

Prosecution in the Public Interest

*Speech by Attorney-General Lucien Wong
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I. INTRODUCTION

- 1 Good evening. Thank you for inviting me to speak at this prestigious occasion.
- 2 It has been said that the Attorney-General “occupies the hottest legal seat in Singapore”. Earlier this year, in his Opening of the Legal Year address, then-AG V K Rajah quoted Sir Francis Bacon, who described the office as the “painfullest task in the realm”. I must admit that I am slowly starting to appreciate where they were coming from.
- 3 The theme of my speech is “Prosecution in the Public Interest”.
- 4 What the public interest is, and how prosecutorial action interacts with it, is a complex topic.
 - a. Reasonable people often disagree on what the public interest requires in any particular situation.
 - b. These disagreements only get stronger in difficult cases. For example, where the behaviour of the accused evokes a visceral emotion, like anger or sympathy.
 - c. Or where there is a clash of moral ideologies.
- 5 Yet, the public interest permeates all the decisions we make:
 - a. From the moment we decide to charge someone,
 - b. throughout the time we conduct the proceedings in Court,
 - c. to the conclusion of the case, when we submit on sentence.
- 6 Despite being a concept we interact with so intimately, it is not quite possible to make a definitive statement, which will apply to all cases on what the public interest requires. It has to be assessed, case by case with skill, wisdom, legal acuity and compassion. This is only one of the reasons why the Public Prosecutor’s job is important and also demanding.

7 Determining what is in the public interest is a matter on which we have robust debates within the AGC, *every single day*.

II. WHY DO PROSECUTORIAL DECISIONS INVOLVE AN ASSESSMENT OF THE PUBLIC INTEREST?

8 Before we talk about the public interest, let me set the context in which decisions about the public interest are made by the Public Prosecutor.

9 In every case, the first thing we consider is whether a criminal offence is even disclosed. A lot of time and attention is spent considering this.

a. This is a factual and legal exercise.

i. First, we conduct a careful legal assessment of the case.

– We delve deeply into possible offences, research the elements, and assess whether our evidence can prove every element.

ii. Then, we look at the evidence.

– We determine what evidence has been uncovered in investigations that can help prove the charge, and whether such evidence is admissible in a Court.

– We also examine whether the evidence is reliable and the weight a Court will give to it.

– If necessary, we direct the investigating agency to investigate further, to clarify doubts in the evidence, even if this means uncovering evidence that would exonerate a suspect.

b. At the end of this internal inquiry, we make an assessment of whether we are likely to have a **reasonable prospect of obtaining a conviction**. Only when we are convinced that the evidence and the law disclose a criminal offence, do we even begin to consider whether prosecutorial discretion should be exercised. It would be a subversion of the rule of law, and a waste of valuable public resources, for us to pursue prosecution in the absence of a reasonable prospect of conviction.

c. In fact, many of the files that are considered in my Chambers, are closed in the first stage of assessment, because the facts or the law do not disclose any criminal offence that can be proved in a court of law.

10 The public interest is then considered after we have decided that an offence has been committed and we have sufficient evidence to obtain a conviction after trial. That is when we consider how we should exercise prosecutorial discretion.

- a. We do not charge every individual who commits an offence.
 - i. First, there are many cases which involve minor offences – it may not make sense to bring these cases to Court.
 - ii. Secondly, not every person who commits an offence should be automatically prosecuted. For example, certain minor offences, committed by first-time offenders may be visited with a warning, but may not result in prosecution.
- b. This is where considerations of public interest come in. The public interest informs the exercise of our discretion in three ways:
 - i. First, we have to decide who deserves to be charged and who deserves a warning instead.
 - ii. Second, we also have to determine what charges are appropriate and how many charges to prefer.
 - iii. Third, once we have obtained a conviction, we have to decide what sentence we should submit for. Not every case deserves a stiff and deterrent sentence. We have to assess what we think is a just outcome and submit to the Court accordingly.

11 The rest of my lecture will attempt to explain how the public interest interacts with these three decisions that we have to make. I will explain that prosecution of a crime is more than just to punish the wrongdoer or offender – each prosecution is done with the public interest in mind.

12 Prosecuting in the public interest, means four things:

- a. First, prosecutions are conducted in the name of the public;
- b. Secondly, offences are prosecuted for the good of the public;
- c. Thirdly, proceedings are conducted according to values expected by the public;
and

d. Fourthly, action is taken in the eye of the public.

13 Separately, I will talk about how the public interest guides the sentencing submissions we make at the end of any case.

