanted Ms Khan to clarify in Parliament that the Anecdote was untrue at some point.

(b) In respect of the Second Charge, the accused had testified, through answering questions, that at the 3<sup>rd</sup> October Meeting, his intention was to inform Ms Khan to tell the truth if the untrue Anecdote came up<sup>16</sup>, and that he did so by telling her to “take ownership and responsibility”<sup>17</sup> – *ie*, he wanted to convey to Ms Khan that she had to clarify the untrue Anecdote if the issue came up in Parliament the next day.

(c) The Prosecution also pointed out that the accused has confirmed that he does not dispute the First Element of each charge.<sup>18</sup>

66 As regards the Second Element of each charge, pertaining to the materiality of the questions posed:

(a) The very fact that the COP had posed questions to the accused about the 8<sup>th</sup> August Meeting and the 3<sup>rd</sup> October Meeting demonstrated that those questions were material to the subject of inquiry.

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<sup>11</sup> COP MOE at [7262].

<sup>12</sup> *Ibid.*

<sup>13</sup> COP MOE at [10068], [10094], [10118], [10132], and [10148].

<sup>14</sup> COP MOE at [7262].

<sup>15</sup> COP MOE at [10062].

<sup>16</sup> COP MOE at [7589], [7805], [13525] – [13526].

<sup>17</sup> COP MOE at [7348], [7468], [7621], [7630] – [7634], [7894] – [7895], [8014] – [8015], [8604] – [8607], [8621], [8949], [9176], [11726], [11768] – [11770], [13469].

<sup>18</sup> PCS at [104(b)]; see NE (8 November 2024), p 87, ln 24 to p 88, ln 3.

(b) Further, the COP had also made clear, over the course of its proceedings, that it was inquiring into, *inter alia*, how Ms Khan had been advised by the WP leaders in relation to the Anecdote to determine her level of culpability for her breaches of privilege<sup>19</sup> (see the COP's explanation at COP MOE at [3388] and [3389]). In this regard, I note that the COP made it clear that amongst other things, it had to:

... inquire into the facts and circumstances: *what she said, why she said it, who did she interact with, what was the advice, what was said, So, [the COP has] to do a fact-finding to determine the level of culpability*".

[emphasis added]

(c) In any event, it also does not appear that the accused is disputing that the Second Element has been made out.

67 As regards the Fourth Element pertaining to the wilfulness of the false answer corresponding to each charge, the accused was clearly aware of the true state of affairs when he testified before the COP and gave the answers to the questions posed to him. It could also be seen that the same answers were deliberately given, and consistently maintained throughout his testimony. I agree with the Prosecution that there was no suggestion by the Defence that the accused's answers were given unintentionally or that they were given accidentally. Hence, it is clear that this element is satisfied for each charge.

68 The only remaining question for each charge is whether the Third Element has been established beyond a reasonable doubt, *ie*, whether the Prosecution has successfully shown that the answers made by the accused about

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<sup>19</sup> PCS at [105(b)]; See P50: COP MOE Vol 1 at B31, [510]; B214, [3388] – [3389]; COP MOE Vol 2 at B696, [11888].

what he wanted Ms Khan to do about the Anecdote at the 8<sup>th</sup> August Meeting (for the First Charge) and the 3<sup>rd</sup> October Meeting (for the Second Charge) were false. Specifically, the main factual issues for the two charges are as follows:

- (a) For the First Charge: At the conclusion of the 8<sup>th</sup> August Meeting, did the accused want Ms Khan to, at some point, clarify in Parliament that the Anecdote she told Parliament on 3 August 2021 was untrue?
- (b) For the Second Charge: At the 3 October Meeting, did the accused want to convey to Ms Khan that she had to clarify that the Anecdote was untrue if this issue came up in Parliament on 4 October 2021 ?

### **Applicable legal principles**

69 Before dealing with the remaining main factual issues, I will discuss the legal principles that are applicable to this case, based largely on the authorities cited to me.

70 To begin, it is trite that the Prosecution has to prove its case beyond a reasonable doubt. The Court of Appeal in *Public Prosecutor v GCK and another matter* [2020] 1 SLR 486 (“GCK”) explained at [126] that:

The fundamental rule of proof beyond a reasonable doubt is considered hallowed precisely because it rests upon the bedrock principle of the presumption of innocence, which is the very foundation of criminal law.

71 As for the scope and meaning of the phrase “proof beyond a reasonable doubt”, the following principles have been established in caselaw:

(a) In case of *Lee Siew Eng Helen v Public Prosecutor* [2005] 4 SLR(R)53, Yong CJ made clear at [15] that: “[t]he Prosecution is not required to prove its case beyond all doubt and all possibility”.

(b) In *GCK* at [131], the Court of Appeal explained that:

...**a reasonable doubt is one for which a reason can be given**, so long as the reason given is logically connected to the evidence...a doubt is not reasonable if it is not *reasoned*, and the existence of a reasoned doubt is a necessary condition for an acquittal...

[emphasis in bold added; emphasis in original in italics]

72 In the present case, the Defence argued that to sustain a conviction, the evidence of Ms Khan must be “unusually convincing”. The Defence cited the decision of *GCK*, where the Court had explained that:

87 ... the “unusually convincing” standard is the *only* standard to be applied where an eyewitness’s **uncorroborated testimony forms the sole basis for a conviction**.

...

88 The “unusually convincing” standard is used to describe a situation where the witness’s testimony is “so convincing that the Prosecution’s case [is] proven beyond reasonable doubt, solely on the basis of the evidence”:”:”: see *Mohammed Liton* at [38] ...

[Emphasis in bold added; emphasis in original in italics]

73 What is clear from the above extracts from *GCK*, is that the “unusually convincing” standard is applicable *only when* an eyewitness’s *uncorroborated testimony forms the sole basis* for a conviction. In elaborating on this principle, the General Division of the High Court in *Public Prosecutor v CEO* [2024] SGHC 109 (“*CEO*”) stated at [86] of its grounds of decision that:

The corollary of the above principle is that where there is *other evidence against an accused person which corroborates an eyewitness’s testimony, this can obviate the need for the application of the “unusually convincing” standard*. This evidence can take the

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form, *inter alia*, of an accused's own statements..., medical reports..., psychiatric reports..., other documentary evidence such as emails..., expert opinions..., forensic evidence... and CCTV footage...

[emphasis added]

74 Aside from the external sources of corroboration of a witness's evidence, such as the accused's own statements, documentary evidence and expert evidence *etc* mentioned in the case of *CEO*, corroboration can also take the form of the complainant's subsequent complaint in certain situations. In this regard, the Court of Appeal in *PP v Mohammed Liton Mohammed Syeed Mallik* [2008] 1 SLR(R) 601 ("*Liton*") clarified at [43]:

.....that the *local approach to locating corroborative evidence is liberal*, thus ensuring that the trial judge has the necessary flexibility to treat relevant evidence as corroborative. *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...*

[emphasis added]

75 In *Ler Chun Poh v Public Prosecutor* [2024] 6 SLR 410 ("*Ler Chun Poh*"), the High Court stated at [117] that the court takes a liberal approach in determining evidence to be corroborative:

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

[emphasis added]

76 Having set out the applicable legal principles, I turn to consider the main factual issues identified for each charge.

**First Charge: At the conclusion of the 8<sup>th</sup> August Meeting, did the accused want Ms Khan to, at some point, clarify in Parliament that the Anecdote was untrue?**

77 The allegation in the First Charge is that the accused had falsely testified to the COP that, as at the conclusion of the 8<sup>th</sup> August Meeting, that he had wanted Ms Khan to clarify the untruth in Parliament at some point. To recapitulate, the Prosecution’s Submissions essentially allege that the accused, was “content for Ms Khan to leave the Anecdote unclarified in Parliament and guided Ms Khan to bury the truth”.<sup>20</sup>

78 Ms Khan’s evidence was essentially that at the conclusion of the 8<sup>th</sup> August Meeting, the accused had said that “this [*ie.* the Untruth] would probably be something that we, *ie.* the WP leaders and Ms Khan would have to take to the grave”. This statement, as Ms Khan understood it, meant that the Untruth would be buried and they would not address it again.

79 In contrast, the accused’s version of affairs was that he told Ms Khan at the conclusion of the meeting something along the lines of “Speak to your parents and we’ll talk about that matter. We’ll talk about the issue” or words to that effect.<sup>21</sup> This was allegedly said at the end of the 8<sup>th</sup> August Meeting while he was walking Ms Khan to the gate of his house. Nobody was within earshot when he told Ms Khan this.<sup>22</sup>

80 Having carefully considered the evidence of Ms Khan and the accused, as well as the evidence of Ms Loh, Mr Nathan, Mr Low, the documentary evidence produced and how events transpired, I accept Ms Khan’s account of what was said at the 8<sup>th</sup> August Meeting (see above at [78]). For reasons I will

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<sup>20</sup> PCS at [111].

<sup>21</sup> NE (5 November 2024), p 85, ln 13 to 18.

<sup>22</sup> NE (5 November 2024), p 88, ln 23 to 25

elaborate on, I find that the accused had made a false answer to the COP that at the conclusion of the 8<sup>th</sup> August Meeting, he wanted Ms Khan to, at some point, clarify in Parliament that the Anecdote was untrue

***At the 8<sup>th</sup> August Meeting, the accused said that “this would probably be something that we would have to take to the grave”***

81 In my view, the circumstantial and corroborative evidence supports Ms Khan’s account that at the 8<sup>th</sup> August Meeting, the accused said that “this (*ie*, the Untruth) would probably be something that they would have to “take to the grave”. The circumstances leading up to the accused discovering that Ms Khan had lied on 3 August 2021, and the accused’s actions subsequently, in particular, in his response at and after the 8<sup>th</sup> August Meeting to Ms Khan’s admission of the Untruth, were strongly indicative that the accused did not want Ms Khan to clarify the Untruth “at some point”.

*The accused’s initial pro-activeness sharply contrasted with his passive attitude after discovering the Untruth and considering its ramifications*

82 First, during the parliamentary sitting on 3 August 2021, the accused was clearly anxious about the Anecdote told by Ms Khan, especially after she was confronted by MOS Tan. He then took it upon himself to draft a statement for Ms Khan and insisted that she read that it out at the same sitting to clarify her earlier position. He was subsequently also concerned about the fallout arising from her experience in Parliament on 3 August 2021, as he remarked to her the following day that “Politically speaking, it was a bad day in the office for us”.

83 Secondly, the accused thereafter repeatedly pressed Ms Khan for details of the Anecdote, until she finally admitted to him on 7 August 2021 that her Anecdote was untrue. As set out in the SOAF at [10], he hung up the phone on



her when he found out. The accused's reaction suggests that he was upset and likely concerned about the Untruth and its possible ramifications.

84 Thirdly, the accused subsequently asked Ms Khan to attend the 8<sup>th</sup> August Meeting with him and the other WP leaders where he prompted her to reveal the truth about the Anecdote to the other two WP leaders. At the 8<sup>th</sup> August Meeting, after Ms Khan revealed that the Anecdote was untrue, the accused mentioned putting Ms Khan through the COP, before saying that "this would probably be something that we would have to take to the grave".

85 Ms Lim followed up saying that "probably the issue won't come up again"<sup>23</sup>. Ms Khan testified that neither the accused nor Mr Faisal contradicted what Ms Lim said. As rightly pointed out by the Prosecution, the accused did not challenge this aspect of Ms Khan's evidence,<sup>24</sup> suggesting that the accused also endorsed Ms Lim's view that the matter would die down by itself.

86 In my view, it can be inferred from the accused's lack of comment about the alternative (*ie*, of *not* taking the Untruth to the grave) that Ms Khan would be put to the COP, which would likely have led to even more adverse consequences for the WP of which the accused was its Secretary-General. As can be seen from his actions leading up to this meeting, the accused was already anxious about the fallout to the party from what she had said in Parliament on 3 August 2021 (which appear to have been the focus of discussion at the 8<sup>th</sup> August Meeting).

87 Thus, the accused's concern in the immediate aftermath of Ms Khan's making of the Anecdote in Parliament and the requests to her to give details,

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<sup>23</sup> NE (14 Oct 2024), p 74, ln 12 to 13.

<sup>24</sup> PCS at [117(b)].

juxtaposed against his silence on the next steps to be taken after considering the implications to her and the party of Ms Khan's lie being exposed, is striking. It can be inferred that the adverse implications on WP, which were considered by the WP leaders at the 8<sup>th</sup> August Meeting set the stage for the accused to make the statement, essentially, that the Untruth would probably be something that they would have to take to the grave. This was likely done with the belief that, as Ms Lim had expressed, the issue will probably not come up again.

*Ms Khan's account of the 8<sup>th</sup> August Meeting is corroborated*

88 Ms Khan's account of what the accused said was also supported by aspects of the accused's own evidence, as well as the testimonies of Ms Loh, Mr Nathan and Mr Low, all of whom were witnesses who had discussions with the accused after the 8<sup>th</sup> August Meeting:

(a) First, the accused stated in his first statement to the police on 28 December 2022 (P53) that after Ms Indranee Rajah gave the speech in Parliament on 3 August 2021, "in [his] mind, [he] was under the impression that the matter was resolved."<sup>25</sup> The accused's statement thus constituted corroborative evidence that the accused had believed that the issue was not likely to be brought up, which was also what Ms Lim said, without contradiction from the accused, at the 8<sup>th</sup> August Meeting.

(b) Second, Ms Khan's version of what the accused said to her was also consistent with what Ms Loh revealed about Ms Loh's own discussion with the accused at a meeting that she and Mr Nathan had with the accused on 10 August 2021.

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<sup>25</sup> P-53 at Answer 36.

(i) In essence, Ms Loh recalled that when she asked the accused something to the effect that if the Anecdote would be followed up in Parliament again, the accused was “sort of nodding... his head” and “affirming that it probably would not” in response.<sup>26</sup> While Ms Loh agreed with Counsel that the accused did not *explicitly* utter the words that the matter would not come up, nevertheless, the discussion was about what Ms Khan had said in Parliament, including the fact that she herself was a sexual assault survivor.

(ii) Ms Loh said that the takeaway was that the matter will not come up. Instead, Ms Loh and the accused then concerned themselves with Ms Khan’s future parliamentary performance.<sup>27</sup> The evidence about how this meeting went, strongly suggests that the accused himself believed at that time that the issue of the lie would not come up again, and hence there was no need to do anything about it. Instead, the focus should be on other matters that Ms Khan would be doing in future as an MP instead.

(c) Third, another piece of evidence supporting Ms Khan’s version of the 8<sup>th</sup> August Meeting was what subsequently occurred on 11 October 2021 when the accused and Ms Lim visited Mr Low, the former Secretary-General of the WP. This visit was arranged *after Ms Khan had forwarded the police email dated 7 October 2021 to the WP leaders, including the accused*, in which the Police had asked Ms Khan to come down to the station for an interview about the Anecdote.

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<sup>26</sup> NE (17 October 2024), p 38, ln 20 to p 39, ln 1.

<sup>27</sup> NE (17 October 2024), p 137, ln 17 to 25.

89 At the 11 October 2021 meeting itself, Ms Lim had informed Mr Low that Ms Khan lied in Parliament. She also said that the Government did not know about the Untruth and that it would not be easy for the Government to find out as there are many police stations in Singapore. The accused was present at that same meeting and did not say anything to contradict Ms Lim’s words. However, Mr Low disagreed with what Ms Lim said, and made clear that his view was that whether or not the Government could find out about the lie or not was *not* the point, and that Ms Khan had to apologise and clarify the lie in Parliament.<sup>28</sup>

90 Mr Low’s evidence showed that even as late as 11 October 2021, Ms Lim also held the view that it may be possible that the lie would not be discovered by the Government, and that the issue would not come up again. This is yet another piece of evidence which would explain why the accused had said at the 8<sup>th</sup> August Meeting that “this [*ie.* the untruth] would probably be something that we [*ie.* the WP leaders and Ms Khan] would have to take to the grave”. Notably it was only after the accused and Ms Lim heard Mr Low’s contrary view, which was that Ms Khan should apologise and clarify the truth in Parliament, that the accused finally came around to Mr Low’s position.

91 Thus, in short, Ms Khan’s evidence that the accused had said at the 8<sup>th</sup> August Meeting that “this would probably be something that [they] would have to take to the grave”, was corroborated by the accused’s own statement, by the evidence of Ms Loh, and by Mr Low’s testimony. It can only be inferred that as at the time of the 8<sup>th</sup> August Meeting, the WP leaders still thought things would blow over, and that the truth may not be found out. Hence, the Untruth

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<sup>28</sup> NE (23 October 2024), p 54, ln 15 to p 55, ln 1; p 57, ln 6 to ln 8.

was something that they could just leave alone, and not do anything about. They could just take it “to the grave”.

*The accused’s subsequent inaction for almost two months*

92 Another very strong indication that Ms Khan’s account of the 8<sup>th</sup> August Meeting was accurate and truthful was the fact that nothing was done by the accused after that meeting. In fact, for almost two months from 8 August 2021 until he spoke to Ms Khan on 3 October 2021 at her house, the accused took no obvious steps to get Ms Khan to reveal the truth. This can be seen from the following:

- (a) Firstly, it would be recalled that the accused had initially exhibited anxiety to obtain clarification after Ms Khan told the Anecdote in Parliament and had been challenged on it. It was also after his pressure on Ms Khan that she admitted to the Untruth. The accused also specifically asked Ms Khan to attend the 8<sup>th</sup> August Meeting, where he prompted her to bring up the matter of the false Anecdote after the WP leaders had finished their discussion on the Muslim issues. Yet, after Ms Khan admitted to the other WP leaders that she had lied, there was absolutely no follow up by the accused, or by the other two WP leaders, about what to do about the lie. This could only be because the accused had mentioned that “this was probably something we would have to take to the grave”, and Ms Lim had also followed up to say that probably the issue “won’t come up again”.
- (b) Secondly, as the Secretary-General, the accused was the highest-ranking WP member at the meeting, one would have expected that he would be well placed to communicate to Ms Khan any instruction(s) to specifically address the lie if that was really his

intention. It is noteworthy that on the other matter that was discussed at the same meeting *ie*, the Muslim issues, the accused gave clear and specific instructions to her to put up a statement to clarify the Muslim issues. The accused even reviewed and approved Ms Khan's Facebook post on Muslim issues, and continued to follow up with her regarding the Muslim issues after she made the Facebook post. Thus, as the Prosecution rightly pointed out, if the accused had put pressure on Ms Khan to address one aspect of the speech that she made in Parliament on 3 August 2021, *ie*, on the Muslim issues, he could surely have put pressure on her in respect of another issue she made in the same speech *ie*, on the untrue Anecdote, if he really *wanted* her to clarify it at some point.

- (c) Finally, the accused actively involved himself in monitoring and supervising Ms Khan's parliamentary work after the 8<sup>th</sup> August Meeting, including commenting on Ms Khan's parliamentary questions for the October Parliament sitting.<sup>29</sup> As the Prosecution has accurately highlighted, the accused "...did not raise any concerns or queries about whether Ms Khan would be clarifying the Anecdote at the same October sitting. The accused has no good explanation for this." (see PCS at [135]).

93 Thus, in short:

- (a) the accused's obvious change in attitude to the handling of Ms Khan's Anecdote before and after the 8<sup>th</sup> August Meeting;

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<sup>29</sup> See P-14: WhatsApp messages between Ms Khan, Ms Loh and Mr Nathan, which showed a screenshot of the accused's email to Ms Khan on 21 September 2021.

(b) the difference in the accused's responses to these two separate matters addressed at the 8<sup>th</sup> August Meeting *ie*, the Muslim issue *vs* the untrue Anecdote; and

(c) how involved he was in regards Ms Khan's parliamentary work as opposed to how completely detached he was from how Ms Khan was supposed to handle the Untruth after the 8<sup>th</sup> August Meeting;

all spoke volumes about how differently the accused thought the Untruth should be dealt with at the conclusion of the 8<sup>th</sup> August Meeting from the rest of Ms Khan's role as an MP.

94 It was clear to me that in the accused's mind, moving forward, the Muslim issues and Ms Khan's parliamentary work had to be addressed and worked on. The Untruth on the other hand, was something that should be left alone (*ie*, taken to the grave) because it would likely not to be raised, or be uncovered.

*Ms Khan's almost contemporaneous communications with Ms Loh and Mr Nathan corroborated her account*

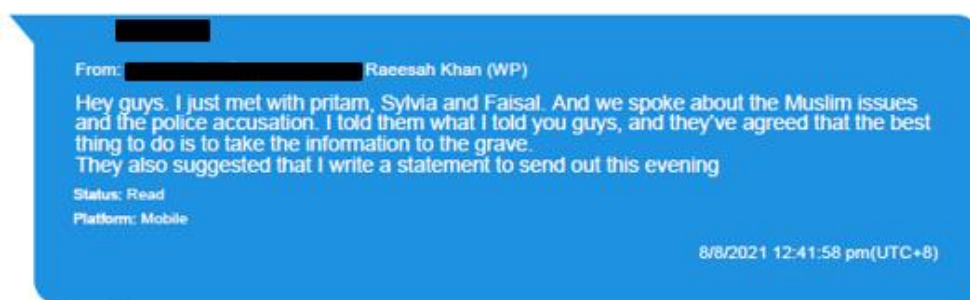
95 I also considered that there was another very important piece of evidence which corroborates Ms Khan's account of events

96 This is the 12.41 pm Message, *ie*, her almost contemporaneous message in the WhatsApp chatgroup consisting of Ms Khan, Ms Loh and Mr Nathan at 12.41 pm, shortly after the 8<sup>th</sup> August Meeting (P10). It was sent when Ms Khan was in the car as she was just about to leave the accused's house. The meeting had just ended at that time.<sup>30</sup> In the 12.41 pm Message, Ms Khan informed Ms

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<sup>30</sup> NE (14 October 2024), p 80, ln 17 to p 81, ln 15.

