



FOR IMMEDIATE RELEASE
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**QUERIES RELATING TO OUTRAGE OF MODESTY CASE
INVOLVING DR YEO SOW NAM**

On 16 August 2021, the State Courts granted the Attorney-General's Chambers ("AGC") application to withdraw criminal charges against Dr Yeo Sow Nam ("Dr Yeo") for outraging the modesty of a female complainant. AGC has been asked whether it will be preferring charges against the complainant for giving false evidence.

AGC's position on prosecution for giving false evidence

2 AGC's position in respect of false evidence given under oath, is as follows: if there is clear evidence that a person has lied under oath in legal proceedings, AGC will seriously consider commencing proceedings against the person for perjury. This was made clear, last year, in Parliament. There is at present a case pending before the courts where such proceedings have been commenced, and investigations are ongoing in respect of other cases.

3 One indication of clear evidence will be if the presiding court or tribunal has opined that a witness has lied under oath. Even then, AGC will have to assess all available evidence and take a view on whether an offence has been committed because, in any subsequent proceedings, the earlier court or tribunal's views will be treated only as its own opinion. AGC will still have to prove the offence beyond reasonable doubt.

The withdrawal of charges against Dr Yeo

4 In sexual offence cases, where an accused person is tried on the testimony of a complainant alone, the law requires that the complainant's evidence is unusually convincing before an accused can be convicted. Charges were preferred against Dr Yeo after it was assessed by several Prosecutors that the complainant's evidence was very convincing, and that the charges against Dr Yeo could be proven.

5 During the trial in March 2021, however, some inconsistencies arose in the course of the complainant's evidence in court. Most of these did not involve the complainant's account of the alleged outrage of modesty. Nevertheless, the Prosecution assessed that the inconsistencies, taken as a whole, would likely affect the assessment of the complainant's overall evidence. There was a risk that the complainant might not meet the high threshold set in such cases, of showing that she was unusually convincing.

6 For this reason, the Prosecution decided to withdraw the charges against Dr Yeo. ***The Prosecution did not reach its decision on the basis that the complainant had been untruthful about the alleged outrage of modesty.***

AGC's assessment of the complainant's evidence

7 AGC's assessment is that a case for giving false evidence against the complainant is unlikely to be made out. The inconsistencies in the complainant's evidence did not, in the main, relate to the substance of her allegations against Dr Yeo for outrage of modesty. There is also no evidence to suggest that the complainant fabricated her account of events regarding the alleged outrage of modesty.

8 Critically, there is no finding by the Court in this case that the complainant had lied or had even given inconsistent evidence.

9 In the circumstances, AGC will not be taking any action against her.

10 Dr Yeo's lawyers, Eugene Thuraisingam LLP, have issued a public statement, claiming that the complainant admitted to lying in court about "material elements" of her allegations of outrage of modesty, against Dr Yeo. These statements are misleading and regrettable.

- (a) The complainant specifically denied Dr Yeo's lawyers' accusations that she had lied and fabricated the alleged acts of outrage of modesty in respect of all the charges against Dr Yeo.
- (b) With respect to the charge that Dr Yeo had squeezed her waist, the complainant was not consistent and clear as to whether she was seated or standing at the time of the alleged incident. She first said she was seated and later said she could not recall if she was seated or standing. She nonetheless disagreed with Dr Yeo's lawyers when they accused her of fabricating the incident.

- (c) With respect to the complainant's evidence on Dr Yeo's alleged touches on her hip, the complainant testified under cross-examination that she could no longer recall whether Dr Yeo had patted, tapped or rested his hand on her hip. She maintained that Dr Yeo had nonetheless touched her hip. When Dr Yeo's lawyer asserted that Dr Yeo had not touched her hips in any way, the complainant disagreed. Importantly, this alleged incident did not form the basis of any of the charges against Dr Yeo.

Dr Yeo's application to lift the gag order

11 Dr Yeo's counsel, Mr Eugene Thuraisingam, also used the court process to advance similar allegations against the complainant. However, he changed his position before the Court could rule on the allegations:

- (a) In June 2021, the Prosecution informed Eugene Thuraisingam LLP that it would be withdrawing the charges against Dr Yeo at the next pre-trial conference in chambers, on 29 June 2021. However, Mr Thuraisingam asked at the pre-trial conference for the withdrawal to be heard by the trial judge on a later date when it could be recorded in open court.
- (b) Mr Thuraisingam also indicated at the pre-trial conference that he intended to apply and make submissions to the trial judge to lift the gag order for the complainant's identity to be made public¹. The Prosecution filed written submissions resisting that application.
- (c) The matter was then heard in open court on 16 August 2021. At the hearing, Mr Thuraisingam quoted extensively from selected portions of the complainant's evidence and his written submissions to lift the gag order, and accused the complainant of being a liar. However, immediately after concluding his submissions, Mr Thuraisingam abruptly changed his position. He suddenly agreed with the Prosecution that there was no basis to lift the gag order, and withdrew his application.
- (d) As a result, the Prosecution did not present its oral arguments, and the Court did not make a ruling on the allegations that the complainant had been deliberately untruthful.

¹ Gag orders are generally issued by the Court in sexual offence cases, to protect complainants from embarrassment.

12 AGC has written to Mr Thuraisingam asking for an explanation of his conduct set out above, as an officer of the Court.

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