III. PROSECUTING IN THE PUBLIC INTEREST

(A) IN THE NAME OF THE PUBLIC

14 Onto the first aspect, in the name of the public.

15 Every prosecution that we initiate is named Public Prosecutor versus someone.

16 This is more than just a naming convention. Having cases brought by the Public Prosecutor has two important implications.

17 First, it means that **decisions to prosecute are made independently**.

a. As the Attorney-General, I wear two hats.

i. Under the Constitution, I am the Government's chief legal advisor.¹ In this role, the Government is my client. I sign off on legal advice to the Government. I also represent the Government in civil and judicial review proceedings in Court.

ii. I am also the Public Prosecutor. This is also a role that is set out in the Constitution.² In this role, I make decisions on whether to charge individuals for criminal offences. I am personally involved in the decisions for many cases, and in fact, make the final decision in almost all the prosecutions that begin in the High Court.

b. The lawyers in my Chambers, as well as the officials in Government agencies, are very cognizant of the different hats that I wear. The Ministers and Permanent Secretaries with whom I interact are also keenly aware of my distinct responsibilities under the Constitution.

i. When I act as the Government's chief legal advisor, our interactions are similar to those of any solicitor and his client. We render legal advice, draft legislation, and do our best to help the Government achieve its important public policy goals. Of course, as any lawyer

¹ Art 35(7)

² Art 35(8).

would know, the lawyer advises, but it is the Government who ultimately decides how to act as a matter of policy.

- ii. As the Public Prosecutor, the relationship is entirely different.
 - Prosecutorial decisions are made by myself and my Deputies.
 - Investigating agencies make recommendations, but the final decision is made by us.
 - Sometimes, because we stress-test a case based on the level of proof required in Court, we do disagree with the agencies. When we do, we explain why we differ, but this is only to help the agencies appreciate what our thinking is, for when a similar case occurs in the future.
 - The AG’s independence is enshrined in the Constitution and is an established rule of practice within Chambers.
- iii. When a charging decision is made, the decision is made by myself and my Deputies.
- iv. The decision to prosecute is brought solely on the basis of the law, and our assessment of the public interest.

18 Secondly, acting in the name of the public means that **criminal prosecutions are brought not to further the private interests of the victim, but to further the larger public interest.**

- a. The views of the victim are important but not determinative.
- b. We have encountered uncooperative and even downright hostile victims.
 - i. Sometimes this occurs when the victim and the accused are family members and have reconciled after the offence. This occurs sometimes in domestic violence or sexual abuse cases within a family.
 - ii. Not infrequently, suspects who have the means, pay handsome sums of so-called “compensation” or “restitution” to victims, as a way of urging them to withdraw their complaint.

- c. In these cases, should we automatically discontinue the prosecution? On the basis that the victim is not “pressing charges” and no one will complain if the charges are dropped?
- d. We do not take that approach. We will consider if there are compelling reasons, in the public interest to continue with the prosecution, despite the hostility of the victim or other circumstances. When an individual is charged by the Public Prosecutor, the message is clear. The accused has offended not just against the victim of his offence, but against values fundamental to Singaporeans. He answers not to the victim alone, but to the public in general.
- e. Conversely, there are cases in which the victim feels very strongly that the offender must be punished, but our assessment is that there is no public interest to be served by prosecution.
 - i. This may be because the offender should not be prosecuted for a variety of reasons – he may be a first time offender, is young, committed a minor offence, is unlikely to repeat the offence, has done all that he can to make reparation, has cooperated with the Police and expressed true remorse.
 - ii. In these cases like these, we have informed the victim that we will not be taking the case any further. Sometimes, we have even intervened to end private prosecutions.

(B) FOR THE GOOD OF THE PUBLIC

- 19 The second aspect of prosecuting in the public interest is that we **act for the good of the public.**
- 20 In any given case, whether to prosecute, and what offence to prosecute for, is a complex and multi-factorial decision.
- 21 Every decision has serious repercussions for many people, not just for those involved in the offence, but for wider society as well.
- 22 There are various factors involved. We review each case carefully, based on its unique facts. It is impossible to give an all-inclusive answer of how prosecutorial decisions are made. And I will certainly not try to give one in this lecture.
- 23 Instead, allow me to make four points about the objectives that we try to achieve through prosecution.
- 24 First, we prosecute to maintain a **safe and secure environment in Singapore.**