Loh and Mr Nathan that she had discussed with the party leaders about the Muslim issues, and also about the accusation that she made in Parliament about the Police. She said that “they’ve (*ie*, the leaders who included the accused) agreed that the best thing to do is to take the information to the grave.” The 12.41 pm Message is reproduced as follows:



97 I agree with the Prosecution’s Submission that full weight should be given to this important piece of evidence for the following reasons.<sup>31</sup>

- (a) Firstly, the 12.41 pm Message was sent almost immediately after Ms Khan left the 8<sup>th</sup> August Meeting, and just after the guidance given to her by the accused to “take it to the grave”.
- (b) Secondly, the accused’s words would have been fresh on Ms Khan’s mind since this was the same message that had brought her a sense of relief and hence was something especially impactful to her.<sup>32</sup> In this regard, only the day before the 8<sup>th</sup> August Meeting, in the course of informing Ms Loh and Mr Nathan about her having told the Untruth, which Ms Khan described as “probably one of the worst

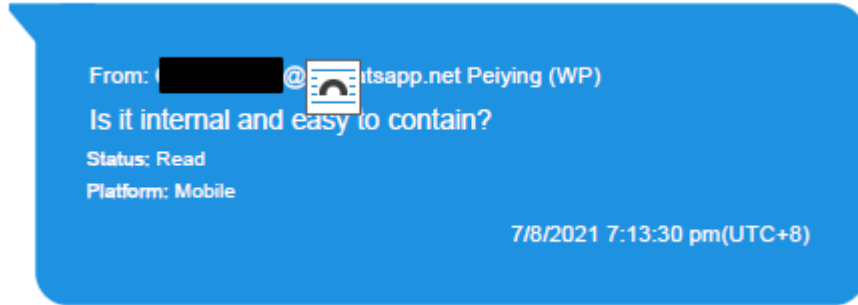
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<sup>31</sup> PCS at [116]

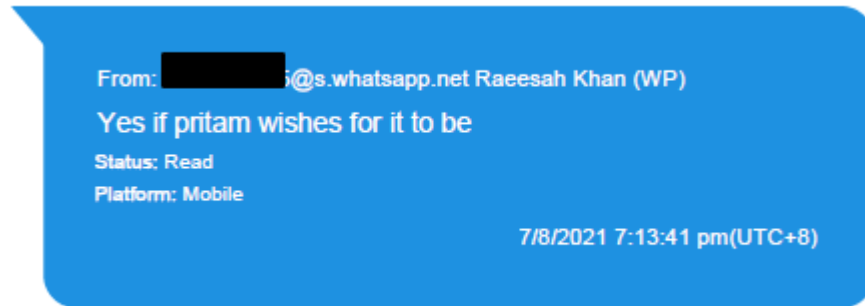
<sup>32</sup> NE (14 October 2024), p 78, ln 19 to p 80, ln 1.



things I've done in my life"<sup>33</sup>, Ms Loh had asked Ms Khan whether her action was "easy to contain".



Ms Khan's response to her was "Yes if pritam wishes it to be"<sup>34</sup>:



Thus, the accused's words to Ms Khan, to take the lie "to the grave", would have been precisely what Ms Khan wanted to hear from him. Accordingly, it was hardly surprising that Ms Khan would feel such comfort, and express such relief after hearing his words at the 8<sup>th</sup> August Meeting. This would further have imprinted the episode in her mind.

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<sup>33</sup> P7 – WhatsApp message sent on 7/8/2021 at 12.03 pm

<sup>34</sup> P7 – WhatsApp message sent on 7/8/2021 at 13.41 pm

(c) Thirdly, there is no reason for Ms Khan to lie in the 12.41 pm Message to Mr Nathan and Ms Loh about what had just transpired at the 8<sup>th</sup> August Meeting, given not only the closeness of their relationship, but also the closeness of the relationships between Ms Loh and the accused, and between Mr Nathan and the accused at the material time. Thus, had Ms Khan lied to them in this message, there was a real possibility that either or both Ms Loh or Mr Nathan could separately have confirmed the version of affairs with the accused, and discovered that Ms Khan had not been truthful when she sent the 12.41 pm Message. This is something that Ms Khan would have been well aware of at the time she sent this message.<sup>35</sup>

(d) Finally, the accuracy of Ms Khan's message as to what was told to her by the accused about the Anecdote was further confirmed by the fact that in the same 12.41 pm Message, Ms Khan had also recounted other aspects of the 8<sup>th</sup> August Meeting, including the Muslim issues and what she was asked to do about them, *ie*, write a statement to be sent out that evening. The latter was not undisputed by the Defence. There is 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 (the guidance given to her on how to deal with the Anecdote<sup>36</sup>), and tell the truth about the other aspect (the guidance given to her on how to deal with the Muslim issues<sup>37</sup>).

98 In short, the 12.41 pm Message provided strong support that the accused said what Ms Khan claimed he said at the 8<sup>th</sup> August Meeting.

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<sup>35</sup> PCS at [116(a)].

<sup>36</sup> "...they've agreed that the best thing to do is to take the information to the grave".

<sup>37</sup> "They also suggested that I write a statement to send out this evening".

*Why I rejected the Defence's attempts at discrediting Ms Khan's account of the 8<sup>th</sup> August Meeting*

99 The Defence tried to cast doubt on Ms Khan's evidence and the corroborative evidence that supported her account on three different levels.

100 First, the Defence sought to challenge Ms Khan's account by raising, amongst other things that "the circumstances surrounding the sending of [the 12.41 pm Message] is suspect".<sup>38</sup> Second, the Defence raised inconsistencies in Ms Khan's evidence on what was said to her at the 8<sup>th</sup> August Meeting. Third, the Defence submits that even if the alleged words to "take it to the grave" were uttered, Ms Khan never obtained clarity on what the accused meant by "it". I will address each of these arguments in turn.

101 As regards the first challenge, which apparently centred on the 12.41 pm Message being unreliable, I do not accept the Defence's argument for the reasons that follow:

- (a) In this regard, there is no dispute that Ms Khan *did draft* and *did send* this message, and that *both* the other two members of the chatgroup, Ms Loh and Ms Nathan, also *did receive* the 12.41 pm Message.
- (b) While the Defence highlighted that Ms Khan had also sent another lengthy message very shortly after, at 12.42 pm, this is really neither here nor there, especially as there is little basis to doubt Ms Khan's evidence that she types fast, and that some of the text for the second message was already drafted.

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<sup>38</sup> DCS at [77].

(c) Next, the Defence also suggested that due to “Ms Khan’s proclivity for lying”, and the purported ease with which she could deceive her friends, the accused and Parliament, Ms Khan may also have lied in the 12.41 pm Message to Ms Loh and Mr Nathan “to assure them that the WP leaders supported their position to take the Untruth to the grave.”<sup>39</sup> The Defence’s underlying premise for this suggestion is that Ms Khan, Ms Loh and Mr Nathan had, during the Zoom call on 7 August 2021, taken the position to take the Untruth to the grave.<sup>40</sup>

(i) However, quite aside from there being absolutely no evidence to support this claim by the Defence that Ms Khan would want to lie to Ms Loh or Mr Nathan about this matter, or that she did in fact do so, the Prosecution rightly pointed out that this purported agreement of Ms Loh and Mr Nathan with Ms Khan to take such a position was *not even put to Ms Loh and Mr Nathan by the Defence when they were cross-examined*. This is clearly in breach of the rule in *Browne v Dunn* (1893) 6 R 67 (“*Browne v Dunn*”). In this regard, the Court of Appeal in *Harven a/l Segar v Public Prosecutor* [2017] 1 SLR 771 (“*Harven*”) affirmed the rule in *Browne v Dunn* when, at [66], it cited its words in the earlier decision of *Sudha Natrajan v The Bank of East Asia Ltd* [2017] 1 SLR 141 at [48 that:

[W]here a submission is going to be made about a witness or the evidence given by the witness which is of such a nature and of such importance that it ought fairly to have been put to the witness to give him the opportunity to meet that submission, to counter it or to

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<sup>39</sup> DCS at [84].

<sup>40</sup> PRS at [28].

explain himself, *then if it has not been so put, the party concerned will not be allowed to make that submission.*

[emphasis added]

(ii) Moreover, even Ms Khan, the only witness whom the Defence put this allegation to, denied it. The following extracts of the notes of evidence make clear her evidence that there was no agreement by her with Ms Loh and Mr Nathan during the Zoom call on 7 August 2021 to take the Untruth “to the grave<sup>41</sup>:

Q. In relation to the Zoom call, did you, Ms 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?*

Q. In answer to the question just now.

A. *Okay. So I'm correcting myself and –*

Q. So you didn't agree that?

A. I'm not sure if we did, but we did have the conversation that we would -- I mean, I should wait and see what the leaders will say on the meeting the next day.

Q. Let me see if I can just understand this. When you had this Zoom on 7 October, there was a conversation --

COURT: August.

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<sup>41</sup> NE (15 October 2024), p 127, ln 7 to p 128, ln 23.

MR JUMABHOY: August, I beg your pardon. Thank you.

Q. -- there was a conversation with Ms Loh and Mr Nathan on what to do about the lie?

A. It wasn't a conversation on what to do, but more a conversation of me telling them what I did.

Q. *And the one thing that was discussed during this conversation was about you burying the lie.*

A. *Where did I say that?*

Q. When I asked you right at the very beginning.

A. Yes, so I told you I'm correcting that, yeah.

[emphasis added]

(iii) In fact, Ms Khan made absolutely clear that there was no such agreement between Ms Loh, Mr Nathan and herself on 7 August 2021 that Ms Khan would bury the truth, despite repeated and direct questioning from the Defence:<sup>42</sup>

MR JUMABHOY: And then when I asked you after that whether that's what you were saying the party leaders had agreed with, it doesn't make sense, in terms of you saying there's no agreement with Ms Loh and then the party leaders have agreed with that. Do you understand? Let me put it to you just fairly and squarely. *Did you and Ms Loh and Mr Nathan, on 7 August, agree to take a position that you would bury the truth?*

A. *No.*

Q. And when you wrote this text message, *what you were telling Ms Loh and Mr Nathan was that the party leaders had agreed with the position that you had agreed to take; do you agree?*

A. *No.*

[emphasis added]

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<sup>42</sup> NE (15 October 2024), p 133, ln 20 to p 134, ln 9.

(d) Thus, in short, the attempts by the Defence to cast doubt on the 12.41 pm Message were plainly unsuccessful. As stated earlier, this message provides strong corroboration for Ms Khan’s account as to what was said to her at the 8<sup>th</sup> August Meeting.

102 Second, the Defence highlighted what it stated were three purportedly different accounts given by Ms Khan as to what the accused allegedly said to her at the 8<sup>th</sup> August Meeting.<sup>43</sup>

103 These three purportedly different accounts consist of Ms Khan agreeing with a question posed to her by Minister Edwin Tong at the COP proceeding on 2 December 2021 (“Purported 1<sup>st</sup> Account”), as well as Ms Khan’s own words spoken at the COP proceeding on 22 December 2021 (“Purported 2<sup>nd</sup> Account”), and in this Court on 14 October 2021 (“Purported 3<sup>rd</sup> Account”). The three purportedly different accounts are set out below.

(a) Purported 1<sup>st</sup> Account: Ms Khan agreed with what Minister Edwin Tong *summarises to be the decision of the WP’s leadership*:

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

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

(b) Purported 2<sup>nd</sup> Account: Ms Khan told the COP that *the accused had used the words* “take it to the grave” at that meeting.

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<sup>43</sup> DCS at [48] – [49]: Purported 1<sup>st</sup> Account; DCS at [51] and [53]: Purported 2<sup>nd</sup> Account; DCS at [60]: Purported 3<sup>rd</sup> Account.

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

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

[13953] **Mr Edwin Tong Chun Fai:** So, the words "take it to the grave" came from Mr Singh?

[13954] **Ms Raeesah Khan:** Yes.

(c) Purported 3<sup>rd</sup> Account: Ms Khan said in Court that *the accused had used the words* "we would have to take to the grave".<sup>44</sup>

Q. What was Mr Singh's response?

A. I could tell that he was -- I mean, he was listening and maybe he was, like, a bit upset over the situation, and he spoke about putting me forth on the -- putting me through the Committee of Privileges. But then he said, you know, this would probably be something that we would have to take to the grave. That's all.

104 I am unable to accept the Defence's submission that the purportedly different accounts are inconsistent. A careful analysis of the COP extract shows that the Purported 1st Account was essentially a summary of the position of the WP leadership. It was not a specific question asked by Minister Edwin Tong *about what the accused said* to Ms Khan, nor an answer given by her to this effect. Instead, Minister Edwin Tong asked her about the collective decision of the WP leadership, and Ms Khan agreed with him that the collective decision was not to proactively do anything about the lie. The Purported 2<sup>nd</sup> Account and the Purported 3<sup>rd</sup> Account were centred on what the accused himself said, and

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<sup>44</sup> NE (14 October 2024), p 74, ln 3 to 10.



these were essentially identical on the material issue as they both made reference to taking the lie “to the grave”.

105 Additionally, all three purportedly different accounts are also consistent in conveying make that those present at the meeting, including Ms Khan, would not proactively clarify the Untruth. In other words, as rightly submitted by the Prosecution, all three purportedly different accounts:<sup>45</sup>

... consistently show that, as at the conclusion of the meeting, it was clear that there was no need for Ms Khan to go to Parliament and clarify the untruth at some point. All three accounts also show that the accused had not told Ms Khan to speak to her parents about her sexual assault and that they would address the untruth thereafter...

[emphasis in underline in original]

106 On a slightly different point, the Defence submitted that Ms Khan had given inconsistent evidence that she had been advised at the 8<sup>th</sup> August Meeting to maintain the Untruth if not pressed, *but* to tell the truth if the issue came up again. However, as correctly pointed out by the Prosecution, Ms Khan’s explanation was that during the 8<sup>th</sup> August Meeting “*it was assumed that [the untruth] wouldn’t come up so we would take it to the grave because we wouldn’t talk about it anymore*”.<sup>46</sup> In other words, contrary to the Defence’s claim, Ms Khan’s consistent evidence was that they simply did not discuss, at the 8<sup>th</sup> August Meeting, the possibility of the issue coming up again.<sup>47</sup> The latter was something only brought up for the first time at the subsequent 3<sup>rd</sup> October Meeting.

107 Third, the Defence argued that even if the accused did tell Ms Khan at the 8<sup>th</sup> August Meeting that this would probably be something they would take to

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<sup>45</sup> See PRS at [19].

<sup>46</sup> NE (15 October 2024), p 88, ln 21 to p 89, ln 19.

<sup>47</sup> NE (15 October 2024), p 107, ln 15 to 23.

the grave, it is unclear *what* Ms Khan was asked to “take to the grave” and that there is no evidence before the Court of what “this” means.<sup>48</sup> However, I do not agree, as:

- (a) In this regard, given the fact that the remark was made by the accused just after Ms Khan was prompted by him to tell the other two WP leaders that she had lied in Parliament, and the accused had thereafter mentioned putting her through the COP, it can safely be inferred that his remark that “this would probably be something that we would have to take to the grave” must have been said in reference to the lie that she had just admitted to.
- (b) In fact, this was precisely Ms Khan’s evidence when she explained that she understood that it was the lie that she had to take to the grave, since the conversation had moved to the accused’s comment about bringing her before the COP before she was told to take this to the grave. In Ms Khan’s words, at that point, “...we weren’t talking about the -- my personal experience with assault anymore.”<sup>49</sup>
- (c) Moreover, Ms Khan also testified that after the accused said that “this would probably be something that we would have to take to the grave”, Ms Lim had mentioned that “...probably the issue wouldn’t come up again.” Thus, it would be clear to all present, that the issue of the Untruth probably would not come up in Parliament again, and the Untruth was what would be taken to the grave.
- (d) Perhaps most useful of all, in confirming what the accused was talking about to be taken to the grave, was the subsequent behaviour

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<sup>48</sup> DCS at [54].

<sup>49</sup> NE (16 October 2024), p 188, ln 5 to p 189, ln 3.

of the accused in not following up with Ms Khan after the 8<sup>th</sup> August Meeting about the Untruth. Despite his earlier display of great interest, the pressure that he had put on her to give details about the Anecdote and arrangement thereafter for Ms Khan to personally tell the other WP leaders about the Untruth on 8 August 2021, the accused's actions showed that it was the Untruth that was the focus of the discussion when they spoke about the Anecdote, and it was the Untruth that was to be taken to the grave thereafter. In other words, by not doing anything about the Untruth after the 8<sup>th</sup> August Meeting, he was putting into effect his words for the lie to be "taken to the grave" .

108 To sum up, Ms Khan's evidence as to what the accused said to do about the untruth (*ie*, to take it to the grave) at the 8<sup>th</sup> August Meeting, is clear, consistent and corroborated by the compelling evidence discussed above.

109 In contrast to the convincing evidence that Ms Khan's account is true, I find the accused's claim that he told Ms Khan to speak to her parents and they will talk about the matter to be an uncorroborated and unbelievable account. I also find that his answer to the COP that at the conclusion of the 8<sup>th</sup> August Meeting what he wanted was for Ms Khan to, at some point, clarify in Parliament the untrue Anecdote to be false. I explain my findings below.

***The accused's claim that he told Ms Khan "to speak to your parents and we'll talk about the matter" was uncorroborated and unbelievable***

110 The accused's account of what happened at the 8<sup>th</sup> August Meeting was broadly as follows:<sup>50</sup>

- (a) The meeting was scheduled to take place at 11.00 am. Ms Lim arrived early and the accused already informed her about Ms Khan's untrue Anecdote even before the latter arrived. When Ms Khan came, the accused asked her to explain to Ms Lim and Mr Faisal what she told him the day before. Ms Khan then said that the Anecdote that she had told in Parliament was untrue and that she had heard the Anecdote from another victim who attended the same support group. Ms Khan also said that she had been sexually assaulted overseas when she was 18 years old, and that her husband, her therapist, Ms Loh and Mr Nathan also knew about it. Mr Faisal made some comments about counselling and the accused also asked Ms Khan whether her parents knew about this.
- (b) They then moved on to discuss the more "politically pressing" matter of the Muslim issues. At the end of the meeting, they determined that Ms Khan would post a Facebook note to address reservations expressed by quarters of the Malay Muslim community, and her draft post would have to be looked at by Mr Faisal and the accused before she posted it.
- (c) The accused said that during the meeting, he did not tell her to continue the narrative if she was not pressed. He also did not tell Ms

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<sup>50</sup> NE (5 November 2024), p 81, ln 16 to p 84, ln 22; NE (7 November 2024), p 40, ln 5 to 11.

Khan to take the Untruth to the grave.<sup>51</sup> The accused further explained that they did not come to a specific decision on what to do about the Anecdote.

(d) He said that: “In [his] mind, he knew that the matter would have to be clarified, but because of Ms Khan's state, in my judgment I determined it would be better for her to settle herself and then [they] would deal with the matter when she was ready.”<sup>52</sup>

111 The accused added that at the end of the meeting, as he was walking Ms Khan to the gate of his house, he told Ms Khan, “Speak to your parents and we’ll talk about that matter. We’ll talk about the issue”, or some combination of words to that effect.<sup>53</sup> Nobody was within earshot when he told Ms Khan this.<sup>54</sup>

112 For the reasons below, having carefully analysed the evidence, I am unable to accept the accused’s account of what transpired at the 8<sup>th</sup> August Meeting.

*It does not make sense for the accused to have instructed Ms Khan on what to do while they were alone, when the purpose of the 8<sup>th</sup> August Meeting was to discuss the matter with Ms Lim and Mr Faizal*

113 Even before the 8<sup>th</sup> August Meeting, the accused had already informed Ms Lim about the Untruth, and both of them were interested as to why Ms Khan had lied. Ms Khan’s lie was apparently also the first thing they asked her about when she joined the meeting.

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<sup>51</sup> NE (5 November 2024), p 86, ln 25 to p 87, ln 2.

<sup>52</sup> NE (5 November 2024), p 87, ln 6 to ln 10.

<sup>53</sup> NE (5 November 2024), p 85, ln 13 to 18.

<sup>54</sup> NE (5 November 2024), p 88, ln 23 to 25.

114 The accused claimed that, in his mind, he wanted Ms Khan to clarify the Untruth she had told in Parliament. Yet, according to his account, it seems that once Ms Khan told the three WP leaders about the reason for her lie, none of them at that meeting even once mentioned about what to do with it. Instead, they promptly switched their attention to what they should do about the Muslim issues and left the lie completely unresolved.

115 In fact, the accused claimed that it was only when he was walking Ms Khan to the gate that he told Ms Khan to “[s]peak to your parents and we’ll talk about that matter. We’ll talk about the issue”, or words to that effect.

116 However, it makes no sense that the accused would only give these instructions when he was alone with Ms Khan, seeing that he was the one who asked her to attend the meeting with all *the three leaders*, and he specifically prompted her to share with Ms Lim and Mr Faisal about what she had already told him the previous day about the untrue Anecdote. Surely, if he felt it important enough for Ms Khan herself to meet face-to-face with all three leaders so that she could confess to them that she had told the untrue Anecdote, he would have felt it necessary that the other two leaders also be involved in the decision as to what Ms Khan should do about it.

117 This is especially so since there is nothing secret or surreptitious about this instruction that he was allegedly giving to Ms Khan to speak to her parents before they talk about the matter. Moreover, he had already asked Ms Khan, in the presence of Ms Lim and Mr Faisal, whether her parents knew about the assault, highlighting to everyone present that he was concerned about Ms Khan’s parents’ involvement and awareness. Thus, there was no reason why he would leave it to the end of the meeting, and outside the earshot of the other two

WP leaders to pass the instruction to Ms Khan to speak to her parents before they talk about the matter.

118 Instead, it is more likely than not that any instruction given to Ms Khan would have been done in the presence of all three leaders so that all of them would understand what she was to do, and at least not disagree with the approach. Indeed, that is exactly what Ms Khan said happened, namely that the accused's instruction to take the lie to the grave, *was said in the presence of all the three leaders*. Ms Khan said that Ms Lim had even added that her view was that the issue probably won't come up again. This aspect of Ms Khan's account was, as already discussed, also corroborated by Ms Khan's contemporaneous 12.41 pm Message to Ms Loh and Mr Nathan where she had stated that "*they've (ie, the leaders who included the accused) agreed that the best thing to do is to take the information to the grave.*"

*Despite having written records on his instructions and views on matters discussed such as the Muslim issues, there are no records of his alleged instruction to Ms Khan to speak to her parents*

119 Next, as rightly pointed out by the Prosecution,<sup>55</sup> there were no minutes, emails, WhatsApp text messages, or any other form of written record reflecting the accused's version of what he claimed to have said to Ms Khan, namely that she should speak to her parents and then they will talk about the matter.

120 In this regard, even if the accused was concerned about not having any written record which may make reference to Ms Khan's sexual assault, he clearly would still have had some other form of documentary proof (which does not need to make reference to Ms Khan's sexual assault) – such as WhatsApp messages or emails exchanged with Ms Khan or his fellow leaders, which at

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<sup>55</sup> See PCS at [120].

least set out his guidance or instruction given to Ms Khan in their absence. After all, the accused's fellow party leaders would need to have a clear understanding of what the accused had told Ms Khan to do, especially since what she did or did not do to follow up on this matter could potentially have a very negative impact on the WP.

121 In contrast to the lack of any document about what Ms Khan was to do about the Anecdote, there were messages exchanged about Ms Khan's comments on Muslim issues (see P8 and P9), the other major topic discussed at the 8<sup>th</sup> August Meeting. If anything, the lack of documentation exchanged by the party leaders amongst themselves, or with Ms Khan about the Anecdote suggests that they were all behaving along the lines of what Ms Khan said, *ie*, the accused had indicated at that meeting for essentially all of them to take the Untruth to the grave.

122 I would also add that, as highlighted by the Prosecution, even his long-time colleagues and fellow leaders in WP, Ms Lim or Mr Faisal, were not called to corroborate the accused's account of the 8<sup>th</sup> August Meeting, or to refute Ms Khan's version of affairs.

*It is not believable that the accused would have required Ms Khan to speak to her parents before they could even discuss about what to do about the Untruth*

123 Ms Khan testified that after she had informed the WP leaders that her parents did not know about the fact that she was a victim of sexual assault, neither the accused, Ms Lim nor Mr Faisal had urged her to tell her parents. Ms Khan also said that she did not plan on doing so, as she did not think that any parent wanted to hear that their child had been assaulted. In fact, Ms Khan testified that she never intended for her parents to learn about the specifics of



her assault, and that her parents eventually found out because the accused shared the details at the COP hearing without her permission.

