

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

SC-902079-2024

Between

**PUBLIC PROSECUTOR**

And

**PRITAM SINGH**  
(NRIC No. SXXXXXXXX)

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**DEFENCE REPLY SUBMISSIONS**

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**For the Accused**  
M/s Andre Jumabhoy LLC  
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**Dated this 31<sup>st</sup> day of January 2025**

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## (1) INTRODUCTION

1. By the end of the Committee of Privileges (“**COP**”) hearings, we already knew that Ms Khan had given contradictory accounts of her meeting with Mr Singh, Ms Sylvia Lim (“**Ms Lim**”), and Mr Muhamad Faisal bin Abdul Manap (“**Mr Faisal**”) on 8 August. She had gone from alleging that she was told to continue the narrative if not pressed, to taking the lie to the grave.
2. What we were not aware of was the extent to which she, and her co-conspirators, Ms Loh Pei Ying (“**PW2**”) and Mr Yudhishthra Nathan (“**PW3**”), went to conceal their dealings from the COP. These new facts present a vastly different conclusion on their credibility. We referred to them in our closing submissions at [1] – [6] and restate some significant ones below:
  - a. Ms Khan’s admission of her conversation with PW2 and PW3 on 7 August 2021 revealed an understanding between all three to “bury” the truth.
  - b. The three of them met on 29 November to align their evidence before appearing before the COP. At that meeting, PW2 convinced Ms Khan to adopt a version of her truth.
  - c. At that meeting, PW2 sent a message to Mr Singh through Mike Lim to pressure Mr Singh to change the decision to sack Ms Khan from the Workers’ Party or she would tell “her truth” to the COP. Mr Singh, unmoved by such threats, simply responded that they should tell the truth.
  - d. The trial, through Exhibit D2-1 to D2-5, exposed the fact that PW2 and PW3 encouraged Ms Khan to maintain the lie. It is also showed that Ms Khan was quite prepared to back her lie without any “guidance” from Mr Singh after she had been confronted by the Minister for Home Affairs K Shanmugam (“**Mr. Shanmugam**”) on 4 October.
  - e. Unlike Mr Singh, Ms Khan, PW2 and PW3 deleted chats from their mobile devices before and after their appearances before the COP.

- f. PW2 disobeyed a direct instruction from the COP not to discuss her evidence with PW3 when she called him to give him a “heads up”.
  - g. Both PW2 and PW3, despite the instructions not to discuss the evidence, managed to redact the same message telling Ms Khan not to admit to the truth.
3. Their actions stand in marked contrast to Mr Singh. There is no contradictory account of his meetings with Ms Khan on 8 August or 3 October. There were no deleted messages by Mr Singh, who submitted his device to the police with no messages removed from the scrutiny of the COP or police either before or after the COP proceedings.
  4. The Prosecution’s submissions do not adequately address the new evidence above at [2] that emerged at the trial. By the very fact that Exhibits D2-1 to D2-5 were disclosed by the Prosecution pursuant to their *Kadar*<sup>1</sup> obligations, it is incontrovertible that the messages contained in those exhibits, which were never placed before the COP, are credible and relevant to Mr Singh’s innocence.<sup>2</sup> Yet, save for some fleeting remarks on Exhibit D2-4,<sup>3</sup> the Prosecution do not discuss these exhibits at all. At its lowest, this evidence supports the Defence’s case while simultaneously undermining the Prosecution’s.
  5. In the test of who is telling the truth, actions speak louder than words. On the one hand, you have Ms Khan, who showed no hesitation in staring down Mr. Shanmugam and lying directly to his face, but who now wants to portray herself as some sort of naïve “27-28 year old rookie MP”.<sup>4</sup> You also have her co-conspirators, engaging in Machiavellian subterfuge. Their attempt to cover up the evidence raises significant concern: what exactly was in those messages that they felt compelled to delete immediately after the sitting on 4 October? What other messages did they delete before, during and after the COP hearing? What were they trying to hide? Whose interests were they protecting? In all of this, and despite the many opportunities presented to them, none of them accused Mr Singh of telling Ms Khan to lie until they got to the COP. These are the same people the Prosecution rely on to prove their case beyond reasonable doubt.

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<sup>1</sup> *Muhammad bin Kadar v Public Prosecutor* [2011] 4 SLR 791; Defence Bundle of Authorities (Reply) (“**DBOA 2**”) at TAB 1.