- a. It is a critical national interest for law and order to be maintained.
- b. Safety and security is fundamental to the existence of any country. Especially a small, highly urbanised, and digitally-connected society like ours.
 - i. The effect of crimes is magnified in Singapore.
 - ii. Unless offenders are quickly apprehended and brought to justice, a general feeling of insecurity can quickly spread within the community.
- c. Thus, it is a non-negotiable policy of my Chambers to vigorously prosecute crimes that affect law and order in Singapore and our way of life. These include: violent crime, organised crime, drug trafficking, corruption, serious financial crime, and other such offences.³
- d. Because of this policy, Singapore has a long established reputation as one of the world's safest cities, a position which was most recently confirmed by our no. 2 ranking in the 2017 Safe Cities Index, behind only Tokyo.
 - i. Our overall crime rate is low. In fact, some crimes are at an all-time low.
 - ii. In 2016, we registered 30-year lows in violent crimes, housebreaking, theft and robbery.⁴
- e. Safeguarding social harmony in Singapore is also an important aspect of protecting the safety and security we enjoy. We take a very serious view of offences that damage Singapore's social, ethnic or religious harmony, for good reason.
- f. Events around the world have demonstrated that social fissures can be easily exploited to advance political agendas. This can have violent and destabilising effects on a country.
- g. We cannot allow this to happen in Singapore. In our society, freedom of speech and expression cannot be unqualified. These rights must be exercised

³ Speech by AG V K Rajah SC, 2016 Opening of Legal Year, at [4].

⁴ **Singapore Police Force, Annual Crime Brief 2016** (https://www.police.gov.sg/~media/spf/files/statistics/20170210_annual_crime_brief_2016.pdf).

responsibly and with a keen appreciation of our history and the hard-won harmony that we enjoy among different races and religious groups.

h. This is something that a vast majority of Singaporeans believe in.

25 The second aim of prosecution is to **promote a culture where rights are respected.**

a. Respect for legitimate rights is one of the key reasons for Singapore's conduciveness for business. Civil and property rights are protected, contracts are easily enforced, and investments are safe.

b. Business may be competitive, even cut-throat, but everyone must play by the rules.

c. Serious financial crime and corruption erode this culture.

i. Those whose property has been stolen, or who have lost valuable opportunities to corruption, will justifiably feel violated.

– If the law does not deliver justice, a feeling of helplessness may fester.

– If illegal business tactics are commonplace, more people may start taking the law into their own hands.

ii. Without a zero tolerance policy against money laundering, we may become a hub for illicit moneys. Certainly, not the type of business we want to attract!

iii. Corruption is a fact of life for many countries, including some in our region.

– If this becomes systemic in Singapore, our reputation as a safe and honest place to do business will be irremediably damaged.

– We will not allow that to occur. We protect Singapore's reputation as a safe and honest place to do business, and in this way we support the growth of the economy that provides jobs for all Singaporeans.

– Our efforts have been recognised, with the 2017 TRACE Bribery Risk Matrix ranking Singapore 13th out of 200 countries on the risk of encountering commercial bribery. Coming in ahead of

the US and Hong Kong, the risk of encountering business bribery or corruption-related concerns in Singapore was rated “very low”.

26 The third objective is to promote **strong public institutions**.

- a. Strong public institutions are essential for the peace, harmony and prosperity of Singapore.
- b. Conduct that weakens public confidence in the rule of law and our public institutions, will be met with an unhesitating response:
 - i. Be it misconduct by officials working in those institutions; or
 - ii. Outsiders that cast aspersions on the integrity of the institutions.
- c. Take contempt of court for example.
 - i. Contempt of court may not fit with the layperson’s view of a crime. However, it is not only an offence, but also a most serious one.
 - ii. The courts are an indispensable public institution in Singapore. It is vital that public confidence in our judiciary is maintained, both domestically and abroad, so that people understand that they will always have access to justice dispensed by a fair and independent court, when they need it.
 - iii. Through prosecution for contempt, we act swiftly when unwarranted aspersions are cast on the motive or integrity of our judges.
 - iv. Let me stress that we are not concerned with criticism of judgments or decisions:
 - People are free to disagree with the decisions made by our judges. Judicial decisions are not immune from criticism, nor should they be.
 - However, we will not tolerate the scandalising of our judicial system. We will not sit idly by when the independence and integrity of our judges are attacked.