124 In my view, Ms Khan gave a valid reason as to why she did not want to tell her parents about her experience as a victim of a sexual assault, which was something that had happened to her quite some years ago (when she was 18 years old) while studying abroad. To her, she did not think that any parent wanted to hear that their child had been the victim of such assaults. This aspect of her explanation was clearly believable and apparently unchallenged.

125 In my view, her account is certainly more believable than the accused's account that he had said that she should (first) speak to her parents, before they even *start* discussing about what to do about the matter. How Ms Khan was to interact with her parents about her sexual assault, had nothing to do with how the party as a whole would have to work out how to deal with something that could seriously affect its image. Even though both matters were important in different ways, there was nothing to stop one from being started (*ie*, discussion of what to do about the lie) without needing the other (Ms Khan telling her parents about the sexual assault) to first be completed.

126 Second, evidence from Ms Loh and Mr Nathan also shows that the accused never told Ms Khan to speak to her parents before they would discuss the matter of the lie.

- (a) The accused met Mr Nathan and Ms Loh on 10 August 2021, which was just two days after the 8<sup>th</sup> August Meeting. He engaged Ms Loh and Mr Nathan on aspects of Ms Khan's speech made in Parliament on 3 August 2021, *ie*, the Muslim issues, and also to discuss Ms Khan's sexual assault and the lie as well as her performance as an MP moving

forward. Yet, nothing was said by the accused to them about his having already told Ms Khan to speak to her parents, much less that he would discuss with her the matter of the lie thereafter. This was even though the accused knew that Ms Loh and Mr Nathan not only assisted Ms Khan in her MP duties (and hence may be involved in any action of hers in clarifying the Untruth), but also of their close relationship with Ms Khan.

(b) While the Defence submitted that Ms Loh and Mr Nathan had exaggerated the importance of their roles in the party when it was actually the accused's own intention to follow up with Ms Khan on whether she had spoken to her parents rather than for him to do so through Ms Loh or Mr Nathan,<sup>56</sup> the fact remains that the accused did not follow up with Ms Khan on this matter at all.

(c) This complete lack of discussion between the accused and these two assistants and confidants of Ms Khan about what or how Ms Khan would have to follow up on this matter, or even of any enquiry by the accused as to whether they were aware of what Ms Khan may have done since the 8<sup>th</sup> August Meeting to update her parents, suggested not only that he had never told Ms Khan to speak to her parents in the first place, but that he also never wanted her to clarify the Untruth at some point, the latter being something I will elaborate on at a later stage.

(d) Further, since the accused found it necessary to engage Ms Loh and Mr Nathan as early as 10 August 2021 on other aspects of Ms Khan's earlier speech made in Parliament on 3 August 2021, *ie*, the Muslim issues, and also discussion about Ms Khan's sexual assault and the lie as well as her performance as an MP moving forward, I find it

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<sup>56</sup> DRS at [41] – [42].

difficult to accept that the accused would not also have engaged them on the issue of what to do with the untrue Anecdote moving forward, that is, if he really intended for Ms Khan to do something about it.

(e) Despite continuing to interact with Ms Loh and Mr Nathan after the 10 August 2021 meeting, and even giving them a tour of the LOTO in Parliament on 23 September 2021, the accused never once discussed with them Ms Khan clarifying the Untruth, or about taking any next step after their 10 August 2021 meeting.<sup>57</sup> This meant that he never asked them about what Ms Khan might have done to update her parents so that she could take the next steps to ultimately clarify the lie. This was surely something he would have done even if he did not engage Ms Khan directly, seeing that Ms Loh and Mr Nathan were not only her close friends but also the people assisting Ms Khan in her work as a WP MP.

127 Third, if the accused had indeed told Ms Khan to speak to her parents before they discussed the issue of her lie, it is not believable that she would not have done so, or at least explained to him why she did not want to do so.

128 In this regard, as pointed out by the Prosecution,<sup>58</sup> Ms Khan saw the accused as a mentor, “revered” him, and would accept his advice. Further, from the evidence of Mr Nathan, it was clear that Ms Khan also somewhat feared the accused. In addition, there was a clear power imbalance between Ms Khan, a first-time rookie MP, and the accused, the Secretary-General of the WP and the Leader of the Opposition, and she testified that she never spoke to the accused in a confrontational way,<sup>59</sup> a fact corroborated by objective evidence in the form of WhatsApp messages and emails between the accused and Ms Khan (*eg*, P13

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<sup>57</sup> NE (17 October 2024) p 44, ln 22 to p 46, ln 1.

<sup>58</sup> PCS at [123].

<sup>59</sup> NE (17 October 2024), p 5, ln 12 to 22.

(WhatsApp messages) and P19 (emails)). These showed the accused issuing instructions and directions to Ms Khan, and Ms Khan simply acknowledged and carrying out the accused's instructions.<sup>60</sup>

129 Hence, it is inconceivable for Ms Khan to simply ignore his instructions for her to first speak to her parents, or for her not to at least explain to him her reservations about doing so.

130 In response, the Defence argued that Ms Khan had in fact defied the accused before, specifically when she ignored his clear instructions given on 3 August 2021 to substantiate the Anecdote. Thus, it was not a stretch to say that she would ignore his instructions to speak to her parents, especially when she knew that the accused would have her clarify the lie in Parliament as soon as she had done so.<sup>61</sup>

131 However, I accept Ms Khan's explanation that while the accused had written the word "substantiate" on a copy of her speech, they did not have a conversation about it, and she did not understand the severity of his words. Instead, she thought that if it was something really important, he would have sat down and had a conversation with her. Since he didn't do so, she did not make any changes to her speech.<sup>62</sup>

132 In my view, Ms Khan's explanation reflected less an attitude of defiance, as it did a lack of maturity and experience on her part being a rookie MP who was giving speeches soon after successfully getting elected into Parliament at her first election attempt. There was possibly also a misunderstanding or

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<sup>60</sup> PRS at [59].

<sup>61</sup> DRS at [40].

<sup>62</sup> NE (14 October 2024), p 56, ln 11 to 23.

miscommunication between her and the accused about how each viewed the seriousness of the matter at that time.

133 Finally, I also considered that if the accused had really given her these instructions to speak to her parents, and Ms Khan did not comply or was defying the accused's words, it was hardly conceivable that she would continue to interact with him in her MP duties as per normal after the 8<sup>th</sup> August Meeting. Surely she would have expected that he could question her at some point in the course of their dealings as to whether she had already done what he had instructed her to do, and she would be hard-pressed to explain why she had not.

134 Yet, there is no evidence that she tried to avoid him or that her dealings with him changed in any way after the 8th August Meeting. This must have been because throughout this time, she was doing exactly what he had told her to do at that meeting *ie*, to take the lie to the grave.

135 All things considered, the evidence points to the fact that the accused never told Ms Khan to speak to her parents before they discussed the matter of the lie. This is not surprising seeing that his attitude then was that the lie would probably be something that they would have to take to the grave.

***At the conclusion of the 8<sup>th</sup> August Meeting, the accused never wanted Ms Khan to clarify the Anecdote at some point***

136 To recap, the accused's testimony to the COP was that, at the conclusion of the 8<sup>th</sup> August Meeting, he wanted Ms Khan to speak to her parents, settle herself, speak to her therapist, and thereafter deal with and resolve the issue by making a personal statement in Parliament to correct what she told Parliament on 3 August 2021 regarding the Anecdote – *ie*, he wanted Ms Khan to clarify in Parliament that the Anecdote was untrue at some point (see [65] above).

137 I have already explained why I accept Ms Khan’s account of what the accused said at the 8<sup>th</sup> August Meeting, and also reject his version of affairs. I would add that there is further evidence which shows that at the conclusion of the 8<sup>th</sup> August Meeting, he never wanted Ms Khan to clarify the Anecdote at some point.

*The accused’s lack of guidance to Ms Khan on how to clarify the untrue Anecdote lie is consistent with his lack of desire for her to do so*

138 I start by saying that even if I accept that the accused had said to Ms Khan that she should speak to her parents and then they will talk about the matter, I find it difficult to accept that the accused expected Ms Khan to know, without discussing with her, the whole host of things that she needed to do to clarify the lie. These included: (a) talking to her parents; (b) explaining to them about the sexual assault; (c) explaining to them why she lied; (d) telling them that the fact she lied was going to become public; and (e) coming back to the accused to tell him she is ready to have the matter clarified in Parliament.<sup>63</sup>

139 Notably, none of these things that he expected her to do were expressly articulated by him to Ms Khan any time during the 8<sup>th</sup> August Meeting. Instead, the accused’s evidence was that *it was only in his mind* that “...he knew that the matter would have to be clarified, but because of Ms Khan's state, in my judgment I determined it would be better for her to settle herself and then [they] would deal with the matter when she was ready.”<sup>64</sup> Thus, it is clear that throughout this time, his desired laundry list of actions for Ms Khan to carry out, were in his mind but never out of his mouth.

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<sup>63</sup> NE (7 November 2024), p 43, ln 14 to 22.

<sup>64</sup> NE (5 November 2024), p 87, ln 6 to ln 10.

140 While the accused tried to justify his behaviour by arguing that Ms Khan was an MP and that she would know “you can’t lie in Parliament”,<sup>65</sup> I agree with the Prosecution that this answer does not hold water. Simply put, there is no reasonable basis for him to expect Ms Khan, an inexperienced first-time MP, to understand that from his simple statement to “speak to your parents”, that she has to go ahead and carry out a whole list of diverse tasks thereafter to deal with the matter with the objective of clarifying the lie in Parliament at some point. This is especially so as the accused admitted that he “didn’t go into those details”, but simply told her something along the lines of “[w]e need to resolve his matter”.<sup>66</sup>

141 In response, the Defence argued<sup>67</sup> that the “laundry list” of action items that he expected Ms Khan to do flowed naturally from one to the other. However, with respect, except for bare submissions from Counsel there is no actual evidence adduced, even from the accused, that Ms Khan would or should do or know all those things just from his simple guidance to her to “Speak to your parents and we’ll talk about that matter. We’ll talk about the issue”.

142 While the Defence argued that the accused “was prepared to give [Ms Khan] time to deal with the matter with her family first” and “[t]hat is not unreasonable and nor does it point towards an ulterior motive”<sup>68</sup>, this argument misses the point. The real issue was that the accused displayed a total lack of interest and action after the 8<sup>th</sup> August Meeting. His behaviour was certainly not consistent with him wanting Ms Khan to speak to her parents and then coming back to him and/or the other leaders to discuss the matters with the idea of clarifying the Untruth.

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<sup>65</sup> NE (7 November 2024), p 43, ln 14 to p 44, ln 4.

<sup>66</sup> NE (7 November 2024), p 44, ln 23 to p 45, ln 6.

<sup>67</sup> See DRS at [118].

<sup>68</sup> DCS at [72].

143 As discussed above at [82] – [85], the accused’s complete lack of action after the 8<sup>th</sup> August Meeting was also completely contrary to his hitherto very proactive approach and attitude towards Ms Khan immediately after she told the Anecdote in Parliament on 3 August 2021.

144 I would add that I disagree with the Defence that the accused’s inaction was a “totally human response that anyone would have when they are told by another that they had been sexually assaulted” and that “it was more important to show Ms Khan empathy and compassion”<sup>69</sup>. Not only was there nothing to show that the accused’s inaction was motivated by such concerns or that there was a need to give her additional time to “recover” or “get over her assault” (something which happened many years before and for which she was already seeing a therapist), the fact was that Ms Khan never sought or asked for time to speak to her parents, which is something that she surely would have done had she such a need or concern.

145 More importantly, there was nothing to preclude the accused from following up with Ms Khan to check on her well-being, or for him to check with Ms Loh or Mr Nathan, who were both close to Ms Khan, about her progress or situation to inform her parents. But the fact is that *the accused did nothing*.

146 His lack of action towards Ms Khan after the 8<sup>th</sup> August Meeting can only be explained by the fact that – as Ms Khan had stated – the accused took the position that “this would probably be something that we would have to take to the grave.”

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<sup>69</sup> DCS at [99].



*The 1 October 2021 email was not an instruction to Ms Khan to clarify the Untruth*

147 The accused had made the claim that his email of 1 October 2021 to the WP MPs (P26) was an attempt to follow up with Ms Khan on the issue of the Untruth. However, I am of the view that his claim is not supported by the evidence. It is also inconsistent with what he had said to the COP.

148 First, the accused admitted that the 1 October email was a “general” email sent to *all* WP MPs. It was thus not specifically addressed to Ms Khan. The accused also prevaricated over whether the email was specifically about Ms Khan’s lie or just about conduct of MPs generally.<sup>70</sup>

149 I agree with how the Prosecution summed up the accused’s evidence on the 1 October 2021 email:<sup>71</sup>

...To summarise, after giving several different answers to the same question, the accused landed on a diametrically opposed position from his initial position: he went from initially saying that the email was about the [Untruth], to saying that the email was in relation to the [Untruth], closely related to the [Untruth], and covering the subject matter that concerns the [Untruth], and then to finally landing on the position that the email was *not* about the [Untruth]. These twists and turns that the accused has taken to align his evidence in Court with his testimony before the COP clearly show that he is not a credible witness.

[emphasis in original]

150 Second, it can be seen from the contents of the email itself, that it clearly did not address any lie *already* told, let alone the specific Untruth told by Ms Khan. Instead, the contents of the email simply included a warning that if an MP is unable to “back up and defend what you say in Parliament, [he/she] risks

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<sup>70</sup> PCS at [261] – [266].

<sup>71</sup> PCS at [266].

being hauled up before the [COP]”. As correctly pointed out by the Prosecution:<sup>72</sup> “the email certainly did not say that Ms Khan was supposed to clarify the untruth. The email was plainly not an attempt to follow up with Ms Khan on the issue. If anything, the email was a warning and reminder from the accused to Ms Khan that, unless she maintained the untrue Anecdote as agreed at the 8<sup>th</sup> August Meeting, she would have to face the COP”.

*The accused’s lack of follow up with his fellow WP leaders on efforts to clarify the lie*

151 I have already discussed the fact that there were apparently no written records exchanged between the accused and his fellow leaders about the alleged instruction he gave to Ms Khan to speak to her parents before they discuss the matter (of the lie).

152 It also appears that there is no evidence that the accused even discussed with his fellow leaders about what to do about Ms Khan’s Untruth, nor did he even follow up with them after the 8<sup>th</sup> August Meeting any action to take about the Untruth. In this regard, it was the accused’s own evidence that after the 8<sup>th</sup> August Meeting, for the rest of August and in September 2021, he did not discuss the issue of the untrue Anecdote with Ms Lim or Mr Faisal,<sup>73</sup> nor did he send them any message about this matter. Further, the accused claimed that Ms Lim and Mr Faisal did not ask the accused about the issue.<sup>74</sup>

153 This lackadaisical attitude towards clarifying the Untruth stood in stark contrast to the initial pro-active stance taken by the accused in the lead-up to

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<sup>72</sup> PCS at [141]

<sup>73</sup> NE (8 November 2024), p 86, ln 22 to 24.

<sup>74</sup> NE (7 November 2024), p 54, line 9 to p 55, ln 15

making the Anecdote by Ms Khan, and the immediate aftermath, a point which has been covered at [82] – [85] above.

154 Indeed, bearing in mind the potential grave and negative impact on the party of Ms Khan admitting that she had lied in Parliament, something the media team members like Ms Loh and Mr Nathan recognised to be a real likelihood, and a fact which would not have been lost on political veterans like the accused, Ms Lim and Mr Faisal, if one accepts the accused's evidence that he never updated or involved his fellow WP leaders on how Ms Khan was to handle the Untruth, it must have been because he never wanted, or never expected her to clarify the lie in Parliament. Hence, there would have been no embarrassing exposure, and no damaging impact for which his fellow WP leaders had to be concerned with or need to address.

155 This would likely have been why the accused came up with the suggestion at the 8<sup>th</sup> August Meeting to take the lie to the grave, something which his fellow leaders and Ms Khan certainly didn't disagree with.

***Concluding remarks on the First Charge***

156 To sum up, the evidence shows that:

- (a) At the conclusion of the 8<sup>th</sup> August Meeting, it appears that the belief of the WP leaders was that the issue of the Anecdote's falsity would not come up, and that it would be difficult for the Government to uncover the Untruth due to the large number of police stations which the alleged victim mentioned in Ms Khan's Anecdote could have approached.

- (b) At the same time, the accused was aware that the Untruth, if exposed, could result in Ms Khan being brought before the COP, something he had expressly mentioned at the 8<sup>th</sup> August Meeting. This, plus the exposure of the lie itself, would clearly have had an adverse effect on the party, something that would have been on his mind as he already considered Ms Khan's encounter in Parliament on 3 August 2021 after Ms Khan told the Anecdote, as a "...bad day in the office for us"<sup>75</sup>. Moreover, the accused was a political veteran who was the Secretary General of the WP and the Leader of the Opposition.
- (c) In those circumstances, at the 8<sup>th</sup> August Meeting, the accused said to Ms Khan (with the two other WP leaders present) that "this would probably be something that we would have to take to the grave." By "this" the accused would have been referring to the Untruth.
- (d) The evidence thus showed that at the conclusion of the 8<sup>th</sup> August Meeting, the accused had not wanted Ms Khan to clarify the Untruth in Parliament at some point. Accordingly, any claim made by the accused to the COP to the contrary was a lie that he wilfully told.

**Second Charge: At the 3<sup>rd</sup> October Meeting, did the accused want to convey to Ms Khan that she had to clarify that the Anecdote was untrue if the issue came up in Parliament the next day?**

157 For this charge, there were two main versions given in Court about what had transpired between Ms Khan and the accused at the 3<sup>rd</sup> October Meeting.

- (a) Ms Khan said that the accused had told her that he won't judge her for continuing the narrative.

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<sup>75</sup> P6 - WhatsApp message to Ms Khan dated 4 August 2021 at 11:01 am

(b) The accused's version was that he told Ms Khan that her Anecdote would come up in Parliament, and if it did, she "would have to take ownership and responsibility". The accused said that by taking "ownership and responsibility", it was clear that she had to tell the truth. His answer to the COP on this issue was that he wanted to convey to Ms Khan that she should tell the truth if the issue of her Anecdote came up in Parliament the next day.

158 Having carefully analysed the evidence, I accept Ms Khan's account to be the truth, and find that at the 3<sup>rd</sup> October Meeting, the accused did not tell her to "take ownership and responsibility". Further, contrary to what he said to the COP, the accused never wanted Ms Khan to tell the truth if the issue of her Anecdote came up in Parliament the next day. I set out my reasons for these findings below.

***The accused told Ms Khan on 3 October 2021 that he would not judge her if she continued the narrative***

159 There is no dispute that between the 8<sup>th</sup> August Meeting and the 3<sup>rd</sup> October Meeting, essentially nothing was done by Ms Khan about the Untruth. Specifically, nothing was done in terms of preparation for her to disclose in Parliament on 4 October 2021 that she had lied on 3 August 2021.

160 It is also not disputed that the accused had similarly done nothing during this period to check with Ms Khan or to prompt her either directly or through her WP friends and assistants, Ms Loh and Mr Nathan, to tell her parents about the sexual assault. Nor, apparently, had he prepared himself to clarify the Untruth in Parliament.

161 Ms Khan testified that when the accused went to her house on 3 October 2021, he wanted to speak to her alone. He then reminded her about the 1 October 2021 email (P26) which warned of the consequences of not being able to defend and back up what was said in Parliament, including the possibility of being hauled up before the COP. He then followed up by telling her that he would not judge her if she continued the narrative.

162 Ms Khan's account is corroborated by testimony from Ms Loh and Mr Nathan, and Mr Nathan's accounts of their communications with the accused at a subsequent meeting on 12 October 2021, and subsequent WhatsApp chats. I now deal with the corroborative evidence.

*The accused's admissions to Ms Loh and Mr Nathan that he left it to Ms Khan whether to come clean in Parliament on 4 October 2021 and that he would not judge her*

163 As highlighted by the Prosecution,<sup>76</sup> Ms Khan's version of what transpired at the 3<sup>rd</sup> October Meeting is corroborated by the evidence of both Ms Loh and Mr Nathan. Both these witnesses testified about what the accused said that he had told Ms Khan when he met her on 3 October 2021. This was done by the accused when he met them at his house on 12 October 2021.

164 In her evidence, Ms Loh said that during this meeting on 12 October 2021, the accused "also did recount that he had a feeling this matter would come up in Parliament that day, on 4 October, and that he had went to speak to Ms Khan the day before and sort of gave her a choice of whether or not to come clean in Parliament and that he will not judge her". Ms Loh understood the words "not judge" her to mean that "she would not be punished or even just judged in general, like, given the poor opinion of... he will not have a poor

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<sup>76</sup> PCS at [151] to [161].

opinion of her regardless of what she did”, whether or not she “stand up and tell everyone she lied in Parliament or if she were to retain the fact that she had lied, I guess retain the story...”<sup>77</sup>

165 Mr Nathan, who was at the same meeting with the accused and Ms Loh on 12 October 2021, similarly testified that the accused told Ms Loh and him that when he met Ms Khan earlier at her house on 3 October 2021, he had conveyed to her that the issue might come up the following day on 4 October 2021 in Parliament. In addition, the accused said to Ms Khan that he would not judge her, regardless of her decision to maintain her lie or narrative or to tell the truth. The accused had “said verbatim ‘I will not judge you’. Mr Nathan’s understanding of the accused’s words to Ms Khan that he would not judge her “was that he was leaving it open to her that whatever option that she chose, including the option to maintain the lie, that he would have no problem with that.”<sup>78</sup>

166 Mr Nathan’s account of this meeting was corroborated by his WhatsApp messages to Ms Khan and Ms Loh on 23 November 2021 (P25). In his exchange with Ms Loh and Ms Khan in November, Mr Nathan had expressed his shock, at that time, that the accused was now making it seem as if Ms Khan was the sole person involved in the earlier decision to stick to the untruth in Parliament in October. This was even though the accused had earlier disclosed to Mr Nathan and Ms Loh, when they met him in his house, that he told Ms Khan on 3 October 2021 that he would not judge her if she continued with the lie if the matter came up on 4 October 2021.

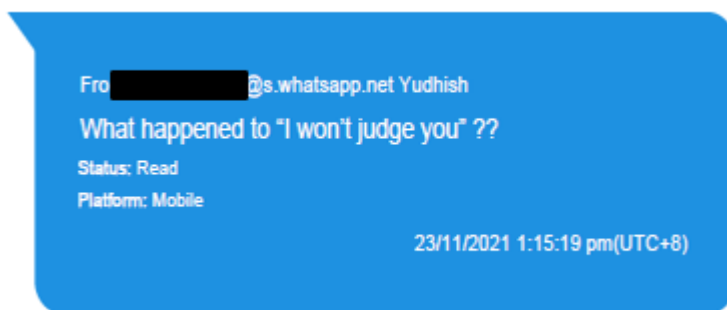
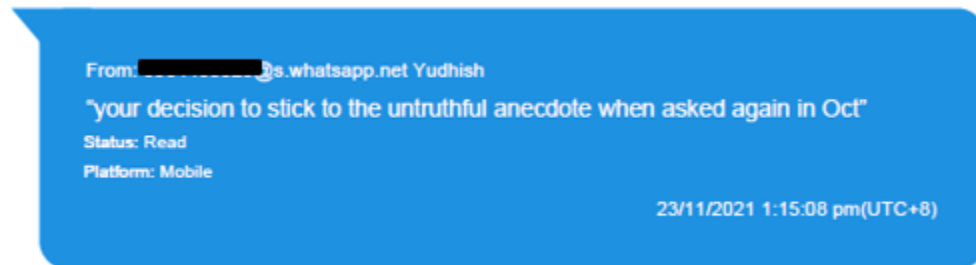
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<sup>77</sup> NE (17 October 2024) p 54, ln 18 to p 55, ln 11.