<sup>2</sup> Notes of Evidence (“**NE**”) (21 October 2024) at p 135 line 23 – p 136 line 5.

<sup>3</sup> Prosecution closing submissions dated 13 January 2025 (“**Prosecution Submissions**”) at [155] – [159].

<sup>4</sup> NE (14 October 2024) at p 26 line 16

6. On the other hand, you have Mr Singh, who holds himself in a diametrically opposite fashion. Despite having much more to lose than Ms Khan, there is no attempt to coach her on her statement on 1 November; there is no giving in to the threats of PW2, except to say tell the truth; there are no frantic calls to witnesses before they give evidence; and there is no deleting or hiding of text messages. There is none of this because he had nothing to hide.
7. The burden of proving the charges remains on the Prosecution throughout. It is their burden to prove those charges beyond reasonable doubt. There is no burden on Mr Singh to prove his innocence, particularly when what he is being asked to do is to prove a negative. We say that, in the final analysis, when the credibility of the Prosecution witnesses' is assessed, the only just verdict is that the Prosecution's case has not been proved beyond reasonable doubt.

**(2) MR SINGH'S ACCOUNT OF THE FACTS IS THE ONLY BELIEVABLE ACCOUNT**

8. It is apparent from the Prosecution's closing submissions that the credibility of their witnesses' is severely compromised. To detract from this, and in order to bolster a weak case, they mount a case that is not borne out by the evidence. It is submitted that the evidence led by the Prosecution does not rise to the level at which they pitch it, and the alleged inconsistencies in Mr Singh's evidence is adequately explained by him and/or are immaterial to the charges against him.
9. Mr Singh's evidence was that, at the conclusion of the 8<sup>th</sup> August Meeting, he had wanted to give Ms Khan time and space to settle herself before she would be required clarify the truth by making a statement in Parliament with leave of the Speaker under the Parliament Standing Orders to clarify the truth about the anecdote.<sup>5</sup> Ms Khan had developed shingles and was not present at the sitting in September. Due to the busy Parliamentary business from August to 4 October relating to the India-Singapore Comprehensive Economic Cooperation Agreement ("CECA") and Foreign Interference (Countermeasures) Bill, Mr

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<sup>5</sup> NE (5 November 2024) at p 87 lines 3 – 10.

Singh did not follow up with Ms Khan if she was ready to clarify the anecdote in Parliament until 1 October 2021.<sup>6</sup>

10. Mr Singh was aware that the government would probably not let the issue of Ms Khan's lie remain unanswered given the seriousness with which Minister of State Desmond Tan had raised the issue and expressed himself, as well as Mr Singh's own awareness that the People's Action Party would not miss the opportunity to cast the Workers' Party in a bad light.<sup>7</sup> Hence, Mr Singh took action on 1 and 3 October to revisit the issue with Ms Khan, that it may be brought up again and, if it did, she was to take responsibility and ownership of the issue, meaning tell the truth in Parliament.
11. Given Mr Singh's actions on 1 and 3 October, the two charges against him simply do not withstand scrutiny. As we shall demonstrate in our submissions below, the Prosecution do not rely on objective evidence to prove the charges, but instead rely on conjecture and innuendo, such as the failure to document the steps he took to get Ms Khan to clarify the lie. However, these are not the charges he faces. Inactivity between 8 August and 1 October does not prove that Mr Singh did not want Ms Khan, at some point to clarify the lie or that he did not intend to convey to Ms Khan the need to clarify the lie when he spoke to her on 3 October.

**(3) MR SINGH'S CONDUCT BETWEEN 8 AUGUST – 1 OCTOBER 2021 DOES NOT SUPPORT THE PROSECUTION'S CASE ON THE 1<sup>ST</sup> CHARGE**

12. The Prosecution allege at [108] of their closing submissions that Mr. Singh's conduct post-8 August to 1 October lends support to the fact that he did not want Ms Khan to clarify the lie. They rely on the following:
  - a. Mr Singh did not call Ms Lim or Mr Faisal to rebut Ms Khan's claim that Mr Singh said the Anecdote was something they had to "take to the grave";<sup>8</sup>

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<sup>6</sup> NE (5 November 2024) at p 102 lines 11 – 18.