- We act not to make any political points, but to protect the integrity of the legal system that we have spent decades building. Left to fester, these attacks can seriously erode public confidence in the administration of justice.
 - v. This has been a consistent approach of previous AGs and it will continue during my tenure.
 - d. Also, we act to protect the integrity of the AGC – we check ourselves to ensure that we act appropriately.
 - We check others who criticise us unfairly or who without any evidence or proof, accuse us of not being independent in our charging decisions.
- 27 Fourthly, prosecution also serves larger objectives that may not be immediately apparent to most. For example, in promoting environmental sustainability.
- a. The haze that we encounter in some years has severe effects on public health and our economy. Not to mention the serious long-term repercussions on climate change.
 - b. With the enactment of the Transboundary Haze Act, we are now in a position to prosecute companies that are based in Singapore, but who contribute to the haze through their actions overseas.
 - c. We view offences under this statute very seriously and will take robust action against companies that violate it.
- 28 Finally, I stress that these broader social objectives are not static. What we seek to achieve through prosecution will change with time, because the **public interest evolves over time**.
- a. In recent years, our society has confronted new problems that must be addressed through resolute prosecutorial action.
 - b. Take the recent phenomenon of “fake news” for example.
 - i. The rise of social media and messaging networks has radically changed the way many people receive news about the world.
 - ii. Previously, news was delivered through well-established newspapers and television networks. These organisations have internal processes to vet the accuracy of the information they disseminate.

- iii. Now, news is increasingly being delivered through social networks and messaging apps.
 - The stories are written on blogs. Many are written anonymously.
 - Not only are many stories untrue, but they are often deliberately fabricated to achieve a specific end.
 - To make them sensational, so that more people visit the blog on which they are published, generating more money for the blogger. Or to make them controversial to stoke xenophobia and racism.
 - iv. It is a vital public interest to stop this flow of lies. Prosecutorial action has been previously taken against the purveyors of fake news, like the proprietors of the now-defunct The Real Singapore website.
 - v. We will continue to use existing laws to act firmly and decisively against those who seek to distort the public narrative for their own ends.
- c. Another example of the evolving public interest are offences against elderly victims.
- i. Singapore has a rapidly aging population. Like minors, some elderly persons are dependent on others for their basic needs, making them highly vulnerable.
 - ii. Many seniors have also worked hard their entire lives and amassed substantial savings to tide them through their retirement. This makes them ripe targets for fraudsters.
 - iii. We will robustly prosecute those who exploit the elderly, in order to deter such offences and give the full protection of the law to some of the most vulnerable members of our society.

29 Before I move on, I will make one observation. The fact that prosecution furthers these important objectives does not mean that we must prosecute every offence. As prosecutors acting in the public interest, we adopt a solution-centric approach to dealing with crime.

- a. We aim to address the root causes of criminal conduct, and discourage recidivism in the long term.
 - i. For example, in appropriate cases, whether or not prosecutorial action is taken, we direct offenders and their families to social agencies and organisations, to obtain assistance for their basic needs.
 - ii. For offenders with underlying psychiatric conditions, treatment and recovery are also important considerations.
 - iii. For young offenders, we want to be firm but fair, and provide the right balance between rehabilitation and the need for deterrence and protection of the public. There are a number of diversionary programmes to deal with young offenders, and we routinely deploy them, instead of preferring charges in Court.

30 The upshot of all this is that prosecutorial decisions are complex and difficult. There are many different interests that we are balancing in every case. I hope that what I have outlined above has given you a brief insight into how we use prosecutorial discretion for the good of the public.

(C) ACCORDING TO VALUES EXPECTED BY THE PUBLIC

31 The third aspect of prosecuting in the public interest is that **we prosecute according to values expected by the public.**

32 The public expects a far higher standard from the Public Prosecutor and his deputies, than any private lawyer. We are expected to argue our cases passionately and committedly, but not to win at all costs.

33 Our ultimate goal must be to reach **just outcomes.**

34 I would like to highlight the following:

- a. It is not our policy to always, automatically prefer the most serious charge by default, to encourage the accused to plead guilty to a less serious one, or to prefer the largest possible number of charges, in order to encourage the accused to plead guilty to just a few.
- b. Similarly, we are conscious that every defendant has the right to claim trial. Defendants who demonstrate remorse by pleading guilty at an early stage generally receive a sentencing discount. We do not push for excessive and

overly punitive sentences solely because the accused chose to claim trial. However, the way that the defendant conducts his defence can be a consideration in sentencing.

35 In the opposite scenario, where our evidence may not be as compelling, we do not adopt a defensive approach to prosecution. If we are convinced that a serious offence has been committed, we will not hesitate to act simply because securing a conviction may be an uphill task. Let me explain with an example.