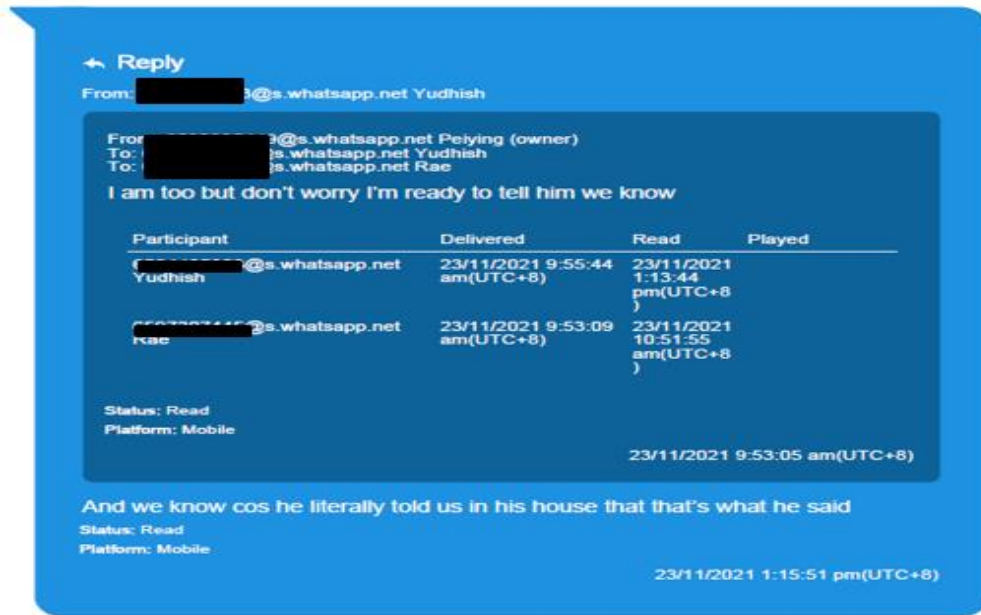
<sup>78</sup> NE (18 October 2024) p 145, ln 6 to ln 13.

167 I would add that Mr Nathan’s account of the 12 October meeting (see above at [163] – [170]) was corroborated by his WhatsApp messages sent to Ms Khan and Ms Loh on 23 November 2021 (P25). ). In his exchange with Ms Loh and Ms Khan in November, Mr Nathan had expressed his shock, at that time, that the accused was now making it seem as if Ms Khan was the sole person involved in the earlier decision to stick to the Untruth in Parliament in October. This was even though the accused had earlier disclosed to Mr Nathan and Ms Loh, when they met him in his house on 12 October 2021, that he told Ms Khan earlier on 3 October 2021 that he would not judge her if she continued with the lie if the matter came up in Parliament on 4 October 2021.

168 The WhatsApp messages sent by Mr Nathan to Ms Khan and Ms Loh on 23 November 2021 are reproduced below:







*The accused's explanation of the party's change in strategy showed that prior to this change, he never wanted to convey to Ms Khan that she had to clarify that the Anecdote was untrue if the issue came up*

169 It is also notable that when Mr Nathan met with the accused and Ms Loh on 12 October 2021, Mr Nathan expressed reservations at the start of the meeting about Ms Khan coming clean. He then asked the accused why there was a change in the party strategy, *ie*, what had made the party leaders *now* want Ms Khan to come clean regarding the Untruth. The accused explained that he was worried that the Government may already have the evidence or would somehow know that Ms Khan had lied in Parliament and that the Anecdote was untrue. Mr Nathan said that he sensed that at the time, the accused "...was very afraid of Mr Shanmugam and of the government, and I remember him saying that... if the party were to keep the lie, that the party would get bad karma for it."<sup>79</sup> Ms Loh similarly testified that the accused, Mr Nathan and she discussed

<sup>79</sup> NE (18 October 2024) p 138, ln 24 to p 139, ln 13.

the impossibility of retaining the Untruth “because there was a surety that Minister Shanmugam will pursue the matter until it was addressed” and that the matter could not be kept secret *anymore*.<sup>80</sup>

170 In my view, the evidence of Ms Loh and Mr Nathan on this issue, provided strong corroborative evidence that until the accused expressed and explained his change of position to Ms Loh and Mr Nathan on 12 October 2021, the position that he took when he met Ms Khan on 3 October 2021 was quite different. Specifically, at the 3rd October Meeting, his guidance to Ms Khan was that he would not judge her if she continued the narrative, *ie*, he was saying that he would not judge or look badly at her even if she continued the lie. It was only at the 12 October 2021 Meeting that the accused informed Ms Loh and Mr Nathan of the change in the party’s position for Ms Khan to now proactively admit the lie in Parliament, and told them the reasons for this new stance.

*The DP records show that the accused gave Ms Khan a choice on 3 October whether she wanted to clarify the lie on 4 October or not*

171 After the DP was convened to look into Ms Khan’s actions pertaining to the untrue Anecdote, Ms Khan met the DP twice; the second time being a meeting that she had specifically requested. When Ms Khan met the DP for the second time on 29 November 2021, minutes of that proceeding was taken by Ms Lim.

172 In her minutes, which were not disputed by the Defence, Ms Lim recorded the accused as having said that he left it to Ms Khan on 3 October 2021 whether to clarify the lie in Parliament or not.<sup>81</sup> Specifically, when Ms Khan was being questioned by the accused at the DP hearing, Ms Lim recorded the

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<sup>80</sup> NE (17 October 2024) p 53, ln 8 to 12.

<sup>81</sup> See P45: Notes taken by Ms Sylvia Lim of DP session with Ms Khan on 29 November 2021

accused as saying to Ms Khan that “Before Oct session, I met you + told you *it was your call...*” (whether to clarify the untruth).<sup>82</sup>

173 In my view, these words of the accused – that he told Ms Khan that it was her call what she said in Parliament on 4 October 2021, coupled with the fact he had told Ms Khan at the same meeting that he would not judge her, is consistent with Ms Khan’s account that the accused had told her on 3 October 2021 that he would not judge her if she continued the narrative.

*By saying “I will not judge you”, the accused was telling Ms Khan that she has a choice whether she wanted to clarify the lie in Parliament*

174 Contrary to the Defence’s argument, I find that the use of the phrase “I will not judge you” by the accused to Ms Khan at the 3<sup>rd</sup> October Meeting, was used by the accused to mean that *regardless of what Ms Khan decided to do in Parliament on 4 October 2021*, he would not judge her.

175 This was also exactly how Ms Khan understood his words to her, when she wrote to him and the rest of the WP leaders in her email dated 7 October 2021 (P27).

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<sup>82</sup> P45 at p 6.

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**Fwd: Request for details of case cited in Parliament on 3 August 2021**

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Raeesah Khan <raeesah.khan@wp.sg>

7 October 2021 at 17:07

To: Pritam Singh <pritam.singh@wp.sg>, Sylvia Lim <sylvia.lim@wp.sg>, Mohd Faisal Manap <faisal.manap@wp.sg>

Dear All,

I've received this email from SPF, asking to continue the investigations and for me to come down for an interview. I've shared this with Jordan who is advising me, and he will share his views tonight.

Please let me know what you'd like me to do, and I will share Jordan's thoughts on the matter as well.

Thank you for listening to me, for caring for me and for guiding me through this without judgement.

Yours sincerely,

Raeesah Khan, MP for Sengkang GRC (Compassvale)

176 In essence, in her email, after did precisely what the accused guided her to do at the 3<sup>rd</sup> October Meeting *ie*, “to continue the narrative”, the leaders (including the accused) did not judge her, and she accordingly expressed thanks to them for guiding her without judgment.

177 Since it is not in dispute that the accused was the WP leader who had been actively engaging and guiding Ms Khan on how to deal with the untrue Anecdote throughout, Ms Khan's words of thanks were clearly directed to the accused. These words provided strong support for the argument that she had acted according to how the accused guided her when she repeated the lie in Parliament on 4 October 2021, and she thanked him for his guidance done without judgment.

178 Notably, the accused did not respond to her email by writing to Ms Khan to refute or disagree with what had been stated in her email, or to clarify that she had misunderstood him, much less chastise her for not clarifying the lie after it had been brought up in Parliament on 4 October 2021. There was no need for him to do this, since she had dutifully heeded his guidance when she repeated

her lie in Parliament (*ie*, “continue the narrative”) on 4 October 2021, and hence he had no cause for judging her.

***The evidence showed that on 3<sup>rd</sup> October 2021, the accused did not want to convey to Ms Khan that she was to clarify the Untruth if the issue came up***

179 The accused claimed that at the 3<sup>rd</sup> October Meeting, he made it clear to Ms Khan that she should come clean if the issue came up the next day. However, his claim is uncorroborated and inconsistent with the evidence including, as the Prosecution submitted aspects of his own evidence.<sup>83</sup>

*The accused was inconsistent on whether he regarded it a condition precedent for Ms Khan to speak to her parents before clarifying the lie*

180 As highlighted by the Prosecution, the accused had taken the position in Court that after the 8<sup>th</sup> August Meeting, he was *waiting* for Ms Khan to come and tell him that she had spoken to her parents and that she was now ready to tell the truth. This was what he described as a “condition precedent” for Ms Khan telling the truth in Parliament. Because she had not done so, no preparations were made for Ms Khan to tell the truth in August and September 2021 after the 8<sup>th</sup> August Meeting.<sup>84</sup>

181 Yet, it is undisputed that:

- (a) Before initiating the conversation with Ms Khan on 3 October 2021, the accused had not heard from Ms Khan that she had spoken to her parents and was ready to tell the truth;<sup>85</sup> and

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<sup>83</sup> PCS at [168] – [174].

<sup>84</sup> NE (6 November 2024), p 52, ln 9 to p 53, ln 6; p 131, ln 16 to 24.

<sup>85</sup> NE (6 November 2024), p 58, ln 4 to 23.

- (b) Even at the 3<sup>rd</sup> October Meeting, the accused did not ask Ms Khan whether she had spoken to her parents and she was ready to tell the truth.

182 Thus, despite not even knowing whether Ms Khan had spoken to her parents, the accused claimed that he had simply conveyed to her the idea (by his words to her to “take ownership and responsibility”) when he met her at the 3<sup>rd</sup> October Meeting that she was to tell the truth if the issue came up in Parliament the following day. In my view, this contradicted his own evidence that he was waiting for the “condition precedent” to be satisfied, as a prerequisite for Ms Khan to tell the truth in Parliament.

183 Further, the accused’s claim was made even more difficult to believe when one considers that on 3 October 2021, he was meeting Ms Khan at her house, where her parents were present, and the accused had even said “hi” to her parents before he asked to have a private chat with Ms Khan. Thus, he could hardly have forgotten that Ms Khan’s required act of first talking to her parents was imperative before she clarified the lie in Parliament, especially since he had claimed that this was his own idea, and something he regarded as a prerequisite/”condition precedent”.

184 The Prosecution correctly pointed out that when the accused was cross-examined on this issue, he struggled to explain his position, and changed his evidence several times on whether he felt that Ms Khan could have come clean if the issue of her Untruth came up on 4 October 2021, given that she had not told him that she had spoken to her parents.<sup>86</sup> Given that this is a crucial issue that contradicted the accused’s claim as to what he allegedly wanted Ms Khan

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<sup>86</sup> PCS at [170] – [173].

to do in Parliament the day after he spoke to her at the 3rd October Meeting, his contradictions and inability to properly address this issue undermines his claim and damages his credibility.

*The accused could not explain why he said he wanted Ms Khan to clarify the lie in Parliament only if the matter came up*

185 I note that aside from his inability to account for why the condition precedent for Ms Khan to clarify the untruth was apparently no longer important when he met her on 3 October 2021, the accused was also unable to explain why he allegedly only wanted her to clarify the untruth in Parliament, *if the matter came up*. I agree with the Prosecution that if the accused had really formed the view - by the time he spoke to her on 3<sup>rd</sup> October 2021 - that Ms Khan could tell the truth the next day (*ie* on 4 October), why did he simply not tell Ms Khan that she was to clarify the untruth regardless *ie whether or not* it was raised?<sup>87</sup>

186 Given the clear importance of having his own MP clarify a lie in Parliament that she had told and left unclarified for about two months, and given that he himself had been aware of the lie since 7 August 2021, it was damning that the accused could not provide any credible response for his action of only wanting her to clarify the untruth if it came up. This despite him being repeatedly being questioned in Court on this issue.<sup>88</sup>

Q. So if that is true, there would have been no difficulty telling her, "Tomorrow, please make a personal statement. Whether or not the issue is going to come up or not is not the

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<sup>87</sup> PCS at [173]; NE (7 November 2024), p 15, ln 25 to p 16, ln 5.

<sup>88</sup> NE (7 November 2024), p 17, ln 1 to p 18, ln 14.

point. This is a serious lie" -- sorry, "This is a lie, it's a serious matter, you go ahead and tell the truth".

A. **My frame of mind on 3 October was not like that.**

Q. Okay, thank you. **And then after all, according to your evidence, all you expected her to do was four simple things: admit what she said was untrue on the 3rd, explain the truth as to why she lied, which she already told you on 8 August, admit what she did was wrong and apologise. So it is very simple. You could have told her, "Whether the matter is raised or not, just tell the Speaker you want to say something". Agree?**

A. I –

Q. **You could have done that.**

A. **I could have done many things, I agree, but I have to explain that the approach I had taken with her from 8 August was to be sensitive to her given what she had shared with us and I expected her to come up with the truth on her own and take responsibility for the issue.** That was my frame of mind. Of course, on hindsight, I would accept that I should have moved faster, but my frame of mind on the 3rd, given the agenda in Parliament and the WP's role in that agenda, was to highlight to her that the matter may come up, and if it came up, she had to take responsibility and ownership.

Q. Okay.

**COURT: Mr Ang's question, if I understand it correctly, is whether or not the matter came up, why didn't**



**you just tell her to do all these things? I understand that to be the question.**

A. **Yes, and my reply was as I answered**, your Honour. If there's something that is not clear, I will be happy to clarify.

COURT: **So you've got nothing to add to what you said earlier?**

A. **That's right.**

[emphasis added in bold]

*The accused's behaviour in Parliament on 4 and 5 October showed that he never wanted Ms Khan to clarify the lie*

187 The accused's claim - that he wanted Ms Khan to clarify the lie (only) if the matter came up in Parliament on 4<sup>th</sup> October 2021 - was rendered even more doubtful in the light of the events that actually transpired in Parliament on 4 October 2021 and 5 October 2021.

188 Specifically, after Ms Khan was challenged by Minister Shanmugam and asked for details about the Anecdote:

- (a) The accused did not respond to Ms Khan's WhatsApp request for help in responding;
- (b) The accused subsequently did not question her on why she did not clarify her lie *when the matter did come up in Parliament*;
- (c) When the accused met Ms Khan while in Parliament on the same day, he did not insist that Ms Khan clarify her lie after she failed to do so but had doubled down and repeated it instead; and

- (d) Worse, even after the Minister explained that the Police would investigate the matter further, including by interviewing Ms Khan, the accused still did not ask her to clarify the lie.

189 The accused's behaviour on 4 October 2021 was in sharp contrast with his actions on 3 August 2021, when after Ms Khan was challenged on the Anecdote, the accused not only drafted a clarification for her but even insisted that she provide that clarification before the conclusion of the parliamentary sitting that day. He even took it upon himself to alert the Deputy Speaker for Ms Khan to do this (see above at [82] – [84]).

190 Moreover, the accused's surprising lack of action or response on 4 October 2021 was especially inexplicable since he was not only in contact with Ms Khan via WhatsApp when they were both in the parliamentary chambers, but he then also met with Ms Khan (with Ms Lim present) during that very same day of the parliamentary sitting (4 October 2021) at the LOTO in Parliament. As highlighted by the Prosecution<sup>89</sup>, even by the accused's own account, he did not show any anger or castigate Ms Khan for not telling the truth when they met to speak that night in the LOTO, despite her apparently acting in clear defiance of what he had purportedly directed her to do only the day before.

191 Further, on the following day ie, 5 October 2021, both the accused and Ms Khan attended the parliamentary sitting. However, the accused did not speak to her about the Anecdote on that day, the day after that (ie, 6 October 2021). He certainly did not ask her to clarify the lie even though it had come up in Parliament on 4 October 2021, and even though she had not complied with his purported instructions to her at the 3<sup>rd</sup> October Meeting. If the accused had

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<sup>89</sup> PCS at [189].

wanted to ask her why she lied again in defiance of his instructions or insisted on her clarifying the Untruth, he certainly could have done so. After all, the accused would have commanded the requisite authority and respect as *the Secretary General of the party, and the Leader of the Opposition*. The fact that the accused did not do so, and did not even seem surprised that she had not clarified the lie when she was specifically questioned about it in Parliament on 4 October 2021, put paid to the accused's claim that he wanted her to clarify the lie in Parliament on 4 October 2021 if it came up.

192 While the accused tried to explain that nothing was done by either Ms Khan or him to clarify the untruth in Parliament on 5 October 2021 because Ms Khan had “doubled down on the lie”, I was unable to accept this explanation for the following reasons:

- (a) First, it was still the same lie that Ms Khan told on 4 October 2021 that he had allegedly wanted her to clarify. In fact, Ms Khan's failure to clarify the Untruth on 4 October 2021 made it even more imperative for her to do so on 5 October 2021 to avoid misleading Parliament even further, and causing police resources to be activated to investigate the matter, something Minister Shanmugam had indicated would be done.
- (b) Second, the accused's explanation to the COP that Ms Khan could not come clean on 5 October because she had not yet spoken to her parents and there was not enough time for her to have “closed the issue with her parents and make that personal explanation in Parliament” on 5 October 2021<sup>90</sup>, was inconsistent with his

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<sup>90</sup> P51 – Reasons given by the accused at the COP proceedings why it was not possible, as of 4 October 2021, for Ms Khan to tell the truth in Parliament on 5 October 2021. See also P50: COP MOE Vol 2 at B484–B485, [8273].

testimony in Court. Instead, the accused's explanation in Court was that after Ms Khan had "doubled down the lie" on 4 October 2021, it was no longer necessary for her to discuss the matter with her parents because the issue was now worse. In the accused's words, "... what's more important is *for her to clarify the record forthwith in Parliament.*"<sup>91</sup>

193 In any event, if the accused had suddenly become so concerned that Ms Khan had "doubled down" on the lie on 4 October 2021, such that whether she told her parents or not was not even a priority anymore,<sup>92</sup> and since he was allegedly also concerned that Ms Khan would "...go to Parliament and lie again"<sup>93</sup>, it is inexplicable that the accused, as the Secretary-General of the WP, and Leader of the Opposition, and essentially Ms Khan's "mentor" and "boss", could not, and did not, himself clarify the lie in Parliament on 5 October 2021, even if Ms Khan did not do so as he had wanted her to do.

194 All in all, the accused's lack of action on 4 and 5 October 2021, after Ms Khan repeated ("doubled down") the lie on 4 October 2021 in Parliament, was consistent with Ms Khan's account that he had told her that he would not judge her if she continued the narrative. His behaviour was certainly inconsistent with his own uncorroborated answer to the COP that on 3<sup>rd</sup> October 2021, he wanted Ms Khan to clarify the matter if it came up in Parliament (and it did actually come up in Parliament).

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<sup>91</sup> NE (6 November 2024), p 144, ln 6 to p 146, ln 11.

<sup>92</sup> DRS at [95] – [96].

<sup>93</sup> See DRS at [95].

*The accused only intended for Ms Khan to clarify the lie after the meeting with Mr Low Thia Kiang on 11 October 2021*

195 The accused apparently only came to the decision for Ms Khan to clarify the lie after the sitting on 4 October 2021. In my view, this was due to subsequent events that transpired, including the 7 October 2021 email from the police to Ms Khan (P27) and, perhaps more importantly, after he received advice from Mr Low that Ms Khan should apologise and clarify the lie in Parliament. [88(c)]. The accused and Ms Lim visited Mr Low on 11 October 2021. This meeting was arranged by Ms Lim, and took place after Ms Khan forwarded P27 to Ms Lim and the accused.

196 The unchallenged testimony of Mr Low was that after Ms Lim informed him that Ms Khan had lied in Parliament and that the party was considering holding a press conference for her to apologise,<sup>94</sup> Mr Low advised Ms Lim and the accused that the correct forum for Ms Khan to apologise and to clarify the lie was Parliament.<sup>95</sup> Mr Low also confirmed that during this meeting with the accused and Ms Lim, neither of them said that they had already told Ms Khan to clarify the untruth in Parliament.<sup>96</sup> Nor did they say that they were waiting for Ms Khan to update that she had told her parents about the sexual assault before arranging a clarification in Parliament. The accused also did not mention that before meeting Mr Low, he (the accused) had already decided that the untruth had to be clarified in Parliament, and that he had *already* told Ms Khan to clarify the untruth in Parliament.<sup>97</sup>

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<sup>94</sup> NE (23 October 2024), p 54, ln 2 to 4.

<sup>95</sup> NE (23 October 2024), p 54, ln 8 to 10.

<sup>96</sup> NE (23 October 2024), p 58, ln 3 to 7.

<sup>97</sup> PCS at [218].

197 In my view, such omissions on the part of the accused are especially significant considering that he was the highest-ranking member of the WP at that point, and as he was also in the process of seeking advice from his predecessor (formerly the highest-ranking member of the WP). The latter was someone he clearly trusted and respected. In fact, it was the accused, in Court, who volunteered the information that: “My relationship with [Mr Low] is very open”.<sup>98</sup> Thus, it would be expected that the accused would have shared with Mr Low his plans for Ms Khan to clarify the Untruth, that is, if he had any.

198 I also took note of what the accused subsequently told Ms Loh and Mr Nathan about his 11 October 2021 meeting with Mr Low. This was when the accused met them on 12 October 2021 at his house. Both Mr Nathan and Ms Loh testified that the accused informed them that he had consulted Mr Low, who thought that the best course of action was for Ms Khan to “come clean as soon as possible”<sup>99</sup>, to “make a clarification in Parliament and that the Workers' Party would survive the sort of falling-out that would follow.”<sup>100</sup> Mr Nathan and Ms Loh testified that 12 October 2021 was the first time they were made aware of any plan for Ms Khan to clarify the Untruth.