<sup>7</sup> NE (5 November 2024) at p 86 lines 16 – 24.

<sup>8</sup> Prosecution Submissions at [117] – [118].

- b. There is no documentary evidence recorded at the 8<sup>th</sup> August Meeting;<sup>9</sup> and
- c. Mr Singh, Ms Lim and Mr Manap (collectively the “**WP Leaders**”) did not discuss what Ms Khan should do with the untruth at the 8<sup>th</sup> August Meeting.<sup>10</sup>

13. It is submitted that none of these points go remotely towards proving the charges against Mr Singh.

**(A) It was not necessary for the Defence to call Ms Lim and Mr Faisal to give evidence**

14. As a matter of law, the submission that by not calling Ms Lim or Mr Faisal the Defence have somehow failed to corroborate Mr Singh’s account is misconceived.

15. First, the Prosecution has admitted both Ms Lim’s and Mr Faisal’s evidence by consent, so there is simply no need to call them.

16. It is submitted that it was not necessary for the Defence to call Ms Lim and Mr Manap to rebut Ms Khan’s claim that, at the 8<sup>th</sup> August Meeting, “the consensus of the WP leaders that the Anecdote would not be brought up again”.<sup>11</sup> Ms Lim and Mr Manap’s evidence is stated in the COP’s minutes of evidence, which was agreed by the parties and tendered as evidence before this Court. Their account unequivocally corroborates Mr Singh’s account of the meeting on 8<sup>th</sup> August.

17. In her evidence before the COP,<sup>12</sup> Ms Lim plainly disagrees with Ms Khan’s account of the 8<sup>th</sup> August meeting to the COP and in her evidence-in-chief:

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<sup>9</sup> Prosecution Submissions at [120].

<sup>10</sup> Prosecution Submissions at [121].

<sup>11</sup> Prosecution Submissions at [117].

<sup>12</sup> P50 (Vol 2) at page B759 – B760.

[12836] **Mr Edwin Tong Chun Fai:** She says [*A message was referred to, with the following text.*]

Hey guys, I just met with Pritam, Sylvia and Faisal and we spoke about the Muslim issues and the Police accusation. I told them what I told you guys and they have agreed that the best thing to do is to take the information to the grave. They also suggested that I write a statement to send out this evening.

[12837] Can I just get your reaction to this statement? I know you didn't see it at the material time and certainly not at the time it was sent contemporaneously. But now you've seen it, this was a message that was sent by Ms Khan shortly after she finished a meeting with you and Mr Singh and Mr Faisal on 8 August. Can you give me a reaction to the contents of this message?

[12838] **Ms Sylvia Lim:** I'm not sure what she's referring to when she says they've agreed that the best thing to do is to take the information to the grave.

[12839] **Mr Edwin Tong Chun Fai:** She gave evidence that this means that the lie that she told in Parliament on 3 August, the consensus between the three of you at the meeting of 8 August was that if she was not to be pressed on this matter again, in other words, if this matter didn't come up again, then the best thing to do is to continue with the narrative that she told in August, which means to continue with the lie.

[12840] **Ms Sylvia Lim:** That's not true.

[12841] **Mr Edwin Tong Chun Fai:** That the evidence that she gave.

[12842] **Ms Sylvia Lim:** That's not true.

[12843] **Mr Edwin Tong Chun Fai:** Okay. It's not true because on your account, there was a confession by her on 8 August and there was no response from the three of you?

[12844] **Ms Sylvia Lim:** We did not talk about the next steps, yes.

[12845] **Mr Edwin Tong Chun Fai:** Your position is that this is not true because you simply did not address the next steps at all, correct?

[12846] **Ms Sylvia Lim:** Nothing was told to her to suppress anything, I mean, it's not correct.

[12847] **Mr Edwin Tong Chun Fai:** There was also nothing told to her to come to Parliament to clarify the truth, right?

[12848] **Ms Sylvia Lim:** On 8 August, as I mentioned earlier, because of her emotional condition and the fact that she had kept her past away from her parents, those were the immediate things that we were addressing.

18. Mr Faisal similarly testified before the COP that he disagreed with Ms Khan's assertion that she was told to maintain the untruth at the 8<sup>th</sup> August Meeting. When he was first questioned by Mr Desmond Lee, Mr Faisal had this to say:<sup>13</sup>

[3734] **Mr Desmond Lee:** But on the point about her saying, "take the matter to the grave." Do you agree that this is an accurate summary of what she said?