- a. When I first became AG, two types of offences especially concerned me: sexual abuse of minors and offences against foreign domestic workers.
 - i. Minors and domestic workers are both exceptionally vulnerable segments of our society.
 - ii. They live under the care and control of others and are dependent on their caregivers for their most basic needs. Yet sometimes, their caregivers betray the trust and abuse the responsibilities placed upon them.
 - iii. If minors and domestic workers suffer at the hands of those that are supposed to care for them, they have very limited means of reporting the abuse and getting help.
- b. It is often the case that offences against minors and domestic workers are, from an evidential point of view, very difficult to prove.
 - i. Objective evidence is very rare. Usually, there are no documents, CCTV footage, and the forensic evidence may be equivocal, especially in a case where there was more than one abuser.
 - ii. The case may turn upon the testimony of the victim, if the victim is alive (or is able to speak in the case of a minor).
 - iii. The law requires this testimony to be exceptionally convincing.
 - iv. In cases where the victim has succumbed to his or her injuries, the task for us as prosecutors is even more difficult. Yet the impetus for us to act must be even greater, since an innocent life has been lost.
- c. Some may presume that with the odds stacked against us, we may be slow to act or try to plead such cases down.

- i. Far from it. If the justice of the case requires, we will prefer more serious charges, even if our chances of securing a conviction would be higher if we proceeded on less serious offences. I must emphasise here that having a reasonable prospect of conviction does not mean that the PP only takes on “sure-win” cases.
- ii. In the time that I have been AG, I have seen cases that have shocked my conscience. On such cases, my stand to my deputies is clear – we must take a bold approach to vindicate the public interest.
- iii. We will prosecute these cases fervently and present the best evidence and arguments to the Court.
- iv. If we obtain a conviction, the cause of justice would have been vindicated. But we will not shy away from trying the difficult cases, simply because we cannot guarantee a conviction. Because that is what the public interest and justice demand.

36 Prosecuting according to values expected by the public also means that we are expected to take an **even-handed approach** during the trial process.

- a. We are proactive in ensuring that the accused gets a fair hearing and his procedural rights are protected.
 - i. We have to be mindful that the procedural rights are instrumental in upholding the rule of law and assist the Court in finding the truth.
 - ii. These rights must be protected, even if it means that our case is undermined.
 - iii. Take the case of ***PP v Imran Syafiq*** for instance. Acting in accordance with our disclosure obligations, the Prosecution disclosed parts of the victim’s statements together with screenshots obtained from CCTV cameras to the accused. These pieces of evidence supported the accused’s defence of mistaken identity and weakened the Prosecution’s case.
 - iv. We conducted our case in a forthright manner and put all the relevant material before the Court. Ultimately, the decision did not go our way and the trial court acquitted the accused. What is important is that we did the right thing in proactively producing evidence, even if it might weaken the Prosecution’s case. The public expects no less from us.

- b. The protection of procedural rights takes on an especial focus in cases where the accused is unrepresented.
 - i. We are obliged to ensure that the accused has the opportunity to present his defence.
 - ii. In some cases, through the Court, we point the accused to the various means by which he can obtain legal assistance, and urge him to use those.

(D) ACTION IS TAKEN IN THE EYE OF THE PUBLIC

37 The final aspect of prosecuting in the public interest is that action is taken in the eye of the public.

- a. The prosecutorial decisions we make are subject to public scrutiny.
- b. In fact, I daresay that we are one of the few Government agencies, whose work is reported in the national newspapers almost every day. The reports on our cases are read by thousands of people daily.

38 The lot of a prosecutor is seldom the envy of anyone.

- a. In fact, someone senior once commiserated with me by saying that “he has not come across anyone who has said that he likes the Attorney-General.”
- b. The Court of public opinion is especially unforgiving when outcomes are not as expected.

39 But we would have it no other way. The public deserves to know about our work and scrutinize our decisions, because ultimately, we answer directly to the people of Singapore, and to their sense of justice and fairness. We are open to criticism – but I only ask that we be criticised fairly – do not accuse us unfairly or make unfounded criticism of us.

IV. SENTENCING IN THE PUBLIC INTEREST

40 Before I conclude, I wish to make a few points on sentencing.

41 The Courts are the final arbiters of whether an offence has been disclosed and if so, what sentence should be imposed. But in an adversarial system, it is incumbent on all parties to help the Court calibrate sentences appropriately.