199 The reference by the accused to Ms Loh and Mr Nathan that he had consulted Mr Low Thia Kiang, and that Mr Low’s view was that the correct course of action was for Ms Khan to clarify the lie in Parliament, is particularly significant not only because of the importance with which Mr Nathan and Ms Loh placed in the judgment of Mr Low, but also the same trust and faith that the accused and Ms Lim had in Mr Low’s advice, which they were now all acting upon. Notably, this change of strategy for Ms Khan to apologise and clarify her

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<sup>98</sup> NE (6 November 2024), p 152, ln 18 to 19.

<sup>99</sup> NE (18 October 2024), p 141, ln 4 to 9.

<sup>100</sup> NE (17 October 2024), p 54, ln 4 to 14.

lie in Parliament, came only after Mr Low had also opined that “the Workers' Party would survive the sort of falling-out that would follow”.

200 Also significant is the fact that the accused did not consult Mr Low before the 8<sup>th</sup> August Meeting or the 3<sup>rd</sup> October Meeting. It appears that the WP leaders, including the accused, had held the view, before consulting Mr Low (as could be seen from Ms Loh’s and Mr Nathan’s evidence), that a revelation by Ms Khan that she had lied in Parliament would have a negative impact on the WP. Therefore, I find it completely unbelievable that the accused would have told Ms Khan to clarify (*ie*, essentially confess) her Untruth in Parliament on 4 October 2021 without first seeking the advice, and possibly the blessing of Mr Low, the former Secretary-General of the WP, beforehand.

201 I further note that it is undisputed that the accused instructed Ms Khan to prepare her personal statement to clarify the Untruth in Parliament *only after* the accused and Ms Lim finally sought Mr Low’s views on 11 October 2021.

202 I would add that this entire episode shows that quite aside from the fear expressed by the accused to Ms Loh and Mr Nathan on 12 October 2021 that the Government may already know and/or have evidence of the lie as a reason for the change of strategy, it may also have been the reassuring words of Mr Low that “the Workers' Party would survive the sort of falling-out that would follow” that could also have provided the comfort and encouragement for the accused (and his fellow WP leaders) to finally decide to have Ms Khan clarify the lie in Parliament.

203 All in all, the evidence arising from Mr Low’s discussion with the accused and Ms Lim on 11 October 2021 reinforces my view that prior to

speaking to Mr Low on this date, and obtaining Mr Low's views, it was not the intention of the accused for Ms Khan to clarify the lie in Parliament.

*Before his change of mind after meeting Mr Low, the accused had guided Ms Khan to maintain the Untruth*

204 Finally, I discuss the submission of the Prosecution that the accused had intentionally guided Ms Khan to maintain the Untruth when he met her at the 3<sup>rd</sup> October Meeting.

205 To recap, Ms Khan said that at the 3<sup>rd</sup> October Meeting, the accused had told her that he would not judge her if she continued her narrative (*ie*, the untrue Anecdote) if the issue came up the next day. Also, the accused had told Ms Loh and Mr Nathan when they met on 12 October 2021 that he was leaving it to Ms Khan to maintain the lie or to tell the truth (see [163] above). Finally, what he said at the DP proceedings was that he had conveyed to Ms Khan at the 3<sup>rd</sup> October Meeting that “it was [her] call” whether to clarify the untruth. Thus, it would appear that the accused left it entirely to Ms Khan whether she wanted to tell the truth in Parliament on 4 October 2021 (and that he would not judge her either way).

206 However, the Prosecution went one step further, and argued that given the context that it was practically impossible for Ms Khan to clarify the Untruth on 4 October 2021, just one day after the 3<sup>rd</sup> October Meeting, the accused knew, when he met her on 3 October 2021, that the only real choice that Ms Khan had, if the issue came up on 4 October 2021, was to continue with the Untruth. Hence, he intentionally guided Ms Khan to maintain the Untruth on 3 October 2021, even though he was ostensibly leaving the choice to her.<sup>101</sup>

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<sup>101</sup> PCS at [178] – [186]



207 I find merit in the Prosecution's submissions.

208 First, it was not disputed that the accused had said to Ms Khan at the 3<sup>rd</sup> October Meeting that he "would not judge" her, and that this was said for the purpose of "reassuring her". In my view, the accused's use of these words that he "would not judge her" would only make sense in the context of him telling her he would not look poorly or disapprove of her ("judge her") whatever she decided to do the following day, even if it was to "continue the narrative" *ie*, maintain or repeat her lie in Parliament.

209 Second, the totality of the communications by the accused to Ms Khan was suggestive that if Ms Khan did not maintain the Untruth, she could risk being hauled up before the COP. Even before the accused spoke to her about what could happen in Parliament the following day on 4 October 2021, he had specifically highlighted his 1 October 2021 email (P26) to her. P26 contained a clear warning from the accused himself that those MPs who were unable "to back up and defend" what they say in Parliament risked being hauled up before the COP.

210 By the 3<sup>rd</sup> October Meeting, it would have been patently obvious to the accused that Ms Khan was unable to "back up and defend" the untrue Anecdote. In following up with a statement that he would not judge her if she continued with the narrative (*ie*, continue the lie that she had already told), the accused was, in my view, guiding Ms Khan to refrain from clarifying the Untruth, even if it came up in Parliament. Without saying so explicitly, the accused's guidance was that Ms Khan would not suffer the dire consequences of being hauled before the COP if she were to *not* clarify the Untruth.

211 Third, it is no less significant that the accused provided no guidance or assistance to Ms Khan on how to clarify the Untruth *even if* the issue came up on 4 October 2021. The accused's attitude stood in sharp contrast with his earlier behaviour (see above at [82] – [84]) on 3 August 2021, when the accused personally drafted a clarification for Ms Khan to make after MOS Tan asked for details about the Anecdote, insisted that she make the clarification before the sitting ended. He even alerted the Deputy Speaker to allow her to do so.

212 In contrast, for the sitting on 4 October 2021, he provided no direction or assistance for her whatsoever on how to clarify the lie, even though her revelation would clearly have a devastating impact on the party and to herself. Even when Ms Khan sent him a WhatsApp message asking for advice when she was challenged by Minister Shanmugam about the Anecdote in Parliament on 4 October 2021, he did not respond.

213 In those circumstances, it is not surprising that Ms Khan continued the narrative on 4 October 2021, exactly as she was told to by the accused.

*The accused would have known on 3 October 2021 that it was not possible for Ms Khan to clarify the lie on 4 October 2021*

214 On 12 October 2021, after the accused received Ms Low's opinion (given on 11 October 2021) that Ms Khan should apologise and clarify the lie in Parliament, and having apparently accepted that position, the accused's decision was conveyed on 12 October 2021 to Ms Khan, and to the two WP members assisting her, Mr Nathan and Ms Loh, that Ms Khan should come clean in Parliament.

215 At Ms Khan's meeting with the accused, where Ms Lim was also present, the WP leaders also told Ms Khan to draft and make a personal

statement in Parliament at the following sitting. At that time, Ms Khan's parents still did not know about her sexual assault. Notably, neither did the WP leaders ask her whether she had told her parents about it.<sup>102</sup>

216 Thereafter, following the decision made for Ms Khan to come clean, extensive preparations were made for Ms Khan to prepare a personal statement for delivery in Parliament on 1 November 2021. It is undisputed that from 15 October 2021 to 31 October 2021, drafts of the statement were prepared by Ms Khan and reviewed by the accused. Mr Nathan, Ms Loh and Ms Lim were also involved. During this period, the accused and Ms Khan arranged via WhatsApp to discuss the drafts.

217 According to Ms Khan, she prepared nine drafts of the statement because of the inputs of the various people who read the drafts.<sup>103</sup> Inputs were also given by a number of people from the WP over a span of around two weeks before Ms Khan finally made her personal statement in Parliament on 1 November 2021.

218 As for the accused, he admitted that in the process of helping Ms Khan prepare her personal statement, that there were at least four in-person meetings with Ms Khan to discuss the various drafts.<sup>104</sup> He also constantly chased Ms Khan for her drafts and gave frequent instructions to Ms Khan to meet with him and Ms Lim to review or look at the drafts.<sup>105</sup>

219 Further, on 29 October 2021, the accused convened a WP CEC meeting for her to inform the WP CEC members of the admission that Ms Khan was going to make in Parliament on 1 November 2021 about having repeatedly lied

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<sup>102</sup> NE (14 October 2024), p 131, ln 21 to p 133 ln 17.

<sup>103</sup> NE (14 October 2024), p 147, ln 19 to p 148, ln 2.

<sup>104</sup> NE (7 November 2024), p 99, ln 8 to p 100, ln 5.

<sup>105</sup> PCS at [227].

about the Anecdote. The accused said that it was important for the WP CEC to hear from Ms Khan about what had happened before she made a statement clarifying the Untruth in Parliament because her admission would affect the WP.<sup>106</sup> Indeed, this was precisely what was done when the final draft of her personal statement was prepared and read out by her to the WP CEC on 29 October 2021 before it was delivered in Parliament on 1 November 2021.

220 Seen in the light of the flurry of activity surrounding and leading up to the eventual clarification of the Untruth on 1 November 2021, it beggars belief that the accused had seriously entertained on 3 October 2021 the prospect of the prospect of Ms Khan clarifying the Untruth on 4 October 2021 in Parliament, completely without any groundwork done beforehand.

221 It appears to me highly improbable that the Leader of the Opposition and Secretary General of the WP would countenance a rookie MP clarifying an Untruth in Parliament without any preparation of her personal statement whatsoever, and without any form of prewarning to the WP CEC.<sup>107</sup>

222 Thus, it is obvious from the time, work and number of people involved in preparing for Ms Khan to come clean and to disclose her lie in Parliament on 1 November 2021, with the accused driving much of the work himself, that any decision for Ms Khan to come clean in Parliament could only have been implemented with careful planning and with much effort. It was only after all this work was done did Ms Khan actually clarify the lie in Parliament on 1 November 2021. None of the effort or preparation for Ms Khan to come clean happened by chance. Instead, they involved deliberate and elaborate effort and time put in by multiple members of the WP. The Prosecution also rightly

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<sup>106</sup> NE (6 November 2024), p 46, ln 13 to 22.

<sup>107</sup> PCS at [175].

pointed out that the accused himself admitted that the measures that had to be taken before Ms Khan could tell the truth could not realistically have been accomplished in the short span of time between the 3<sup>rd</sup> October Meeting and the Parliament sitting on 4 October 2021.

223 Indeed, the activities and work that needed to be done after the decision was made on 12 October 2021 for Ms Khan to come clean, vindicated the opinions of Mr Nathan and Ms Loh, who were both members of the WP media and policy teams, and former WP cadre members, about the extent of preparation that needed to be done before Ms Khan could come clean:

- (a) Mr Nathan testified that these were not preparations that could have been accomplished in a day;<sup>108</sup> and
- (b) Ms Loh gave evidence that it would have been “very foolish”, even “unthinkable”, to risk the severe fallout from Ms Khan telling the truth in Parliament without making such preparations, and they had to have some form of crisis communication beforehand.<sup>109</sup>

224 Further, given:

- (a) the accused’s status as a seasoned politician, and as the Leader of the Opposition;
- (b) Ms Khan’s relative youth and clear lack of experience and political maturity; and

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<sup>108</sup> NE (18 October 2024), p 151, ln 10 to 12.

<sup>109</sup> NE (17 October 2024), p 78, ln 1 to 7.

- (c) Ms Khan's recent missteps in the parliamentary sitting in August 2021 regarding the Muslim issues and the untrue Anecdote;

the accused would have known that it was not possible to expect Ms Khan to be able to handle any public admission of her lie in Parliament on 4 October 2021 solely on her own. Certainly, he would have known that Ms Khan needed proper preparation and guidance to do this, which explained why when the decision was finally made for her to come clean, so much preparation was put into making sure that it was done properly on 1 November 2021.

***Concluding remarks on the Second Charge***

225 In summary, the evidence shows that:

- (a) When the accused met Ms Khan at the 3<sup>rd</sup> October Meeting, he thought that the Anecdote might come up in Parliament on 4 October 2021.
- (b) Nevertheless, he may still have been labouring under the belief that it would not be so simple for the Government to find out that Ms Khan had told an Untruth, as the truth may not be easily uncovered by the Government. Hence, the Untruth could remain buried.
- (c) The accused then made a deliberate trip to Ms Khan's house on 3 October 2021, arranged to speak to her in private, highlighted the 1 October 2021 email (*ie*, his warning to MPs that they may appear before the COP if they could not substantiate their statements in Parliament), and then assured her that he would not judge her for continuing the narrative (see [206] above).

226 The accused would have known on 3 October 2021 that it was not possible for Ms Khan to clarify the lie on 4 October 2021 without any preparation or without the steps put in place by so many people, and also without informing the CEC beforehand. Because he knew this, and nothing of this sort was even attempted, this evidence reinforced the conclusion that on 3 October 2021, the accused never wanted Ms Khan to clarify her lie in Parliament on 4 October 2021, even if the matter came up that day.

**The Disciplinary Panel proceedings to distance the accused from his role in guiding Ms Khan to maintain the Untruth**

227 On 1 November 2021, Ms Khan delivered her personal statement in Parliament and admitted that the Anecdote was untrue. Thereafter, on 2 November 2021:

- (a) The accused informed Ms Lim and Mr Faisal that he intended to form a DP to look into Ms Khan’s conduct. Ms Lim and Mr Faisal had no objections.
- (b) On the same day, approval was obtained from the WP CEC and the WP issued a statement on its Facebook page announcing that a DP had been formed to “look into the admissions made by MP Raeesah Khan in Parliament on 1 Nov 2021”.

228 There was no prior indication to Ms Khan of any disciplinary proceedings against her.

229 The Prosecution argued that the great haste with which the accused convened the DP the very next day after Ms Khan had delivered her personal statement, was to distance himself from Ms Khan’s conduct and cover up his

own involvement in maintaining the untruth since 8 August 2021. Further, it was submitted that the DP process initiated by the accused was a completely self-serving exercise, calculated to distance the WP leaders from Ms Khan's conduct.

230 I find merit in the Prosecution's arguments, given that the DP consisted of the same three WP leaders who had known of Ms Khan's untrue Anecdote as early as 7 August 2021 (in the case of the accused), and 8 August 2021 (in the case of Ms Lim and Mr Faisal). They were also the ones who had guided Ms Khan in dealing with the Untruth since 8 August 2021, particularly the accused who spoke to Ms Khan at the 8<sup>th</sup> August Meeting, and the 3<sup>rd</sup> October Meeting.

231 No matter which way one looks at it, since these same WP leaders had known about the Untruth for several months before Ms Khan's personal statement was made in Parliament, and they also, at the very least, did not call her out on it, or disclose it themselves but kept it hidden from the rest of the WP, from Parliament, and from the public, it is obvious that they were in a position of real or, at least, apparent conflict of interest, when looking "... into the admissions made by MP Raeesah Khan in Parliament on 1 Nov 2021" (which were the terms of reference of the DP).<sup>110</sup>

232 Hence, there would have been a real concern that they may not be seen to be able to act fairly or impartially when enquiring into Ms Khan's behaviour, as their own conduct in the affair would also come under scrutiny. *This would not have been lost on the accused or Ms Lim who are both qualified lawyers.*

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<sup>110</sup> P32 – WP Media Statement dated 2 November 2021.



233 The accused was questioned about the issue of conflict of interest connected with the composition of the DP panel. From his responses, the following flip-flops in his evidence were highlighted by the Prosecution:<sup>111</sup>

- (a) The accused initially took the position that if there is a conflict or apparent conflict, the affected DP member should not be sitting on the panel “in the ordinary course of things”. He further stated that once a DP member is aware of the conflict, the member should not sit, even if there was a case of a serious sexual assault.<sup>112</sup>
- (b) Subsequently, the accused took the contrary position that even if there is a conflict or potential conflict, he could still hear the case because it involved a serious sexual assault that Ms Khan had shared with him.<sup>113</sup>
- (c) When the question was repeated, and the accused was asked to give a final answer, he refused to give a straight answer before reverting to his original position that the DP member should not sit on the panel.<sup>114</sup>
- (d) When asked again for his final answer, the accused changed his evidence once again to say that even if there is a conflict or potential conflict, he would nonetheless sit on the DP because it involved a serious sexual assault suffered by Ms Khan.<sup>115</sup>

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<sup>111</sup> See PCS at [288]–[289].

<sup>112</sup> NE (7 November 2024), p 118, ln 4 to 8; NE (7 November 2024), p 118, ln 15 to 21.

<sup>113</sup> NE (7 November 2024), p 119, ln 2 to 15.

<sup>114</sup> NE (7 November 2024), p 120, ln 4 to 18.

<sup>115</sup> NE (7 November 2024), p 121, ln 13 to 19.

234 Suffice to say, the constant changing of the accused's stance reflected an inability to give a coherent and believable account in relation to both of the charges faced by him. The accused's troubling insistence on sitting on the DP, despite being well aware of his intimate role in guiding Ms Khan in relation to the managing of the Untruth since August 2021, strongly suggests an attempt to conceal his earlier involvement and knowledge, and lack of action to clarify the Untruth.

235 On a separate note, quite aside from the conflict of interest issues that arise from the DP being composed of the same three WP leaders who had already known of Ms Khan's lie well before the DP's formation, other aspects of the conduct of the WP leaders - in not revealing to the CEC or the other WP members about their prior knowledge or more specifically, about the direct and intimate involvement of the accused in guiding Ms Khan after discovering the Untruth - was also concerning. In fact, I note that neither the accused nor Ms Lim even revealed their knowledge and actions to Mr Low, the former secretary general and current CEC member of the WP when they sought his advice on 11 October 2021 (see [88(c)] above).

236 Such behaviour suggested that these leaders, in particular the accused who was the most senior leader and the one most involved in guiding Ms Khan on her behaviour after discovering her lie, were trying to cover up their own involvement in the matter, and doing so through their membership in, and management of, the DP.

237 In fact, accused only publicly disclosed their own prior knowledge of the Untruth when holding a press conference on 2 December 2021, the very day

that the COP was to hear evidence from Ms Loh and Ms Khan.<sup>116</sup> This suggested that the accused was trying to do damage control by taking the initiative to disclose his knowledge before it could be raised by Mr Loh or Ms Khan.

### **Assessing the credibility of the witnesses and accused**

238 I next deal with the issue of credibility of those who testified; both the Prosecution's witnesses, and also of the accused who was the sole witness for the Defence.

239 I start by making it clear that this is not a trial simply involving one person's words against another. As has already been set out in great detail above, aside from the evidence of Ms Khan, the testimonies of Ms Loh, Mr Nathan, and Mr Low, as well as the contemporaneous WhatsApp records, emails, minutes of meeting, and statements, all come together to corroborate her account and provide a compelling case against the accused.

240 Thus, contrary to the Defence's submission, this is not a case where the evidence of Ms Khan forms the sole basis for conviction. Hence, it follows from caselaw that this is not a case where Ms Khan's evidence has to be unusually convincing before a conviction can be secured (see [72] – [74] above).

241 That said, both the Defence and Prosecution made detailed submissions attacking the credibility of the other side's witnesses. While I have dealt with much of the witnesses' evidence, as well as the accused's evidence, in the context of considering each charge, I will now make some additional brief general observations concerning the credibility of the Prosecution witnesses and the accused, on matters not already dealt with.

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<sup>116</sup> P48 - Transcript of Workers' Party Press Conference on 2 December 2021.

242 I start by assessing the credibility of the Prosecution witnesses, in the order in which they testified namely, Ms Khan, Ms Loh, Mr Nathan and finally, Mr Low.

*Assessing Ms Khan's credibility*

243 Ms Khan was the first and clearly the most important witness for the Prosecution. As the recipient of guidance from the accused at the 8<sup>th</sup> August Meeting and the 3<sup>rd</sup> October Meeting about how she should act as regards the untrue Anecdote, she was a pivotal witness for the Prosecution who could give evidence about the accused's role in the matter.

(1) Impeachment

244 In the course of Ms Khan's testimony, the Defence made three separate applications to impeach her credit, principally over what Counsel alleged to be inconsistencies between what she said in Court, and what she had earlier set out in her statements to the Police.

245 For convenience, I will label these three distinct attempts as "Impeachment Application A", "Impeachment Application B", and "Impeachment Application C" respectively. Before I explain how I dealt with these impeachment attempts, I will set out the general principles pertaining to impeachment applications.

(A) GENERAL PRINCIPLES

246 In *Kwang Boon Keong Peter v PP* [1998] 2 SLR 592 ("*Peter Kwang*"), Yong Pung How CJ explained what is meant by the concept of "impeaching a witness's credit". At [19], Yong CJ stated:

To impeach a witness's credit is to disparage or undermine his character and moral reliability and worth. The purpose of the impeachment of a witness's credit is to undermine his credibility by showing that his testimony in court should not be believed because he is of such a character and moral make-up that he is one who is incapable of speaking the whole truth under oath and should not be relied on.

247 The manner in which a witness's credit may be impeached is set out in s 157 of the Evidence Act 1893 ("the EA"). For our purposes, the most pertinent provision is s 157(c). This provides that the credit of a witness may be impeached by proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

248 The procedure for impeachment is set out in the oft-cited case of *Muthusamy v PP* ("*Muthusamy*") at pp 58 – 59. The procedure follows a three-step approach (see *Peter Kwang* at [21])

(a) First:

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

Differences may be divided into four classes:

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

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

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

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

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

[emphasis added]

249 The procedure in *Muthusamy* was affirmed by the Court of Criminal Appeal in *Somwang Phatthanasaeeng v PP* [1992] 1 SLR 850 at [33], *Lim Young Sien v PP* [1994] 2 SLR 257 (“*Lim Young Sien*”) at [19], and *Peter Kwang* at [21]. In *Lim Young Sien*, the Court of Appeal, when discussing *Muthusamy*, made it clear that only serious discrepancies and material contradictions (ie, classes (c) and (d) in *Muthusamy*, see [248(a)] above) were sufficient for the purpose of impeachment proceedings.

250 As for what amounts to “serious discrepancies” or “material contradictions”, the following principles have been set out in caselaw:

- (a) Minor differences are attributable to differences in interpretation and the way in which the previous statement was recorded and

sometimes differences in recollection. A perfectly truthful witness may mention a detail on one occasion and not remember it on another. *A mere omission is hardly ever a discrepancy* (see *Muthusamy* at p 58).

- (b) The witness's previous statement is usually much briefer than the witness's oral testimony. Both the witness's previous statement and the witness's oral testimony are usually narratives reduced from question and answer. The witness is not responsible for the actual expressions used in either, and all the less so where he does not speak English. If the witness's previous statement gives an outline of substantially the same story as the witness's oral testimony, there being no apparently irreconcilable conflict between the two on any point material to the issue, the difference is not such as to affect the credit of the witness from whom the previous statement was recorded (see *Muthusamy* at p 58).
- (c) "Serious discrepancies" or "material contradictions" are those that *go to the crux of the charge* against the accused person (*Osman Bin Ramli v Public Prosecutor* [2002] 2 SLR(R) 959 ("*Osman*") at [31], and *Peter Kwang* at [26]).
- (d) Adequate allowance must be accorded to the human fallibility in retention and recollection, especially where a long period of time has passed since the occurrence of the events. It is also common to find varying accounts of the same incident by the same person. No one can describe the same thing exactly in the same way repeatedly (*Public Prosecutor v Singh Kalpanath* [1995] 3 SLR(R) 158 at [60]).

