



FOR IMMEDIATE RELEASE
13 FEBRUARY 2020

**DISMISSAL OF APPLICATIONS BY
GOBI A/L AVEDIAN AND DATCHINAMURTHY A/L KATAIAH**

The High Court today heard OS 111 and 181 of 2020, which are applications filed by Mr Ravi s/o Madasamy (“**Mr Ravi**”) on behalf of Gobi a/l Avedian and Datchinamurthy a/l Kataiah (“**the applicants**”). Both applications have been dismissed by the High Court.

2 In OS 111 of 2020 (“**OS 111**”), the applicants alleged that judicial executions in Singapore are not carried out in accordance with the law, and “brutal and unlawful” methods are being illegally used.

3 The applicants applied for:

- (a) a Prohibiting Order directing that the executions of the applicants be stayed in light of the alleged contingent protocol that executions are carried out by kicking to the back of the neck;
- (b) a Mandatory Order directing the Attorney-General and the Minister for Home Affairs to provide protection from criminal and civil liability to the alleged former SPS officer;
- (c) an order that the Court grant immunity from criminal prosecution and/or civil liabilities to the alleged former SPS officer; and
- (d) a stay of the hearing of OS 111 pending the outcome of the decision, including any appeal to the Court of Appeal, in OS 181 of 2020 (“**OS 181**”).

4 The Ministry of Home Affairs has categorically stated that such allegations of unlawful execution methods were “untrue, baseless and preposterous”.¹

5 The Court directed the applicants to file an affidavit, by 4 pm on 10 February 2020, setting out the evidence they relied on to allege that illegal methods were used. The applicants however failed to file any affidavit, as directed by the Court, or produce any evidence to substantiate what they have said. The applicants thus appear to be making serious allegations, without any basis.

6 On 10 February 2020, instead of filing an affidavit as directed by the Court, the applicants filed another application, OS 181, just before the deadline to file the affidavit. The applicants sought a Declaration that a statement by the Attorney-General’s Chambers (“AGC”) during the PTC on 4 February 2020 that it expressly reserves its rights against Mr Ravi breached the applicants’ “rights to [a] fair hearing under Article 9 of the Constitution” and sought an order to delay the hearing of OS 111 until after the determination of any appeals from OS 181.

7 OS 181 is a spurious application. A statement about reserving rights, (which is a statement that all lawful legal options are being kept open), is commonplace, and does not in any way infringe any constitutional right or deny a fair hearing. Indeed, Mr Ravi continued to represent the applicants. AGC also submitted that OS 181 was filed as a delaying tactic to prevent OS 111 and the spurious allegations therein from being addressed expeditiously in the public interest.

8 The High Court found that OS 181 lacked factual basis as the words used did not amount to a threat , and dismissed the same.

9 Following the dismissal of OS 111 and OS 181, the AGC has notified the Court that it intends to apply for an order of costs against Mr Ravi in his personal capacity, as provided for under O 59 r 8 of the Rules of Court (Cap 322, R 5, 2014 Rev Ed).

10 It has also been brought to the AGC’s attention that copies of Mr Datchinamurthy’s affidavit were extended to the media on or before 10 February 2020, which resulted in the contents of Mr Datchinamurthy’s affidavit being published by the media prior to the hearing. This is an abuse of the Court process and a breach of paragraph 29A(3) of the Supreme Court

¹ The Ministry has also stated that all judicial executions are carried out in strict compliance with the law.

Practice Directions, which prohibits such publication. AGC is considering the position in respect of this action.

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