[3735] **Mr Muhamad Faisal Bin Abdul Manap:** No. No. Absolutely not.

[3736] **Mr Desmond Lee:** You disagree with her. Then why not you tell us what each of you told Ms Khan on 8 August in respect of the sexual assault survivor anecdote that she had explained to you? So, you're hearing this for the first time on 8 August, right? She tells you that she had told an untruth in Parliament about the sexual assault survivor?

[3737] **Mr Muhamad Faisal Bin Abdul Manap:** Yes.

[3738] **Mr Desmond Lee:** What was Mr Singh's advice or response or direction, whatever? What did he say?

[3739] **Mr Muhamad Faisal Bin Abdul Manap:** During that meeting, right?

[3740] **Mr Desmond Lee:** Yes.

[3741] **Mr Muhamad Faisal Bin Abdul Manap:** Basically, she came at about 11.00 am and 11-ish, and we sat together, four of us. So, she started off by saying that, "Pritam, are your daughters around?" Then she kind of like told Pritam to, if possible, get his daughters to be in the room. So, she wants to share something sensitive.

[3742] She started off by saying that she was [sexually assaulted] when she was 18, studying in Australia, and she broke down very badly. Personally, I'm taken aback. I'm kind of like my counselling instinct just come to me. So, I kind of like want to, intensely, hear more regarding the [sexual assault] that she told us about. Then I recall that she did mention after that that, "So, what I mentioned in Parliament is untrue."

[3743] **Mr Desmond Lee:** She? You mean she said that?

[3744] **Mr Muhamad Faisal Bin Abdul Manap:** Yes. So, there's quite a silence to the situation because I was taken aback. I don't know how to react because she opened up, her account on sharing by saying that she was [sexually assaulted] at the age of 18. And, here I am, my Party colleague, opened up to us. Of course, I'm very stunned and very shocked to hear this from her. Basically, that happened and the focus after that was more to comfort her because she was crying, crying badly. So, that's where Pritam mentioned that, "Who else knew about it?" She mentioned four people. She mentioned Yudhish, Ms Loh Pei Ying – I call her "Pei Ying" – her therapist and her husband. Mr Pritam did ask her whether, "Are your parents aware of this?" She said, "No."

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<sup>13</sup> P50 (Vol 1) at page B233 – B234.

[3745] So, that's the whole discussion and I kind of come in and asked her, "Are you receiving any treatment? Are you attending any counselling?" As I mentioned, instinctively, as a former counsellor, I kind of like bring myself forward and offered my help. I did mention to her if she wants to go for counselling, I'm willing to do one for her and also to bring in an asatizah, a female religious teacher, to partner with me, to go through or basically to assist her in the matter. Yes. So, it takes quite a while for me, Pritam and Sylvia, to try to console and comfort her.

19. And again, when he was questioned by Mr Edwin Tong, Mr Faisal maintained that he disagreed with Ms Khan's allegation that the WP Leaders had told her to maintain the untruth:<sup>14</sup>

[5747] **Mr Edwin Tong Chun Fai:** Next line: "I told them what I've told you guys, and they've agreed that the best thing to do is to take the information to the grave." True or not true?

[5748] **Mr Muhamad Faisal Bin Abdul Manap:** Not true.

20. There is a certain reality to their evidence, which is entirely human. They are being confronted by something which is ordinarily outside of the usual course of event. It is not just Ms Khan telling them she lied such that they would say to her go and clarify your lie. It is Ms Khan revealing the fact that she lied, on her account, because she was the victim of a serious sexual assault. One would hope that the reality in such a situation is exactly how the WP leadership dealt with it. By compassion and understanding rather than direction that you must clarify the truth. There is time for that to come later.

21. It is not disputed that Ms Lim and Mr Faisal's evidence before the COP constitutes their positions in respect of the issues before this Court. If the Prosecution did not want to accept their account before the COP, they could have refused to admit it as part of the Agreed Bundle. They chose not to do that. Further, on their own case, they relied on evidence before the COP. Indeed, in the course of the cross-examination of Mr Singh, the prosecution relied extensively on portions of Ms Lim's evidence in an attempt to rebut his evidence that he had made it clear to Ms Khan on 3 October that she had to clarify the untruth in Parliament on 4 October 2021.<sup>15</sup>

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<sup>14</sup> P50 (Vol 1) at page B345.