251 The Court of Appeal in *GCK*, had also provided guidance on the process of impeachment. In *GCK* at [47] and [48], the Court stated:

47 ...It is not infrequent that the court is faced with inconsistent evidence of a witness. **However, it is not any sort of inconsistency that would result in the impeachment of a witness' credit...**

...

48 **The threshold in s 157(c) ought to be a high one.**

[emphasis added]

252 In the present case, as stated earlier, the Defence made three separate applications to impeach the credit of Ms Khan based on alleged differences contained in certain parts of her two statements to the police (D1 – dated 12 May 2022, and D3 dated 5 June 2022), from her testimony in Court. These three applications related to different matters.

(B) IMPEACHMENT APPLICATION A: IN RELATION TO THE EMAIL SENT ON 1 OCTOBER 2021 (P26)

253 This application related to Ms Khan's answers in Court and in her statements concerning:

- (a) The email dated 1 October 2021 (P26) which the accused had sent to all WP MPs (including Ms Khan); and
- (b) What Ms Khan said the accused told her when they met on 3 October 2021 after he had referred her to the same email.

254 The Defence argued that there were major discrepancies between Ms Khan's account in Court, and the earlier answers to certain questions, Q176, Q182 and Q188, given in her statement dated 12 May 2022 (D1).



255 The first alleged discrepancy related to her response to the contents of the email P26.

- (a) In Court, Ms Khan had said that she thought the email was a dig at her and was also a way to placate other WP MPs <sup>117</sup>.
- (b) However, in her Answer A176 of her statement D1, she had said that her reaction on receiving the email was fear as she “was worried that the untruth will be brought up again at the next parliament seating on 4 Oct 2021”.

256 The Prosecution argued against the application in relation to the first alleged discrepancy on the basis that:

- (a) There was in fact no contradiction since while Ms Khan had said that she felt the email was a dig, she was not asked in Court if she felt fear when she received the email P26, which was what she had said in answer A176 in D1.
- (b) In any event, the Prosecution submitted that this alleged difference is not a material discrepancy. The Prosecution argued that the email speaks for itself, and that the sum total of Ms Khan’s evidence about the email P26 was that she didn't think that there was any instruction for her to come forward and clarify what she said on 3 August 2021. Hence, all the other evidence about it being a dig and whether she felt fear or not, was beside the point, and there should not be an impeachment exercise carried out for something that is not really material.

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<sup>117</sup> NE (14 October 2024) p 107, ln 16 to 20.

257 In my view, so far as the first alleged discrepancy in this application was concerned, I agreed with the Prosecution that there was, in fact, no contradiction in Ms Khan’s evidence, since the Defence had never asked Ms Khan in Court whether she felt any fear when she received the email. If the Defence had done so and she had denied it, this would have contradicted answer A176 in D1. In any event, how she felt – upon receipt of the email – was not a material issue.

258 As the Prosecution highlighted, her further answer A180 in D1, clarified her position given in the earlier part of her statement, as it showed that Ms Khan herself did not even connect the email with the Untruth, since the accused had mentioned in the email that it was in connection with “the preparation for our debate on FICA”.

259 The second alleged discrepancy highlighted by the Defence related to what the accused allegedly told Ms Khan when they met at the 3<sup>rd</sup> October Meeting. This pertained to whether he thought the issue of the false Anecdote might be brought up at the parliamentary sitting on 4 October 2021.

(a) In Court, she had said that “Mr Singh said something along the lines of ***I don't think this issue will come up.***”<sup>118</sup>

(b) However, in her statement D1:

(i) In Answer 182, she said that after he referred her to the 1 October 2021 email, he had mentioned to her that “knowing them ***they might bring it up again.*** If they bring it up and you continue the narrative, I will not judge you”.

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<sup>118</sup> NE (14 October 2024) p 110, ln 24 to p 111 ln 6.

(ii) In her Answer 188, she stated that after referring to the 1 October 2021 email (P26) that he had sent, the accused had told her that “You know *these people may want to bring it up again.* And if they do bring it up, there will be no judgement from me to continue with what you said previously”.

[emphasis added]

260 As regards, the second alleged discrepancy, the Prosecution argued that there was again no clear discrepancy since the fact was that they might or might not bring up the issue in Parliament, but that in any event, the accused had told her it if was brought up, Ms Khan should continue with the narrative.

261 In my view, as regards the second alleged discrepancy, and bearing in mind that one of the main issues was what the accused actually said to Ms Khan on 3 October 2021, specifically whether he had told her to “continue the narrative” as she alleged, I was of the view that:

262 There was an obvious contradiction between Answer 182 and Answer 188 in D1 on the one hand, and her answer in Court on the other hand, in particular, the difference in emphasis in her answer about what the accused said concerning the likelihood of the issue being brought up.

- (a) The emphasis in her answers in D1 was that they (presumably the Government) might bring this up and that if they do, and if she was to continue the narrative, he would not judge her.
- (b) The emphasis in her testimony in Court, however, was that they were not likely to bring it up, suggesting that she didn’t have to worry about the issue.

(c) As there was – in my view - a clear difference between the two versions, and as the words (in either version) were the immediate prelude to the accused saying the words to her that she claimed he did (essentially to continue with the lie), the difference goes to the crux of the charge, and hence would amount to a “serious discrepancy” or “material contradiction” 250(c) justifying the Defence’s application to question and attempt to impeach her.

(d) I thus allowed the Defence to question Ms Khan on this discrepancy as part of an impeachment exercise

263 Thereafter, when the difference in the two versions was set out to her, which the Defence highlighted to be a “difference in emphasis”, concerning what the accused had said about whether he thought the issue might come up in Parliament, Ms Khan responded that “...to me it’s saying the same thing in different ways”.<sup>119</sup> However, when the difference in emphasis was further explained to her, she accepted that there was a difference between the two accounts.<sup>120</sup> She then confirmed, as correct, the version in her earlier statement in D1 (*ie*, that the Anecdote *may* come up).<sup>121</sup>

264 In deciding on the impeachment application, the decision of the Court of Appeal in *Osman* provides a useful guide. At [30] and [33], the Court made clear that innocent discrepancies must be distinguished from deliberate lies, and that the credibility of a witness cannot be successfully impeached as a result of innocent discrepancies which do not go to the crux of the charge.

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<sup>119</sup> NE Day 3 (16 October 2024) page 8 line 3 to 4.

<sup>120</sup> NE Day 3 (16 October 2024) page 8 line 16 to 18.

<sup>121</sup> NE Day 3 (16 October 2024) page 8 line 24 to page 9 line 2.

265 In the present case, I agree with the Prosecution that the discrepancy in Ms Khan's evidence is clearly an innocent one that neither calls into question her general credit nor undermines her account of the 3<sup>rd</sup> October Meeting.<sup>122</sup>

- (a) In this regard, the difference between Ms Khan's answer in her police statement D1, and in her testimony in Court is, when considered as a whole and after listening to her explanation, more a difference in form rather than substance, since in neither her police statement nor in her evidence in Court did Ms Khan claim that the accused had told her the Anecdote would definitely not come up. Ms Khan acknowledged the difference in phrasing between her oral evidence and her police statement and confirmed exactly what her understanding of the accused's opinion was – namely, that the Anecdote *may* come up again. I also agree with the Prosecution's argument that the contents of Ms Khan's police statement and her evidence in Court on this issue were not mutually exclusive since it is plausible for a person to hold the view that an issue *might* come up again (*ie*, it is possible), even though this may be *unlikely* (*ie* it was not probable).
- (b) Further, the accused himself agreed in Court that the matter of the Anecdote might or might not come up, and he did not know whether it would or would not be raised in Parliament the next day.<sup>123</sup> Hence, what Ms Khan initially said in Court about what the accused told her on this issue, is not inconsistent with what the accused himself said was his frame of mind on this issue.

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<sup>122</sup> PCS at [166]

<sup>123</sup> NE (6 November 2024), p 64, ln 22 to p 65, ln 1.

266 The Prosecution also argued that the discrepancy did not go to the crux of the Second Charge against the accused, which concerns what the accused conveyed to Ms Khan about what she should do *in the event* the untrue Anecdote came up the following day in Parliament. Having evaluated the evidence and the submissions, I agree that what Ms Khan said the accused told her about the likelihood of the untrue Anecdote coming up, while setting the background leading up to the crucial words being spoken by the accused to Ms Khan, ultimately did not point to one version being more probable than the other.

267 Finally, as the Defence also took the position that the two versions differed only in emphasis,<sup>124</sup> I accept Ms Khan's explanation as to why the discrepancy in emphasis had appeared, as to her, the crux of what she wanted to say in both versions is the same, and she thought that she had conveyed the same message in her evidence in Court and in her statement.

268 All in all, and in line with the guidance of the cases cited above, including *GCK*, I am of the view that the discrepancy does not undermine Ms Khan's account of the 3<sup>rd</sup> October Meeting, let alone cause her credit to be impeached.

(C) IMPEACHMENT APPLICATION B: IN RELATION TO MS KHAN  
REPEATING THE LIE ON 4 OCTOBER 2021 IN PARLIAMENT

269 This impeachment application by the Defence related to Ms Khan's testimony about why she felt the need to keep up the lie on 4 October 2021 when she was confronted by Minister Shanmugam in Parliament. The Minister had asked her to confirm if the Anecdote she had stated earlier was true. The Defence highlighted that:

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<sup>124</sup> NE (16 October 2024) page 7 line 22 to 24.

- (a) Ms Khan had said during her examination-in-chief that she lied again on 4 October 2021 because she was terrified of what would happen if she came forth with the truth, and that on the night before (on 3 October 2021) it seemed that the accused was supportive of her continuing to lie.<sup>125</sup>
- (b) In Answer 211 of her statement D1, when asked "What stopped you from speaking the truth?", Ms Khan had answered that "Pritam didn't respond to my message and didn't tell me what to do. I just don't know what to do and waiting for guidance from him."
- (c) The Defence argued that her testimony in Court and her answer given in Answer 211 were materially different.

270 The Prosecution objected to the application, arguing that the questions and answers leading up to Answer 211 (from Answer 205 onwards) should also be looked at to appreciate Answer 211; and if this was done, it was clear that there is no material discrepancy in her accounts in Court and in Answer 211.

- (a) In this regard, in Ms Khan's answers leading up to Answer 211:
  - (i) When asked why it was necessary to text the accused on 4 October 2021 when he had already earlier told her on 3 October that there would be no judgment if she continued the narrative, Ms Khan explained that she texted him as she was "so nervous" and wanted him to assure her of exactly what she should do regardless of what he had told her on 3 October (see Answer 207). She did so as felt that circumstances had changed as

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<sup>125</sup> NE (14 October 2024) p 117 ln 4 to 7.

Minister Shanmugam had made the speech so she thought she should tell the truth (see Answer 210).

(ii) She hoped to get from the accused "...assurance of what I should do. I just wanted to receive a response from him. Either way, I would have followed his advice. When I said either way, I meant whether to tell the truth or not." (see Answer 208 and Answer 209).

(iii) She then elaborated in Answer 211 that what stopped her from speaking the truth was that the accused didn't respond to her message and didn't tell her what to do. So she did not know what to do and was waiting for guidance from the accused.

(b) In Court, her evidence was also that the accused had given her a direction, or what she interpreted as a direction on 3 October 2021, which was that if the issue was raised, she was to continue the narrative. When Minister Shanmugam asked her in Parliament, she thought that she should check with the accused to get his assurance, to know whether or not the accused was still taking the same position from the evening before.

(c) Further, the Prosecution argued that there was no material discrepancy in any event, since a material discrepancy is one that goes to the crux of the charge, and the crux of the charge in this case is what the accused had said to her the night before on 3 October 2021, and not so much what happened on 4 October 2021. Further, as regards the crux of the charge, her evidence has been consistent throughout in that the accused had told her that if the narrative was



continued, she would face no judgment, which meant to her that she could repeat the lie and she would not face any judgment.

271 In my view, based on the agreed facts (see [15] – [19] of the SOAF), it is clear that:

- (a) On 3 October 2021, the accused visited Ms Khan at her home.
- (b) On 4 October 2021, Minister Shanmugam had made a short statement in relation to the Anecdote and asked Ms Khan for further details so that the allegations against the Police could be investigated.
- (c) As he was speaking, Ms Khan had messaged the accused to see his advice asking him “*What should I do, Pritam?*”.
- (d) The accused did not reply to Ms Khan’s message until 12.45 pm.
- (e) In the meantime, Ms Khan responded to Minister Shanmugam by confirming that the incident in the Anecdote did indeed take place. Following a further exchange with Ms Khan, Minister Shanmugam explained that the Police would investigate the matter further, including by interviewing Ms Khan.

272 Thus, the events set out in the SOAF aligned with key aspects of Ms Khan’s account in D1 in the following ways:

- (a) The accused did meet up with her the night before on 3 October 2021. Ms Khan had explained that during this 3<sup>rd</sup> October Meeting, he had told her to continue the narrative and that he would not judge her.

- (b) On 4 October 2021, in Parliament, she was confronted by Minister Shanmugum who asked for details about the Anecdote for purposes of police investigation.
- (c) Ms Khan said that she was nervous when this happened, and she wanted assurance from the accused as she “thought that circumstances have changed and he may ask me to come out and say the truth.” In this regard, I note that Minister Shanmugam had come out to make the speech where he mentioned that the Police would investigate the matter further, including by interviewing Ms Khan. The mention of further police investigations involving Ms Khan directly (as she would be interviewed) would have been a new development affecting her personally.
- (d) Ms Khan said that she initially wavered on whether to maintain the lie (*ie*, “continue the narrative”) and thought that she should come out to speak the truth.
- (e) Because of her doubt, she texted the accused to ask him what to do as she wanted “assurance of what [she] should do”. However, the accused did not respond to her message, even though she “recalled seeing Pritam looking at his phone *so I knew he saw my message*” (see Answer A207).
- (f) Ms Khan then essentially “continued the narrative” [as per the accused’s guidance given on 3 October 2021] by repeating the lie in Parliament.

273 Having considered the relevant facts and arguments, I agreed with the Prosecution that the answers given by Ms Khan in D1, which aligned with key

aspects of the agreed facts set out in the SOAF, have to be looked at in totality in considering whether there is any discrepancy between her account in Court and her account in D1. In particular, the answers in D1 leading up to Answer 211 have to be evaluated in order to fully appreciate Answer 211, and to consider whether this is inconsistent with what she had said in Court.

274 When this is done, it is clear that Ms Khan wanted assurance from the accused after she was directly questioned by Minister Shanmugam in Parliament and told that she would personally be interviewed by the Police, and when she failed to get a response from the accused to the changed circumstances, she continued with the lie (*ie*, she “continue(d) the narrative”) as per his guidance given to her the day before.

275 I would further add that as per her Answer 208, Ms Khan was also nervous and hence wanted to seek assurance from the accused, despite his earlier guidance to her given on 3 October 2021. Her account of her nervous state was consistent with her evidence of being terrified of what would happen if she came forth with the truth. Further, her subsequent action of continuing the lie when the accused did not respond to her text seeking assurance (see Answer 211) was entirely consistent with her earlier testimony that it seemed to her – after the accused had spoken to her on 3 October 2021 - that he was supportive of her continuing the narrative.

276 In short, I was of the view that looked at holistically, there is no inconsistency in Ms Khan’s evidence, let alone a material inconsistency between her Court testimony and her evidence set out in her statement D1. I thus disallowed the Defence’s application to initiate an impeachment procedure on this issue.

(D) IMPEACHMENT APPLICATION C

277 This application related to Ms Khan's answers given in Court which the Defence alleged were materially inconsistent with the answers she had given in her second statement D3 dated 5 June 2022, regarding the issue of whether Ms Khan had the option to tell the truth in September 2021. The Defence argued that there were two discrepancies in Ms Khan's evidence in this area.

278 As regards the first alleged discrepancy, the Defence argued that there is a material discrepancy on the issue of whether Ms Khan had the option of telling the truth in September 2021.

(a) In Court, Ms Khan had said she had not contemplated telling the truth in September 2021. She explained that she had shingles in September, so she didn't go to the parliamentary sitting in September. She reiterated that it never crossed her mind and she wasn't contemplating disclosing the truth.<sup>126</sup>

(b) In D3, when asked if she had informed the DP that she was contemplating disclosing the truth in September 2021, Ms Khan stated "No" in Answer 495. In Answer 496, she said that she could not recall exactly what she had said to the DP about the need to tell the truth in September 2021, and that maybe she could have said that. In answer to a question whether, at that time, she felt that she needed to tell the truth in September 2021, Ms Khan stated that "I did, but as I was down with Shingles, so I was not in Parliament." (Answer 497). She said she did not consult anyone, including the three leaders about coming clean in September 2021 because she thought the

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<sup>126</sup> NE (16 October 2024) p 125, ln 3 to 13; p 139, ln 25 to p 140 ln 20.

matter had been dropped. She also said she did not see the need to tell the truth in September 2021 as she thought the matter should have been dropped (see Answers 498 and 499). In Answer 500, she reiterated that she was not at the Parliament sitting in September 2021 as she had Shingles.

- (c) The Defence argued that there was a discrepancy related to the fact that Ms Khan did not include in her answers to the police in D3 that one of the reasons for not coming clean in September 2021 was because she had been told to "take it to the grave", or that "if you're not pressed, retain the narrative".<sup>127</sup> This, the Defence argued amounted to a material contradiction.

279 As regards the first alleged discrepancy, the Prosecution argued that:

- (a) There was no difference between what she said in Court and what she said to the police. In Court, she had said that: "I didn't contemplate telling the truth because I thought it had been dropped, I had shingles in September, I didn't think about telling the truth".<sup>128</sup>
- (b) As for the Defence's point that Ms Khan did not say in the police statement that another reason she did not feel the need to tell the truth in September was that in August they had told her to "take it to the grave", but she had only mentioned in the police statement that she thought the matter had been dropped, the Prosecution highlighted that as stated in Muthusamy, an omission is hardly a discrepancy, and that just because you omit to say that there's another reason, that is not a discrepancy. Further, the Prosecution submitted that "both

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<sup>127</sup> NE (16 October 2024) p 137, ln 1 to p 139, ln 3.

<sup>128</sup> NE (16 October 2024) p 142, ln 15 to 22.

the statement and the evidence are usually narratives reduced from question and answer, and [Ms Khan] was not responsible for the actual expressions used in either.” In this case, the Defence was just simply focusing on the particular portion of the police statement in D3 where she was asked questions about September 2021, while omitting to make reference to the rest of D3. In this regard, the Court in Muthusamy had held that "If the police statement gives an outline of substantially the same story, there being no apparent irreconcilable conflict between two or any of the points material to the issue, the court should see at once the difference is not as such to affect his credit and hand the statement back."<sup>129</sup>

280 Having considered the arguments put forward by parties and the evidence before me, I agreed that there was no basis for an impeachment exercise to take place in connection with the first alleged discrepancy.

- (a) In my view, there was neither a serious discrepancy nor a material contradiction present on the facts *ie*, one which went to the crux of the charges against the accused. Instead, I agree with the Prosecution that it is necessary to look as a whole at what Ms Khan had said in D3 about her situation in September 2021, and also about her state of mind after her conversation with the accused in 8 August 2021. In this regard, Ms Khan’s evidence in Court (that she had shingles in September so she didn't go to the parliamentary sitting, and that she had not contemplated telling the truth in September 2021), was consistent with her account in D3 that she did not attend the

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<sup>129</sup> NE (16 October 2024) p 143, ln 23 to p 146, ln 18.

Parliament sitting in September as she was down with Shingles and that she also thought that the matter should have been dropped.

- (b) Further, while Ms Khan did not mention to the Police that one reason why she did not think to tell the truth in Parliament in September 2021 was that she was told to take the matter to the grave, as rightly pointed out by the Prosecution, a mere omission (in that part of the statement) is not ordinarily a discrepancy, especially in the context of what Ms Khan had already told the police in the rest of D3 about this matter.
- (c) In any event, it would appear that the questions asked of Ms Khan in Court by Counsel, and the questions asked of her in D3 by the Police are not exactly the same, and hence there was again no basis to suggest that her answers were inconsistent.

(i) An example of the different questions that were asked in the police statement and in Court could be seen in Question 497 of D3 which reads “At that time, do you *feel you needed* to tell the truth in September 2021?” This was a different question from that posed in Court to Ms Khan which was “*Were you contemplating* disclosing the truth in September?”<sup>130</sup>

(ii) The former focussed on her sentiment (whether she felt a personal need) to tell the truth in Parliament, while the latter focussed on whether she even considered or thought (*ie*, contemplated) about telling the truth in September 2021.

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<sup>130</sup> NE (16 October 2024) p 125, ln 3 to 4.

(iii) Thus, she could not be said to have contradicted herself when she was providing answers to dissimilar questions.

(d) All in all, there was no basis for any impeachment exercise to be carried out as the prerequisites had not been satisfied. While the Defence tried to renew its impeachment application subsequently on this same matter, which was again opposed by the Prosecution, I was of the view that for many of the same reasons referred to earlier, there was again no basis for impeachment to take place.

(e) I would further add that subsequently, during re-examination, on the issue about her not bringing up the lie during the September 2021 parliament sitting, Ms Khan reiterated that as she was absent during the September 2021 parliamentary sitting because of Shingles, there was “no opportunity” for the issue of the lie to be brought up.<sup>131</sup> This was clearly the focus of her answers in Court, and in her police statements, as to why her telling the truth in Parliament in September 2021 was never even a live issue to begin with.

281 As regards the second alleged discrepancy, this related to Ms Khan’s answer regarding whether the accused and Ms Lim had discussed with Ms Khan about how to handle questions relating to her personal statement before she made the statement on 1 November 2021. The Defence argued that<sup>132</sup>:

(a) In Answer 398 in her statement D3, Ms Khan had stated that “Yes, they did briefly. They just gave advice to just refer to my speech and to just tell the truth.”

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<sup>131</sup> NE (17 October 2024), p 12, ln 11 to 15.

<sup>132</sup> NE (16 October 2024), p 153 ln 13 to p 154 ln 9.



(b) In Court, however, Ms Khan had said that she could not remember if the accused had told her to tell the truth.

282 In my view, there was clearly no contradiction (let alone a serious discrepancy or material contradiction) between the two accounts, since Ms Khan simply said in Court that she could not remember whether the accused had told her to tell the truth. She did not contradict what she said in Answer 398. Thus, I was respectfully of the view that the application by the Defence for impeachment of Ms Khan on this issue was a non-starter.

283 The Defence appeared to accept the futility of attempting any impeachment exercise on this basis, as Counsel made an alternative argument that Ms Khan should be allowed to refresh her memory with her police statement D3.