42 So, just as we prosecute in the public interest, we also submit on **sentencing with the public interest firmly in mind**. In essence, this boils down to a single, core principle.

43 In every case, we ask for what we consider to be a **just sentence**, taking into account all the relevant facts of the case and what the broader public interest requires.

44 The Prosecution is not in the business of submitting for the highest sentence possible. But where the public interest demands that we press for stiff sentences to emphasise society's disapprobation of certain conduct, we will not hesitate to do so. This then vindicates larger societal objectives in having a robust criminal justice system.

- a. I have already spoken about my prosecution philosophy when it comes to sexual offences against minors and offences against foreign domestic workers. If we secure the convictions, we will also press for deterrent sentences in such cases – because the public interest calls for us to do this.
- b. Another example would be the recent cases involving national service defaulters.
 - i. We took a firm position that the original benchmarks set by the Courts some years ago did not fully reflect the seriousness of the offence.
 - ii. Although the weight of authority was not on our side, we pressed for new benchmarks to be set to ensure that the sentences imposed would be commensurate with the importance of the national service obligation.
 - iii. The Court ultimately agreed with our submissions and revised the benchmark sentences upwards. All potential NS defaulters now know that they will face substantial imprisonment terms if they do not take their national service duties seriously.
 - iv. I also take specific interest in the sentencing submissions we make in cases involving the deaths of innocent persons.
 - When a life is lost, our intuitive moral sense calls for punishment because the most ultimate and irreversible harm has been caused.
 - These cases involve a very careful inspection of all the relevant factors, including the circumstances of the offence and the offender, and all the relevant legal principles.
 - I have given instructions to my Deputies that our positions on such cases must be personally cleared with me, because any

loss of life calls for the most thorough and serious consideration.

- 45 As believers in even-handed justice, a just sentence also means one that is fair to the offender.
- a. We consider the mitigating factors in every case very carefully. Where the accused is unrepresented, we candidly present these mitigating factors to the Court, so that the judge can make an independent assessment of the weight that should be accorded to them.
 - b. In the sentences we seek for youthful offenders, we emphasise personal accountability, and also recognise that youths are still maturing.
 - c. We are also prepared to take active sentencing positions that favour the offender, if the circumstances call for it.
 - i. You may be aware with the case of *Lim Choon Teck*, where the Prosecution took the unusual step of appealing against the 8-week imprisonment term imposed on the cyclist who had injured a pedestrian on the pavement. AGC took the view that the sentence was manifestly excessive and successfully argued for the sentence to be reduced to 2 weeks.
 - ii. There have also been cases where offenders committed relatively minor offences, and further investigations revealed that they had underlying issues for which treatment was necessary. We have, in appropriate cases, reduced or amended charges to bring such offenders within the eligibility conditions for community sentences, so that these sentencing options are also available to the court.
 - iii. Those are concrete examples that demonstrate our commitment not just to prosecuting in the public interest, but also sentencing in the public interest. Our criminal justice system may be adversarial, but the accused is not our adversary.

V. CONCLUSION

- 46 Let me conclude by saying a few words.
- 47 In agreeing to deliver this lecture, I decided to explain how prosecutorial discretion is exercised to advance the public interest. It is already a difficult task as it is in most circumstances, let alone trying to expound it in a lecture of less than an hour.
- 48 I hope that I have given you a snapshot of how this discretion is exercised and how we engage with the public interest throughout the course of our work. But the overall impression I wish to convey is that this is a multifaceted and complicated task, requiring the balancing of many competing factors. There is no single, “right” answer in many “difficult” cases. Instead, many exercises of the prosecutorial discretion reside along a continuum of credible, good-faith decisions made by my deputies, on the basis of evidence put before them.
- 49 If the correct guiding principles are followed, I accord my officers a “margin of appreciation” – in short, no one person unilaterally “determines” the public interest in my Chambers.
- 50 We discuss our cases critically, and at times debate with each other vigorously, over the decisions we have to make every day. We do so precisely because it is only through that process of open engagement that we can arrive at fully considered decisions.
- 51 Ultimately, the final guarantor is the quality, integrity and compassion of the men and women to whom this crucial task is entrusted. And on this, I am very fortunate, because the Deputy Public Prosecutors who assist me in the AGC are some of the most dedicated and committed lawyers I have ever had the privilege of working with.
- 52 I am confident that we have the right people, with the right values and the right skill sets, and because of this we will continue to prosecute in the public interest, and for the good of Singapore.