<sup>15</sup> NE (6 November 2024) at page 40 line 12 – page 45 line.

22. The Prosecution's position, it seems, is that it was unnecessary for *them* to call Ms Lim and Mr Faisal to rebut Mr Singh's claim, but it is necessary for the Defence to do so to rebut Ms Khan's evidence. They have not cited anything in support of this proposition.
23. Further, both Ms Lim and Mr Faisal were interviewed by the police as part of the investigation. The fact that the Prosecution chose not to call them as part of their case is a clear indication that they maintained their account before the COP.
24. On that basis, both Ms Lim's and Mr. Faisal's evidence is before the Court by agreement of the Prosecution and their evidence unequivocally supports Mr. Singh's account of the meeting. To turn around now and say that the Defence should have called them to corroborate Mr Singh simply ignores the fact that they have corroborated Mr Singh's account as their evidence before the COP has been admitted as part of the evidence in the criminal trial. On that basis, and adopting the Prosecution's reasoning, Mr Singh's account has been corroborated by both Ms Lim and Mr Faisal.
25. Second, there is simply no reason for the Defence to call either Ms Lim or Mr Faisal. Notwithstanding the fact that their evidence is already admitted by the agreement, the onus is on the Prosecution to call them, if either witness were supportive of the Prosecution's case. In *Muhammad Nabill bin Mohd Fuad v PP* [2020] 1 SLR 984 ("*Nabill*"),<sup>16</sup> the Court of Appeal said this:

"70 In our judgment, the Question in the present case squarely engages the Prosecution's evidential burden to adduce sufficient evidence to rebut a defence raised by the accused person that has properly come into issue. We are concerned here with the narrow situation where an accused person has advanced a *specific* defence which identifies specific material witnesses and the Prosecution, despite having had access to these witnesses, has chosen not to call them.

71 In this specific situation, it seems obvious to us that the Prosecution ought to call the material witnesses in question if it is necessary to do so in order to discharge its evidential burden. To be clear, the Prosecution would not need to call these witnesses if it is satisfied

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<sup>16</sup> DBOA 2 at TAB 2.

that it can rely on other evidence to discharge its evidential burden, such as, for example, close circuit television (“CCTV”) records which directly contradict the accused person’s defence. Neither would there be any question of the Prosecution having to discharge its evidential burden by calling these witnesses if the accused person’s defence is patently and inherently incredible to begin with. *Subject to these obvious limitations, the Prosecution runs a real risk that it will be found to have failed to discharge its evidential burden on material facts in issue if the Defence has adduced evidence that is not inherently incredible and the Prosecution fails to call the relevant material witnesses to rebut that evidence.*” (Our emphasis.)

26. In fact, given that the Prosecution had access to both Ms Lim and Mr Faisal, and they were in no doubt about the defence being advanced by Mr Singh, it is simply untenable for them to turn around and say that the Defence were under an obligation to call them. As *Nabill* made plain at [73]:

“In the present context, where the Prosecution has had access to a material witness whose evidence would be directly relevant to discharging its evidential burden and is in possession of a statement from that witness, the failure to call that witness to refute the evidence led by the Defence on a fact in issue may more readily justify an inference being drawn against the Prosecution that that witness’s evidence, if led, would have been adverse to it on that fact in issue...”.

27. And just finally, on this point, even where the witness has been offered to the Defence, there is still no obligation for the Defence to call them, as set out [82] of the judgment:

“Aside from this, there is simply no basis at all for the submission that an adverse inference should be drawn against the Defence for failing to call a material witness when it is the Prosecution’s evidential burden that is in issue. The Prosecution cannot seek to discharge that burden by relying on the Defence not calling particular evidence from a material witness to advance its case, regardless of whether or not the Defence has access to statements previously given by that witness to the investigating authorities.”

28. Mr Singh has discharged the evidential burden to raise his defence. He did so by going into the witness box and relying on his evidence in the COP, as well as that of Ms Lim and Mr

Faisal. The legal burden has remained on the Prosecution throughout to prove the case beyond a reasonable doubt and, to discharge that, they needed to call evidence to rebut the defence advanced by Mr Singh. As the Court of Appeal made plain in *Nabill*, it is simply not open to the Prosecution to attempt to discharge either their legal or evidential burden by relying on the Defence not calling a particular witness, which is exactly what they seek to do here.