284 As regards the application to refresh her memory, the Prosecution indicated that it had no objection to the Defence's application. Seeing that the conditions in s 161 of the EA relating to the refreshing of memory by a witness were *prima facie* satisfied, I allowed the application for Question 398 and her answer to this question to be shown to Ms Khan for the purposes of refreshing her memory. Thereafter, when shown her earlier answers on this matter, Ms Khan confirmed that during the drafting of the personal statement, the accused did inform her to tell the truth.<sup>133</sup>

(E) SUMMARY OF IMPEACHMENT APPLICATIONS

285 In summary, while there were a total of three separate impeachment applications made by the Defence relating to different areas of her evidence, I

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<sup>133</sup> NE (16 October 2024) page 173, ln 24 to p 174, ln 21.

am of the view that most of the alleged discrepancies identified by the Defence were either not discrepancies to begin with, and/or they were not serious discrepancies or material contradictions warranting any impeachment to be undertaken, and for the one material discrepancy where I had allowed the application to take place, Ms Khan had adequately explained the discrepancy in her evidence. All in all, Ms Khan's credit was not impeached, and the various applications had no adverse effect on Ms Khan's credibility, nor the veracity of her evidence.

(2) Other challenges to Ms Khan's credibility

286 The Defence also argued that Ms Khan was someone who told "lies non-stop",<sup>252</sup> pointing to her lies in relation to events in Parliament (and afterwards) concerning the Anecdote.

287 But I note that while Ms Khan first told the lie in Parliament on 3 August 2021, and she also maintained her lie to the accused, Ms Loh and Mr Nathan in the days immediately following, she admitted to all three soon afterwards that she had lied, and also explained why she did so. I further note that she was a young and inexperienced MP at the time of her lie, apparently very much open to suggestions made by those around her, including from the accused whom she revered. Indeed, when forwarding to the WP leaders the 7 October 2021 email (P27) from the police seeking information from her about the Anecdote, Ms Khan continued to seek advice from them, even thanking them for their past guidance.

288 In my view, it is also clear from Ms Khan's testimony, and those of Ms Loh's and Mr Nathan's, that Ms Khan was willing to shoulder the entire blame for the matter. In this regard, she consistently maintained that she wanted to take full responsibility for her mistake and to protect the WP party leaders, including

the accused. She was thus willing not to mention about their knowledge, and about the involvement of the accused in her act of maintaining the lie (ie “continuing the narrative”). Thus, she made no mention of these facts when she appeared before the WP CEC on 29 October 2021, and when she delivered her personal statement in Parliament on 1 November 2021.

289 Ms Khan also initially wanted to continue to take this same position at the COP hearing. However, as the hearing went on, she knew there was no way she could evade questions about when the WP leaders knew about the lie because Ms Loh had shared Ms Khan’s 8 August 2021 message (12.41 pm Message) stating that the leaders had agreed that “the best thing to do is to take the information to the grave”. Further, the WP leaders also held a press conference on 2 December 2021 about the matter.<sup>134</sup>

290 Thus, while there is no justification for Ms Khan’s lie made in Parliament, and her inexperience and even her naivety are also no excuse for her serious act of lying, the fact was that she did confess her lie to those she trusted and respected *ie*, the accused, Ms Lim, Mr Faisal, Ms Loh and Mr Nathan, and that she did so relatively quickly after her initial lie in Parliament on 3 August 2021. Most importantly, Ms Khan has publicly admitted to lying about the Anecdote and has been punished as a result.

291 There is thus no reason for Ms Khan to falsely implicate the accused as this brought her no benefit when she testified in this Court more than 3 years after the event. It also does not appear to be the Defence’s case that Ms Khan has any axe to grind with the accused, or that she has any grudge against him, which could have served as a basis for her fabricating an elaborate story against

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<sup>134</sup> NE (15 October 2024), p 35, ln 7 to 23.

the accused. This is especially so as the evidence shows Ms Khan has always displayed respect and even reverence for the accused whom she treated as a mentor.

292 I would add that there is even less reason to suggest that she would go so far as to also get her former assistants and loyal WP members, Ms Nathan and Mr Loh, to also lie about the accused's actions, and falsely implicate him, and for all of them to do so at the risk of implicating themselves as a result.

293 Further, as pointed out by the Prosecution, from her testimony in Court, Ms Khan was clearly troubled by her actions in relation to the Anecdote, and ever since she came clean in Parliament on 1 November, there is no evidence that Ms Khan has further lied or has acted in any manner that is dishonest in relation to the matter. In fact, despite knowing the possible adverse consequences to herself, Ms Khan was forthright with the COP and the Police in admitting her wrongful actions.

294 All in all, I find Ms Khan to be a credible witness in Court. In arriving at this finding, I recognise that while she is someone who has displayed clear flaws in lying in Parliament and to those around her at the material time, she has subsequently displayed remorse and regret, and has been forthright in this Court about her wrongdoing. There is certainly no evidence that she has tried to downplay her role, nor made false allegations against the accused in these proceedings.

*Assessing the credibility of Ms Loh and Mr Nathan*

295 Unlike Ms Khan, the other two major witnesses for the Prosecution, Ms Loh and Mr Nathan had both been long-time WP members by 3 August 2021 which was the date the lie was told by Ms Khan in Parliament. Specifically, Ms

Loh had been a WP member since 2011, and Mr Nathan had been a member since 2013. Ms Loh was also a former cadre member of the WP, and even the secretarial assistant for the accused from March 2012 to 2015. As for Mr Nathan, he has assisted the accused with media matters and had even been asked by the accused if he wanted to be co-opted into the WP's CEC, although Mr Nathan subsequently declined the offer. Both Ms Loh and Mr Nathan were also members of the media and policy teams of the WP at the material time.

296 In 2021, aside from their professional dealings and interactions with the accused, Ms Loh was the secretarial assistant for Ms Khan, while Mr Nathan interacted with Ms Khan as a member of the Sengkang grassroots team and in his capacity as a member of the WP general election media team.

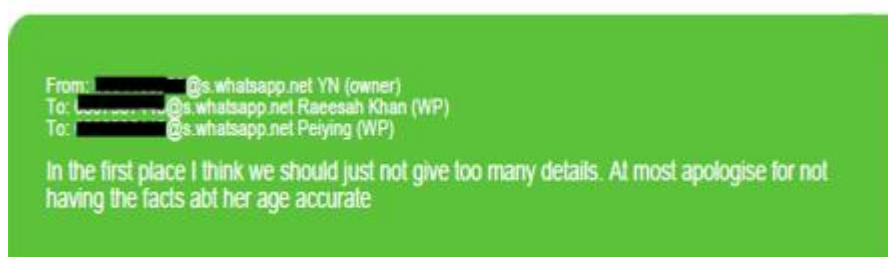
297 Thus, it is safe to say that Ms Loh and Mr Nathan were both at least on professional, if not friendly, terms with the accused. They were also on friendly terms with Ms Khan at the material time.

298 The Defence, however, attempted to cast doubt on the credibility of Ms Loh and Mr Nathan and the veracity of their evidence in Court. The Prosecution, in turn, submitted that their credit remained unshaken despite challenges from the Defence, and that full weight should be given to their evidence.

299 I now deal with the arguments made by the Defence on why Ms Loh and Mr Nathan are unreliable witnesses.

300 First, the Defence had highlighted the fact that Ms Loh and Mr Nathan had, in their messages exchanged with Ms Khan, suggested that she could maintain the untruth.

- (a) In the case of Ms Loh, she had sent a message to Ms Khan on 7 October 2021,<sup>135</sup> advising Ms Khan to take the position that she was not in touch with the victim in the Anecdote and that it would not be right for her to reveal the victim’s identity to the Police. Instead, Ms Khan “might want to gather some cases of people who are willing to share their stories with [Ms Khan] and present that instead”. In response to Counsel’s question, Ms Loh explained that she had been working through the options and exploring a grey area between not lying anymore and supporting police investigations into the original point about the unpleasant experiences faced by sexual assault victims during police investigations.<sup>136</sup>
- (b) For Mr Nathan, he had sent a message in a chatgroup that consisted of himself, Ms Loh and Ms Khan on 12 October 2021, giving Ms Khan a suggestion that they should just not give too many details and that at most apologise for not getting the victim’s age accurate.



- (c) In Court, Ms Nathan explained that what he meant by the message was that Ms Khan could perhaps go to Parliament and clarify that certain attributes of the girl that she met were not accurately

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<sup>135</sup> D2-4: Message sent at 7 October 2021 at 5:05:31 pm and 5:05:48 pm.

<sup>136</sup> NE (17 October 2024), p 177, ln 3 to p 178, ln 5.

conveyed. Mr Nathan further explained that this message was sent after his phone call with Ms Khan that afternoon, but before his and Ms Loh's meeting with the accused that night. At that point in time, he was not confident that the accused or the party leaders would be able to deal with the media side of this whole situation properly. Further, as Ms Khan had said that the party leaders were not sure if she should mention the sexual assault, Mr Nathan was not convinced that a proper plan had been devised by the leaders on how to handle the whole situation. Mr Nathan said this message was for Ms Khan to continue to lie in accordance with the party leaders' position.<sup>137</sup>

301 As regards Ms Loh and Mr Nathan advising Ms Khan to maintain the lie, the Prosecution argued that the mere fact that Ms Loh and Mr Nathan had, at certain points in time, *suggested* that Ms Khan continue to maintain the untruth, does not make them unreliable witnesses. Otherwise, it would mean that anyone who has ever even contemplated or discussed doing something dishonest at some point in their lives can never be a credible witness. In this regard, in *Pigg, Derek Gordon v Public Prosecutor and another matter* [2022] SGHC 5, the Court had made clear at [77] that "A trier of fact must give careful consideration to the witness' lies as well as to his or her explanation (or lack thereof) for those lies in determining his creditworthiness.." and that "the assessment of a witness's creditworthiness calls for a holistic appreciation of the material put before the court".

302 Having assessed the evidence, the submissions and the law, I agree with the position put forward by the Prosecution which is consistent with the case authority cited. Rather than broadly label Ms Loh and Mr Nathan as unreliable

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<sup>137</sup> NE (18 October 2024) p 130, ln 24 to p 131, ln 16.

witnesses whose evidence given in Court cannot be trusted solely based on these limited instances, it is clearly necessary to consider why – in October 2021 – Ms Loh and Mr Nathan had advised Ms Khan *in their private conversations* with her to maintain her lie. It is also important to consider what has since happened after they rendered those views, especially their subsequent conduct.

- (a) In this regard, I note that since the time Ms Loh gave her advice to Ms Khan, she has accepted that Ms Khan should come clean. In fact, Ms Loh was instrumental in helping Ms Khan draft her personal statement through which Ms Khan confessed to lying about the Anecdote. As for Mr Nathan, the impetus for his advice to Ms Khan was apparently because he wanted to toe the party line and to protect the party. But like Ms Loh, beyond his initial suggestion to Ms Khan, he did not apply pressure to Ms Khan to lie further, or to follow up her lie. Further, like Ms Loh, Mr Nathan subsequently helped Ms Khan draft her personal statement, in which Ms Khan clarified the lie in Parliament on 1 November 2021.
- (b) In addition, even in relation to the suggestions that Ms Loh and Mr Nathan made to Ms Khan, it is clear that their actions were not motivated by self-interest, but by a misguided sense of loyalty. They were operating with the understanding that the party leaders did not want the untruth to be clarified. Then when it became clear that Mr Low Thia Khiang, the former secretary general of the WP wanted Ms Khan to clarify the lie, both Ms Loh and Mr Nathan did their part to help Ms Khan clarify the lie in Parliament through helping in the preparation of her personal statement.



303 Second, in relation to Ms Loh's and Mr Nathan's credibility, the Defence highlighted the redactions made by these witnesses to a message Mr Nathan had sent on 12 October 2021 on 5.13 pm from exhibits they tendered to the COP. This message had been sent in a chatgroup that Mr Nathan was in, together with Ms Loh and Ms Khan. An *unredacted version* of this message was tendered in Court as part of exhibit P18.

(a) In relation to the redaction that Mr Nathan made, I note that his rationale for doing this was the message was not relevant to the COP's investigations, and that he had stated that he accurately reflected this as the reason for the redaction. While, the redacted message certainly did not paint Mr Nathan in a good light, something Mr Nathan candidly admitted in Court,<sup>138</sup> I considered that his redaction was ultimately made to evidence that was tendered to the COP (and which may or may not have been relied on by the COP). More importantly, there was no redaction made to the equivalent message (seen in P18) tendered by the Prosecution to this Court. Hence, his redaction to the version provided to the COP has no bearing on the evidence produced in this Court.

(b) As for the redaction made by Ms Loh, she explained that she redacted this same message from those handed to the COP because she thought that the message was not material, and because it made Mr Nathan look bad. In any event, Ms Loh pointed out that that Mr Nathan had never acted on the suggestion contained therein. Nonetheless, Ms Loh was frank in admitting that the reason she gave for the redaction (that it was a comment about another MP) was not

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<sup>138</sup> NE (21 October 2024), p 94, ln 14 to 24.

true, and was even “manipulative”.<sup>139</sup> Further, as with the case for Mr Nathan, whatever were Ms Loh’s reasons for the redaction of the message, this was done to a document tendered to the COP after she had testified in those proceedings. That redaction similarly has no effect on her evidence given in this Court for these proceedings, since the full (unredacted) message was shown in this Court, and the full (unredacted) message was admitted into evidence in this trial. If anything, the fact that Ms Loh was honest about her actions in redacting the message tendered to the COP, and the candour she displayed in this Court about her (mis)behaviour, only served to fortify her credibility in relation to the evidence that she gave here.

304 Third, the Defence also made much of the fact that Ms Loh and Mr Nathan had deleted messages from their phones.

- (a) However, it appears from the evidence of these witnesses that these deletions stemmed more from a fear that their phones may have been hacked, rather than because these witnesses wanted to conceal their roles and actions. Whether their reasons for deletions have any basis or not, there is still nothing to suggest that the deleted messages would have helped the Defence, or hurt the Prosecution’s case in any way.
- (b) Further, whatever the reason these witnesses had for being concerned about phone hacking, I note from the evidence of the Prosecution witnesses, that the accused himself may have displayed some degree of paranoia about handphones as he would insist that

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<sup>139</sup> NE (18 October 2024), p 8, ln 22 to 25; p 9, ln 11 to 13.

these witnesses keep their phones away before he would discuss matters with the witnesses when meeting them.

- (c) Separately, while the Defence emphasised that there was nothing found on the accused's phone that implicated him (hence suggesting his innocence in the matter)<sup>140</sup>, this is essentially asking the Court to draw an affirmative conclusion from a negative premise, which is a form of fallacious reasoning. In any event, the presence or absence of such evidence may well depend on one's practice regarding the keeping of records. Further, even as there is a lack of any incriminating evidence recovered from his phone, this is a neutral factor, especially when one considers that there is also apparently *nothing contained in his phone (and tendered in this trial) that supports or corroborates his version of affairs* in any way.

305 Fourth, the Defence alleged that after Ms Loh was informed that she would be called up by the COP, she arranged for a meeting at her house with Ms Khan, Mr Nathan and Mr Mike Lim to align their evidence.<sup>141</sup> However, this claim is perhaps not as sinister as it may appear at first glance, since there is no evidence that Ms Loh's intention was otherwise than to be upfront and honest to the COP about what had transpired. Indeed, in the DRS,<sup>142</sup> the Defence produced extracts of Ms Loh's testimony in Court which showed that what she wanted was for the truth to be told to the COP.<sup>143</sup> Ms Loh can hardly be faulted for desiring this outcome.

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<sup>140</sup> DCS at [144].

<sup>141</sup> DCS at [143].

<sup>142</sup> DRS at [132].

<sup>143</sup> NE (18 October 2024) p 40 ln 18 to p 41, ln 6.

*PP v Pritam Singh*

18 Q. Well, she wanted to tell the COP that Mr Singh only  
19 knew in October; correct?

20 A. She had -- yeah. Yes.

21 Q. And when you heard that, you told her that would  
22 contradict your testimony.

23 A. I didn't just say that. I told her she was crazy.

24 Q. But it would contradict your testimony.

25 A. **Yes, because my testimony was to be telling the**

1 **truth.**

2 Q. Testimony that you had yet to give.

3 A. Yeah.

4 Q. And this went on the night before you went to give  
5 evidence at the COP.

6 A. That's right.

[emphasis added]

306 On this same issue, Mr Nathan similarly confirmed in Court that "...Ms Loh had told Mr Mike Lim, "Please tell Pritam that I've been called to the COP and I'm not going to lie to save the party", and I believe Mr Mike Lim did convey that to Mr Singh."<sup>144</sup>

307 As for getting Mr Mike Lim to text Mr Singh to, "change the decision" of the DP so as not to expel Ms Khan or force her resignation, there is no evidence to show that Ms Loh would have lied or did lie to the COP if this was not done. More pertinently for purposes of this trial, there is no evidence that

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<sup>144</sup> NE (23 October 2024) p 45 ln 19 to 22.

Ms Loh would otherwise have given or did give false testimony against the accused if the DP's decision was unfavourable to Ms Khan.

308 Fifth, I would highlight that Ms Loh and Mr Nathan somewhat redeemed themselves in respect of some of their earlier more questionable conduct and advice to Ms Khan, when both of them were apparently upfront in giving evidence to the COP, to the Police, and finally at this trial. Notably, it appears that it was precisely because Ms Loh intended to be upfront at the COP hearings and was going to inform the COP about the accused's earlier knowledge of Ms Khan's lie, that Ms Khan decided to abandon her initial intention to conceal from the COP that the WP leaders had been aware from an early stage about the lie. It may also have been because of Ms Loh's impending evidence to the COP (and her informing the accused through Mr Mike Lim that she was not going to lie to save the party) that the WP leaders themselves held a press conference, just before Ms Loh was to testify to the COP, where they finally disclosed publicly that they had prior knowledge of Ms Khan's lie even before she gave her personal statement in Parliament.<sup>145</sup>

309 While the Defence also criticised other aspects of Ms Loh and Mr Nathan's evidence, some of which I have addressed at other parts of this judgment, I note that the criticisms of the Defence often related to omissions in the evidence of witnesses. For example, the Defence took issue with the fact that Ms Loh did not relate the incident where Mr Nathan had testified about the accused "saying something [at their meeting on 10th August 2021] to the effect of that conservative religious men in our society would not like the fact that one of their Members of Parliament had been sexually assaulted or would not like to have an MP who had been sexually assaulted"<sup>146</sup>. The Defence also took issue

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<sup>145</sup> P48 - Transcript of Workers' Party Press Conference on 2 December 2021.

<sup>146</sup> NE (18 October 2024) at p 114 lines 12 – 21.

with Mr Nathan for not having mentioned the same incident when he testified earlier at the COP.<sup>147</sup>

310 However, it appears that either Ms Loh or Mr Nathan had not been explicitly asked about this matter in Court or at the COP, resulting in their respective omissions to mention it. More importantly, this issue has nothing to do with the lie told by Ms Khan, which appears to have been the real focus of the questions posed to either Ms Loh or Mr Nathan.

311 Sixth I would add that quite aside from Ms Loh and Mr Nathan being close to both Ms Khan and the accused prior to and at the material time of this incident, there was no reason for either of them to have falsely implicated the accused. In this regard, any suggestion that they had colluded against the accused – by giving false testimony in Court - is not substantiated by any real evidence from the Defence. Such a claim would not make sense in any event, since both these witnesses had been honest about their own roles and shortcomings, in relation to some of the advice that they had given to Ms Khan following their discovery of her lie.

312 Further, in *XP v Public Prosecutor* [2008] 4 SLR(R) 686, the High Court had made it clear at [21] to [22] that an accused person must first discharge the evidential burden of showing the existence of a plausible motive on the part of witnesses to falsely incriminate him, so as to raise a reasonable doubt in the Prosecution's case, before the Prosecution bears the burden of disproving collusion beyond a reasonable doubt.

313 In the present case, there was no credible evidence adduced by the Defence to suggest any plausible motive on the part of these two witnesses to

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<sup>147</sup> DCS at [92] and [93].

falsely incriminate the accused, such as to make it necessary for the Prosecution to bear the burden of disproving collusion.

314 Finally, the accused himself described Ms Loh and Mr Nathan, during his testimony at the COP in December 2021, as “very decent” and “good” people who “worked very hard for the [WP]”.<sup>148</sup> Indeed, he was not able to give any kind of plausible reason explain why they would lie or fabricate evidence against him, especially given his past favourable interactions with them. It is clear to me that neither Ms Loh and Mr Nathan has any reason to lie or to falsely implicate the accused then. Nor has there been anything produced in this trial to suggest that they would falsely implicate him now.

315 Instead, having known them for many years and having vouched for these witnesses as “very decent”, “good” and “very hard[working] for the [WP]” people, it could be said that the accused’s endorsement of them spoke volumes about their credibility as witnesses and the veracity of their evidence.<sup>149</sup>

316 In summary, on the issue of the credibility of these two witnesses:

- (a) I saw nothing in the evidence to suggest that they had lied in this Court at this trial, or that they had tried to conceal their personal actions or their advice to Ms Khan. Instead, they have been upfront in relation to their roles and shortcomings.
- (b) Further, quite aside from Ms Loh and Mr Nathan having had close interactions with both Ms Khan and the accused prior to this incident, having been long time WP members up till 2022, and also having been heavily involved and invested in the WP at the material

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<sup>148</sup> NE (6 November 2024), p 136, ln 25 to p 137, ln 14.

<sup>149</sup> PRS at [63].

time, there is no reason for either of them to have falsely implicated the accused.

(c) Instead, in my view, they displayed courage in testifying and speaking the truth in this trial. Both have since left a party where they spent a significant part of their lives as members.

317 I thus give full weight to the evidence of these witnesses, which provide strong corroboration of Ms Khan's evidence in relation to what she said the accused told her at the 8<sup>th</sup> August Meeting and at the 3<sup>rd</sup> October Meeting.

*Assessing the credibility of Mr Low*

318 It would not be too much of a stretch to say that Mr Low, more so than anyone else involved in this trial, is a person trusted and respected by not only those who testified at the trial on the side of the Prosecution and Defence, but apparently even by a prominent person named in the trial, Ms Sylvia Lim, who was not called as a witness.

319 In the case of Ms Loh and Mr Nathan, both of them specifically checked with the accused on whether Mr Low was on board with the direction for Ms Khan to clarify the lie in Parliament, before they themselves became fully convinced about this course of action. In the case of the accused and Ms Lim, they both consulted Mr Low on 11 October 2021 before accepting that Ms Khan should apologise and clarify the lie, and that she should do so in Parliament rather than by way of a press conference.

320 It is thus clear that Mr Low played a pivotal role in the ultimate decision for Ms Khan to confess to the lie in Parliament through her delivery of a



personal statement on 1 November 2021. As Mr Low's evidence was not challenged, his credibility was never in doubt.

321 That said, the accused did subsequently give evidence that contradicted Mr Low's. For the reasons I have set out below ([330] – [333]), this ironically may have affected the accused's own credibility, rather than taking away anything from Mr Low's unchallenged account in Court.

322 Having discussed the credibility of all the Prosecution witnesses, I now turn to assess the credibility of the accused.

### *The accused's credibility*

323 As I have already discussed the accused's evidence on several issues directly relevant to the two charges, where I broadly found his accounts to be inconsistent with the facts, and/or are simply unbelievable, I will now just discuss briefly some other aspects of the accused's evidence which the Prosecution argued adversely affected the accused's credibility. These are chiefly contradictions between the accused's testimony in Court and the accounts that he gave when testifying before the COP, or when giving evidence during police investigations. In addition, I will consider the issue of corroboration, or more specifically, the lack of corroboration of his evidence.

