

News

Not paid for work but it's worth it

Lawyers, law students work pro bono to secure man's acquittal

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THEIR weekends were burnt and they spent Chinese New Year in the office trawling through thousands of pages of legal documents.

For their hard work, they will not be receiving even a single cent from their client.

But it was all worth the effort, said the lawyers who helped an odd-job worker walk out of the country's highest court a free man last Wednesday.

The 37-year-old was arrested on April 30, 2009 after his daughter, now 19, alleged that he had repeatedly raped her over a period of 10 years.

Following a trial in 2010, the man was convicted of three counts of rape, one count of outrage of modesty and one count of having the girl perform oral sex on him.

He was sentenced to 29 years' jail and ordered to receive the maximum 24 strokes of the cane on Nov 23, 2010.



TNP PICTURE: CHOO CHWEE HUA

SYNERGY: The team which worked on the case (from left): Senior Counsel Harpreet Singh Nehal, Mr David Koh Yi-Da, Mr Lim Shack Keong, Mr Gerald Leong Wei Qiang, Mr Tao Tao and Mr Timotheus Koh.

But the father, who cannot be named to protect the girl's identity, is now a free man following an appeal against his sentence and conviction.

The Court of Appeal found that the prosecution had not proven its case against him beyond a reasonable doubt, and the man was acquitted of all charges against him.

The man's lawyers were Senior Counsel (SC) Harpreet Singh Nehal, Mr Lim Shack Keong and Mr Timotheus Koh from law firm Wong Partnership.

Speaking to *The New Paper*, SC Singh said he was first alerted about the case last July.

"When his case first came before the Court of Appeal, he had no lawyer representing him. The judges then told him that they would arrange for a lawyer to act for him pro bono.

"The request then came to us from the Supreme Court and I agreed to take on the matter.

"Having looked at the record of proceedings, it seemed to me that there were troubling aspects of the case. There were material inconsistencies in the evidence."

In the judgement, the Court of Appeal said the evidence given by the man's daughter was not "usually convincing" and could not "constitute sufficient evidence to establish the charges against the Appellant beyond a reasonable doubt".

Weakness of prosecution case

SC Singh added that he thought that it was important for the man to be represented so as to put forward the weaknesses of the prosecution's case.

"There were two problems with the case. One was that the daughter's story contained many inconsistencies.

"Another part of the problem was that, because her evidence wasn't compelling, the court should look for independent corroborative evidence, something that would back up her story.

"But when you look at the records, there was no corroborative evidence at all."

In January, Chief Justice Chan Sek Keong had encouraged lawyers at the opening of the new legal year to take on more cases pro bono.

He said: "Pro bono is not just free work, but free

work for our poor 'neighbours' without expectation of any kind of material reward – it is the work of the good Samaritan."

In line with this, Law Society spokesman Shawn Toh pointed out that the amount of time spent on pro bono work has gone up more than 20 per cent.

Since last April, lawyers have put in 45,094 hours, up from 35,634 in the previous practising year.

Now that the man has already been freed from prison, Mr Lim said: "Here's where pro bono comes in. It helps those who may not otherwise have access to justice. This means justice is applied more equally throughout society."

Mr Koh, who shared the same view, added: "We treated the case no different from any other. As lawyers, we have a duty that justice is done."

And the lawyers shared some of their thought processes with some students as well when they mentored three second-year law students from the National University of Singapore (NUS).

Mr David Koh Yi-Da, 20, Mr Tao Tao, 22 and Mr Gerald Leong Wei Qiang, 23, found the experience enriching.

Mr David Koh said: "Mr Singh and the lawyers really got us engaged in the process. They asked us not only for particular points, they also asked us to give them the best arguments.

"And they discussed these arguments with us on why we felt those were the best ones the defence could put forward."

Professor Alan Tan from the NUS Faculty of Law said that the trio are outstanding students who care deeply about the way criminal law impacts on society.

"I know Harpreet Singh personally from the days when he and I were both justices' law clerks in the Supreme Court... He told me that he would be taking on a pro bono case involving a man accused of sexually abusing his underage daughter.

"We both agreed that it would be wonderful if a few law students could be included in Harpreet's team."

Associate Professor Joel Lee Tye Beng, the vice-dean of student affairs at the NUS Faculty of Law said the faculty is very proud of the trio's contributions.

"They have done themselves and NUS Law proud, and their achievement signifies how each of us can make a difference."