

PRESS STATEMENT

Two decisions of the Senior District Judge made on March 18 (ST Saturday March 19) raise questions of great importance to the public, touching upon, as they do, the fundamental right of the individual - his liberty.

It was reported that the Senior District Judge had ordered Mr BOON SUAN BAN to be detained at the Institute of Mental Health (IMH) until it pleases the President to release him, acting on the advice of the Cabinet. This must disturb the public mind and needs to be explained.

In the first place why was Mr Boon prosecuted for criminal defamation. The only one case that I can remember where a person was prosecuted for criminal defamation was that of the late Mr Harbans Singh who was prosecuted and sent to prison for having defamed the then Prime Minister, now Minister Mentor.

It was also reported, however, that the Chief Justice had himself commenced proceedings against Mr Boon. Why was Mr Boon then criminally prosecuted.

The initial order remanding Mr Boon for psychiatric observation also needs to be explained. What was the evidence placed before the court to require the court to order his remand at the IMH.

The report says that although Mr Boon was acquitted, the court ordered Mr Boon to be detained.

This is alarming because it suggests that a District Court can detain anyone who is a schizophrenic indefinitely. There must be many persons in the society (I know myself of at least two) who suffer from schizophrenic paranoia. A great many suffer from paranoia. Should all schizophrenics be then detained in custody.

The second decision, which is equally alarming, is the decision to withdraw the bail of NADIA CELINA SERAPHINA CORNELIS, the wife of Jeremy Mahen Chanmugam, who had been charged with offences under the Misuse of Drugs Act. It is not clear from the report that Cornelis herself had been charged and yet the report says she was on bail.

Be that as it may, what is alarming is that the court withdrew the bail on being informed that the CNB had received "intelligence" that she would flee but which "intelligence" was not given to the court, let alone to Cornelis.

If the court did not have this "intelligence", what was the basis for withdrawing Cornelis' bail. Under the Criminal Procedure Code, it is for the court to decide whether a person should be granted bail or not and it is for the court to decide whether any bail granted should be withdrawn.

In an application for bail to be withdrawn, the court must act on evidence before it which would satisfy the court why its decision to grant bail should be revoked. In this particular case the court acted without any information before it.

The decision breaches all rules of natural justice.

If the public mind is to be put at rest that the courts will protect and safeguard their fundamental rights, both decisions should be explained and answers given to the questions raised herein.

(J B Jeyaretnam)
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