### *Evaluating contradictions highlighted in the accused's evidence*

324 First, in Court, the accused confirmed that he had drafted a clarification for Ms Khan on 3 August 2021 to read out in Parliament. Ms Khan had amended the draft by inserting a sentence that he had *approved*. It was pointed out to him in Court that he had given a contradictory account to the COP, where he had stated that after Ms Khan made the amendment, she "(d)oesn't check with

me and then makes that statement in the House”<sup>150</sup>. Having assessed the relevant notes of evidence, I agree with the Prosecution that the accused was unable to explain why he had given two incompatible accounts in his testimonies on the same matter. This episode reflected poorly on his credibility.<sup>151</sup>

325 Second, as regards what the accused claimed he said to Ms Khan at the 3<sup>rd</sup> October Meeting at her house, I note the following:

(a) In Court, the accused had stated, both during examination-in-chief, and cross-examination that the Anecdote may come up at the Parliament sitting on 4 October 2021, “and that *if it did come up*, she would have to take ownership and responsibility over the issue<sup>152</sup>, which meant that “she had to tell the truth”<sup>153</sup>.

(b) At the COP proceedings, the accused agreed with Minister Edwin Tong that his statement to Ms Khan should be read to mean that *whether or not the issue came up* in Parliament on 4 October 2021 or not, Ms Khan should still, on her own accord, clarify it by making a statement.<sup>154</sup>

326 Subsequently, when challenged to explain his different answers and asked to explain his contradictory position, the accused failed to provide any coherent or convincing response.<sup>155</sup> Instead, by giving what the Prosecution calls “convoluted non-answers”, and by his inability to explain why he gave the

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<sup>150</sup> P50: COP Minutes of Evidence Vol 2 at B427, [7227].

<sup>151</sup> See also PCS at [246] – [249].

<sup>152</sup> NE (5 November 2024), p 104, ln 15 to 18.

<sup>153</sup> NE (5 November 2024), p 105, ln 7 to 9; and NE (6 November 2024), p 28, ln 9 to 13.

<sup>154</sup> P50: COP Minutes of Evidence Vol 2, [8822] to [8827].

<sup>155</sup> PCS at [250] – [256].

different accounts, I agree that these responses of the accused again reflected poorly on his credibility.

327 Third, the Prosecution highlighted that the accused had repeatedly testified in Court that after Ms Khan lied again in Parliament on 4 October 2021, it was no longer relevant whether she had told her parents about the sexual assault (*ie*, the “condition precedent”).

328 However, the accused had told the Police the complete opposite during investigations. In his police statement (P56), the accused stated that after Ms Khan lied again on 4 October 2021, it crossed his mind that he should clarify the matter in Parliament but “at that point in time, [he] was not sure if Raeesah had informed her family about her being [sexually assaulted] and that is why [he] did not clarify it immediately in parliament to save her and her family from any embarrassment”.<sup>156</sup>

329 When challenged, the accused could not satisfactorily account for the different version he gave in Court from what he had told the Police earlier.<sup>157</sup> Indeed, even if, as the accused claimed in Court, he needed to find out why Ms Khan had lied again before he himself stood up in Parliament to clarify the issue,<sup>158</sup> there is no indication that the accused ever queried Ms Khan about why she repeated her lie, nor that he ever – whether before or after Ms Khan repeated her lie in Parliament on 4 October 2021 – asked her if she had told her parents about the sexual assault.

330 Fourth, the Prosecution pointed out that the accused chose to contradict various aspects of Mr Low Thia Khiang’s account even though the Defence

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<sup>156</sup> P56: Statement by the accused recorded by the Police on 18 May 2023, Answer 302.

<sup>157</sup> PCS at [258] – [260].

<sup>158</sup> NE (8 November 2024), p 50, ln 25 to p 51, ln 5.

had not challenged Mr Low's evidence when the latter was on the stand. In this regard, it would be recalled that Ms Lim and the accused arranged to meet with Mr Low at the latter's house on 11 October 2021. The focus of the meeting was on Ms Khan's untrue Anecdote and the actions to be taken. To repeat, Mr Low's evidence, in a nutshell, was that:

- (a) Notwithstanding Ms Lim's statement to Mr Low, made in the accused's presence, that the Government did not know about the untruth and that it was not easy for the Government to find out that Ms Khan had told an untruth, Mr Low's view was that Ms Khan had to clarify the lie and to apologise, and that she had to do so in Parliament rather than through a press conference.
- (b) Aside from the above matters, Mr Low confirmed that nothing else was discussed at this 11 October 2021 meeting,<sup>159</sup> Specifically, there was no mention by the accused nor Ms Lim that (a) they had already told Ms Khan to clarify the untruth in Parliament; or (b) they had already told Ms Khan to speak to her parents about her sexual assault.
- (c) Mr Low's evidence was not challenged by the Defence. As correctly submitted by the Prosecution, the significance of this position taken by the Defence, is that Mr Low's unchallenged testimony is undisputed and therefore implies acceptance by the accused. As made abundantly clear by the Court of Appeal in *Ong Pang Siew v Public Prosecutor* [2011] 1 SLR 606 at [81]:

There is an established rule of evidence that if what a witness says is not challenged, the evidence is deemed to have been admitted: the rule in *Browne v Dunn* (1893) 6 R

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<sup>159</sup> NE (23 October 2024), p 60, ln 16 to 20.

67. The purpose of the rule is to secure procedural fairness in litigation (see *Yeo Kwan Wee Kenneth v PP* [2004] 2 SLR(R) 45 (at [3])). The rule requires that matters that are challenged be put to the witness during cross-examination to give the witness an opportunity to respond. ***Unchallenged testimony may be considered by the court to be undisputed by the opposing party and therefore accepted.***

[emphasis added]

331 The above conclusion is fortified by the fact that in the present case, not only is the accused represented by a team of counsel, but the accused himself is a trained lawyer. Hence, the entire Defence team, including the accused himself, would be clearly familiar with this well-established legal principle.

332 However, despite having been taken to accept Mr Low's version of affairs by not challenging Mr Low when the latter was on the stand, the accused chose to contradict Mr Low when he (the accused) testified on various matters.

- (a) For one, the accused claimed that at the same meeting with Mr Low, he “*would have made it known to [Mr Low] that the personal statement was the way we were going to go. A personal statement [by Ms Khan] in Parliament.*” Not only was this account of the accused's different from Mr Low's clear and unambiguous evidence to the contrary, but when the accused was pressed further on what he had allegedly told Mr Low, the accused changed his tack, said that he found this meeting to be “unremarkable”, and finally claimed that “*I can't remember now what I said in a meeting that took place three years ago.*”<sup>160</sup>

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<sup>160</sup> NE (8 November 2024), p 68, ln 16 to p 70, ln 23.

- (b) Separately, Mr Low had also testified that he first discovered sometime in August 2023 that the accused, Ms Lim, and Mr Faisal had known about the untruth since 8 August 2021. Mr Low said that he wondered why it took so long for this to be revealed.<sup>161</sup> Thus, it is obvious from Mr Low's evidence that at their meeting on 11 October 2021, the accused did not tell Mr Low that Ms Khan had already told the WP leaders about the untruth by 8 August 2021.
- (c) Again, while Mr Low's position was not challenged by the accused when Mr Low was on the stand, when it came to the accused's turn to testify, he vacillated from first confirming that he did not tell Mr Low that Ms Khan had confessed to the WP leaders about the untruth by 8 August 2021<sup>162</sup>, to claiming he was not sure if he did,<sup>163</sup> and finally, directly contradicting Mr Low's account, by now insisting that he actually did tell Mr Low that Ms Khan had confessed to the WP leaders about the untruth by 8 August 2021.<sup>164</sup>

333 That the accused's testimony contradicted Mr Low's earlier account, even though Mr Low's testimony was never challenged by the accused when the latter was on the stand, suggested that the accused's defence and his version of affairs were evolving and constantly changing as the trial progressed. This cast further doubt on the believability of his testimony and reflected poorly on his credibility as a whole.

334 Fifth, the Prosecution pointed out that in cross-examination, the accused had given several different answers about whether Ms Khan could respond to

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<sup>161</sup> NE (23 October 2024), p 62, ln 15 to p 62, ln 3.

<sup>162</sup> NE (6 November 2024), p 159, ln 16 to 22.

<sup>163</sup> NE (6 November 2024), p 159, ln 25 to p 160, ln 4.

<sup>164</sup> NE (8 November 2024), p 73, ln 8 to p 75, ln 14.

the Police's email of 7 October 2021<sup>165</sup> to admit that the Anecdote was false.<sup>166</sup> In essence, the accused changed from (a) claiming that he did not believe that Ms Khan could respond to the Police's email to clarify that the Anecdote was untrue because of an alleged "separation of powers", to then (b) claiming that she could not respond to the Police "because we hadn't met Ms Khan yet to discuss this"; to then (c) claiming that he was operating under some belief that there was some legal right to ignore the Police; to next (d) admitting that there was no legal impediment to Ms Khan responding to the Police; and then (e) referring to section 5 of the PPIPA, before (f) finally admitting that Ms Khan could "write to anybody [she] want[s]".

335 While the Defence tried to justify, as correct, the accused's understanding of s 5 of the PPIPA, with respect, this totally misses the point. The Defence had completely failed to address the accused's vacillation in Court on this issue.<sup>167</sup> All in all, it is clear that the accused's flip-flopping in Court to what is plainly a simple question, shows him to be evasive and unreliable.

336 Finally, the Prosecution highlighted<sup>168</sup> what it labelled as the accused's "180-degree change in position from his initial position that he did *not* discuss Ms Loh's and Mr Nathan's evidence [made to the COP] with Ms Lim and Mr Faisal", to admitting that he, Ms Lim and Mr Faisal would have discussed Ms Loh's and Mr Nathan's evidence, and that he must have studied their evidence very carefully.<sup>169</sup> Needless to say, this is another example of the accused changing his stand when his original evidence was exposed to be unsustainable.

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<sup>165</sup> See P27 - Printout of email dated 7 October 2021 from Ms Khan to the accused, Ms Lim and Mr Faisal where the email from the Police (also dated 7 October 2021) is reproduced.

<sup>166</sup> PCS at [284]–[285].

<sup>167</sup> DRS at [110] – [114].

<sup>168</sup> PCS at [289].

<sup>169</sup> NE (7 November 2024), p 159, ln 5 to 8.

*Marked lack of corroboration of the accused's evidence*

337 Aside from the various inconsistencies in his account which made the accused unworthy of credit, I also note that there is essentially no admissible evidence before me corroborating the accused's account of affairs.

338 This is unlike the case of Ms Khan whose evidence is corroborated by accounts given by Ms Loh and Mr Nathan, and also by what Mr Low said. Also, as previously discussed, Ms Khan's evidence is also corroborated by contemporaneous WhatsApp records and other documentary evidence, and is in line with the events that occurred before and after the 8<sup>th</sup> August Meeting and 3<sup>rd</sup> October Meeting.

339 As for the accused, he has neither testimonial evidence nor documentary evidence to back up any of his claims.

340 While the Defence argued in DRS at [4] that D1-D5, which were exhibits disclosed by the Prosecution to the Defence under its *Kadar* obligations<sup>170</sup>, supported the Defence's case and undermined the Prosecution's case, with respect, the Defence fails to explain why any of these exhibits are useful to the Defence's case, much less that they corroborated the accused's account in any material way.

341 The Defence appears to have recognised the lack of any corroboration of the accused's account when it then tried, repeatedly, to make reference to and to rely to accounts given by the other two WP leaders, Ms Lim, and Mr Faisal to the COP. This could be seen, at [101], [103] and [112] of the DCS where the Defence referred to Ms Lim's and Mr Faisal's testimony to the COP and argued

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<sup>170</sup> *Muhammad bin Kadar v Public Prosecutor* [2011] 4 SLR 791.



that such “evidence” corroborated the accused’s account in Court that he had told Ms Khan that she had to speak to her parents, that they refuted Ms Khan account that the accused had told her to continue with the narrative and that the purpose of the 1 October 2021 email (P26) sent by the accused was to nudge Ms Khan to clarify the lie in Parliament on 4 October 2021.<sup>171</sup>

342 In its subsequent Reply Submissions, made in response to the Prosecution’s Closing Submissions, the Defence made even more extensive and liberal references to, as well as submissions based on, what Ms Lim and Mr Faisal had said to the COP. These included references in the DRS at [17], [18], [19], [21], [24], [29], [36], [37], [38], [97], [104] and [120].

343 However, with respect, I am of the view that any reference, let alone such copious references, to what Ms Lim and Mr Faisal had said outside of this Court, which the Defence was seeking to admit *for the truth of the contents*, is *clearly inadmissible*, since neither Ms Lim nor Mr Faisal was called as a witness to testify in this Court.

344 As the Defence obviously had the chance to call either or both Ms Lim and Mr Faisal as its witness to bolster its case in this trial, and as *the Defence had made a conscious decision after the accused had testified*<sup>172</sup>, *not to call either of them*, it cannot now try to admit their accounts given outside of this Court, as substantive evidence in this Court. This backdoor attempt is clearly impermissible, as their out-of-court accounts constitute hearsay and is inadmissible as evidence for this trial, since none of the hearsay exceptions

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<sup>171</sup> PRS at [25] to [26].

<sup>172</sup> NE (8 November 2024), p 110, ln 20 to p 111, ln 14.

(such as witness unavailability) apply, nor did the Defence even try to argue that the exceptions apply.

345 Instead, if the Defence really wanted to have Ms Lim and/or Mr Faisal corroborate the accused's account of events, or to refute Ms Khan's version, the Defence should have called Ms Lim and/or Mr Faisal to testify as witnesses in this Court, under oath or affirmation, and be subjected to questioning in this Court. This was the exact process that the Prosecution witnesses, Ms Khan, Ms Loh, Mr Nathan as well as Mr Low Thia Khang, the former Secretary General of the WP, had to undergo before their evidence was accepted.

346 All these witnesses, including Mr Low, were called to testify in this Court, and the Defence had the opportunity to challenge their accounts and pose sometimes difficult and even embarrassing questions to them. It is only after all parties have had a chance to question a witness in Court, and to test his or her evidence in Court against other witnesses' accounts and other admitted evidence (such as WhatsApp records or even the witness's own previous statements), that the veracity and reliability of that witness's account can be assessed, and his/her credibility determined.

347 Since this was not done with either Ms Lim or with Mr Faisal, as neither of them were called by the Defence to testify in this Court, their out of court accounts are untested in Court, and inadmissible for the purposes of determining the relevant issues in this proceeding. It certainly cannot be that a different standard and a separate process should apply to the evidence of the witnesses who actually testified in court, including Mr Low Thia Khiang, as compared to Ms Sylvia Lim and Mr Faisal Manap, who were never called, and never testified as witnesses in this Court.

348 In any event, it is trite law that the credibility of a witness (and hence the veracity of his evidence) has to be assessed by a judge in a criminal case based on factors such as (a) his demeanour; (b) the internal consistency (or lack thereof) in the content of his evidence; and (c) The external consistency (or lack thereof) between the content of his evidence and extrinsic evidence (for example, the evidence of other witnesses, documentary evidence or exhibits): see *Farida Begam d/o Mohd Artham v Public Prosecutor* [2001] 3 SLR(R) 592 at [9]. Here, since the Defence chose not to call either Ms Lim or Mr Faisal, it is not possible to assess their demeanour, or to assess the internal or external consistency of their evidence (or lack thereof) since they were not asked to give accounts that are directly relevant *to the two charges before this Court* (which may or may not have been relevant to the COP hearings where they testified) in order to assess *inter alia* the internal consistency of their evidence. Nor were their accounts tested by being challenged with the versions of other witnesses, or exhibits (such as Ms Khan's 10.51 pm Message) which would have been relevant to assess the external consistency of their evidence.

349 Thus, in short, Ms Lim's and Mr Faisal's accounts to the COP do not constitute admissible evidence in this trial, could not corroborate the accused's account, and are thus of no assistance to the Defence. For the sake of argument, since their evidence has not been tested in Court, even if admissible, such evidence would have been given little or no weight.

350 The Defence attempted to get around the need to call Ms Lim or Mr Faisal by arguing that "the Prosecution has admitted both Ms Lim's and Ms Faisal's evidence by consent, so there is simply no need to call them"<sup>173</sup>. This is

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<sup>173</sup> DRS at [15].

apparently premised on the COP MOE having been tendered in evidence as an agreed exhibit. With respect, the Defence's argument is flawed:

- (a) For one, admission of any item as an agreed exhibit simply means that there is no dispute as to the authenticity or integrity of that exhibit. For example, it means that exhibit P50 tendered as the COP MOE, is the actual COP MOE in that the contents of P50 accurately reflect what the accused, Ms Khan, Ms Loh, Mr Nathan, Ms Lim and Mr Faisal and other witnesses said at the COP hearing. There is, however, nothing to say that the testimonies of all the witnesses in the COP proceedings were accepted as true and conclusive by the COP, much less that they constitute conclusive evidence in this Court.
- (b) Instead, there is a process to admit agreed facts as conclusive evidence in Court, and this is done by following the conditions set out in s 267 of the CPC. This was in fact how the agreed facts *specifically set out in the SOAF* were admitted as undisputed and conclusive evidence by *both parties* in this trial.
- (c) However, the process in s 267 of the CPC was not followed to admit *any of the contents of the COP MOE* as agreed evidence or as conclusive facts against either the Prosecution or the Defence. Specifically, neither Ms Lim's nor Mr Faisal's accounts contained in the COP MOE is part of the facts agreed in the SOAF, nor have they been accepted as conclusive evidence by either party. Nor, I would add, have the accounts of Ms Khan, Ms Loh and Mr Nathan given at the COP proceedings been admitted as substantive evidence *against* the Defence, simply because their COP testimonies are also found in the COP MOE.

- (d) Further, when one applies simple logic since the COP MOE would contain the testimonies of witnesses that may be broadly supportive of the Prosecution's case in the current criminal trial, as well as testimonies of witnesses who gave evidence that may be broadly supportive of the Defence's case, if, as the Defence alleges, the contents of the COP MOE are accepted as conclusive evidence in this trial – it must mean that both sides, including the Defence, would have been taken to have accepted as conclusive the positions put forward by the witnesses at the COP that are clearly averse to their own case. This obviously makes no sense.
- (e) Indeed, since the COP MOE would contain conflicting accounts of witnesses even about the same events, e.g. Ms Khan and the accused may have given conflicting accounts to the COP as to what was said by the accused to Ms Khan at the 8<sup>th</sup> August Meeting and at the 3<sup>rd</sup> October Meeting, it makes no sense to suggest that the Prosecution and the Defence have *both* accepted the conflicting accounts to *both* be true.
- (f) Moreover, if one could simply transpose the testimony of the witnesses of the COP to this trial, without having to call those witnesses to testify here, there would essentially be NO need to call anyone who has testified at the COP, to also testify at this trial.
- (g) Finally, I would also add that if there was any doubt as to whether what was earlier stated by Ms Lim and Mr Faisal in the COP MOE, has been agreed upon or accepted by the Prosecution as conclusive evidence or agreed facts for this trial, such doubt was conclusively put to rest when the Prosecution made it abundantly clear in its PRS that it is challenging the Defence's reliance on the accounts of these

witnesses given at the COP proceeding since these witnesses were never called to testify in this Court, and their accounts constitute inadmissible hearsay.

351 Separately, the Defence also made the argument that if at all necessary, the onus is on the Prosecution to call either or both Ms Lim or Mr Faisal as its witnesses, if their evidence was supportive of the Prosecution's case, and to rebut a specific defence. The Defence further submitted that it is "not open to the Prosecution to attempt to discharge either their legal or evidential burden by relying on the Defence not calling a particular witness, which is exactly what they seek to do here". The Defence cited the case of *Muhammad Nabill bin Mohd Fuad v PP* [2020] 1 SLR 984 ("*Nabill*") in support of its arguments.<sup>174</sup>

352 As regards the Defence's argument, I note that in the Court of Appeal case of *Roshdi bin Abdullah Altway v PP* [2021] SGCA 103 ("*Roshdi*"), the Court had the opportunity to consider the law governing the burden of proof and the evidential position. In so doing, it considered the cases of GCK and *Nabill* amongst others, and set out at [72] – [75] of its judgment, inter alia, the following principles:

- (a) The Prosecution always bears the legal burden of proving the charge against the accused person *beyond a reasonable doubt*.
- (b) In criminal cases, the evidential burden generally lies on the Prosecution, which has to "satisfy[y] its evidential burden on [the] issue by adducing sufficient evidence, which if believed, is capable of establishing the issue beyond reasonable doubt" (citing Colin

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<sup>174</sup> DRS at [25] – [29].

Tapper, *Cross and Tapper on Evidence* (Oxford University Press, 12th Ed, 2010) (“*Cross and Tapper*”) at p 122).

- (c) The evidential burden in respect of certain facts may, however, lie on the Defence in the first instance depending on the nature of the accused person’s defence and the fact in issue that is raised.
- (d) The evidential burden can shift to the opposing party once it has been discharged by the proponent (see *Nabill* at [69]; and *Public Prosecutor v BPK* [2018] SGHC 34 at [144]–[145]).
- (e) If one side has raised credible evidence and the other side fails to engage with that or rebut it, then that other side will have failed to discharge *its* evidential burden.

353 In the present case, the Prosecution essentially sought to discharge its evidential burden by calling its witnesses (Ms Khan, Ms Loh, Mr Nathan and Mr Low) and putting into evidence the exhibits that it did. The Prosecution did not seek to call either Ms Lim or Mr Faisal as its witness, nor did it try to rely on the out of court statements of these witnesses as substantive evidence (which it could not do in any event). This is a decision the Prosecution is entitled to make in line with [71] of *Nabill*, and based on its assessment as to how it wishes to satisfy its legal and evidential burden.

354 Having carefully evaluated the admissible evidence tendered in this Court, I am satisfied that the Prosecution has in fact adduced sufficient evidence to prove its case and to discharge its legal and evidential burden.

355 As for the Defence, once the accused’s defence was called and he had testified, the Defence did not further call either Ms Lim or Mr Faisal as its

witness, even though it could have done so. Instead, the Defence, unlike the Prosecution, sought to rely on their out-of-court statements. This, of course, as stated earlier, is something that it cannot legally do.

356 While the decision on whether to call Ms Lim or Mr Faisal is for the respective parties to make, and the Court would not draw an adverse inference either way, a conscious decision made by either party to adduce, or not to adduce any evidence that it could have, may have an effect on whether it can be said to have discharged its evidential burden, if applicable.

357 Be that as it may, what is crystal clear is that without being called to testify in Court, the accounts of Ms Lim or Mr Faisal given at the COP cannot be used to either support or to rebut either parties' case. Thus, to sum up, the accused's bare account of events essentially remains uncorroborated and unsupported by any other evidence in the present trial.



**Conclusion**

358 In conclusion, having carefully evaluated the admissible evidence tendered in this Court, I am satisfied that the Prosecution has adduced sufficient evidence to prove its case and to discharge its legal and evidential burden. I thus find that the Prosecution has proven the case against the accused beyond a reasonable doubt on both charges and I convict the accused accordingly.

Luke TAN  
District Judge

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