29. The Prosecution seek to do what has explicitly been cautioned against, that is to raise the presumption that, because Mr Singh did not call Ms Lim and Mr Faisal to rebut Ms Khan's claim, that claim must be true. This is not only inconsistent with the decision in the law, but plainly unsustainable given that Ms Lim and Mr Faisal's evidence before the COP was unambiguously that Ms Khan was not telling the truth.

**(B) No one would have made a documentary record of the 8<sup>th</sup> August Meeting**

30. The Prosecution assertion at [120] of their closing submissions that Mr Singh's account of the 8<sup>th</sup> August Meeting "is highly suspect given that there is not a single piece of documentary evidence corroborating it" is without merit. Mr Singh explained in cross-examination that the reason he had not made any written record of the 8<sup>th</sup> August Meeting was due in part to the sensitivity of Ms Khan's sexual assault:<sup>17</sup>

2           Q.    Okay. So this sensitivity point is not true?

3           A.    No, it's actually very true because the point of the  
4           matter is Ms Khan had shared something very personal,  
5           deep, and obviously she was very emotional because of  
6           it. We did not think of taking any minutes at any  
7           point. I did not think of taking any minutes and,  
8           generally, for sensitive things such as these, we  
9           don't -- I don't communicate them by way of text  
10          message, for example.

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<sup>17</sup> NE (7 November 2024) at p 52 line 2 – 10.

31. Whether Mr Singh could have redacted any sensitive information is beside the point. When the learned DAG put to Mr Singh that there was no impediment to leaving out Ms Khan's personal details and stating "Look, we discussed this serious lie that she made in Parliament, I will follow up", Mr Singh candidly admitted that he could have done that, "but that's not how [the Workers' Party leaders] operate".<sup>18</sup>
32. It is submitted that the Prosecution's suggestion of what Mr Singh ought to have done does not negate the fact that he wanted Ms Khan to clarify the lie, at some point. Hindsight is a wonderful thing, but it doesn't take away from Mr Singh's state of mind at the relevant time. As Mr Singh stated in his evidence-in-chief, he was shocked when Ms Khan began crying "quite uncontrollably" at the 8<sup>th</sup> August Meeting and told the WP Leaders that she was sexually assaulted when she was 18 years old. He explained that the "conversation was a very short conversation because I think all of us were processing what she had said and she also was very emotional at that point".<sup>19</sup> This was not disputed by Ms Khan. Bearing in mind the emotional nature of that conversation, no reasonable person, and not Mr Singh, would have thought to themselves 'Oh, I should take contemporaneous notes of this and just omit Ms Khan's personal details'. That is just not natural.
33. The lack of written records of the 8<sup>th</sup> August Meeting does not corroborate the Prosecution's position that Mr Singh did not want Ms Khan to clarify the untruth at some point after the meeting or on 4<sup>th</sup> October. This especially so in respect of the 2<sup>nd</sup> charge when one considers the fact that Mr Singh sent the 1<sup>st</sup> October email, P26, and his 3<sup>rd</sup> October meeting with Ms Khan. If what Ms Khan claims occurred on 8 August is true, neither P26 or the meeting on 3 October would have been necessary.

**(C) The consensus at the 8<sup>th</sup> August Meeting was for Ms Khan to speak to her parents first**

34. The Prosecution submit at [121] of their closing submissions that "if [Mr Singh] had wanted Ms Khan to clarify the untrue Anecdote at some point as claimed, then he would surely have at least discussed the matter with Ms Lim and Mr Faisal". They aver at [122] of their

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<sup>18</sup> NE (7 Nov 2024) at p 53 lines 17 – 22.

<sup>19</sup> NE (5 November 2024) at p 82 lines 4 – 17.

submissions that the “only plausible explanation is that the consensus at the 8<sup>th</sup> August Meeting was that nothing would have to be done at all.”

35. To support this conclusion, they rely on the following two factors. First, Mr Singh testified that the WP Leader’s lack of discussion was because “our state of mind was to deal with the matter as sensitively as we could and not pressure Ms Khan further”.<sup>20</sup> The Prosecution suggest that this explanation is unsatisfactory because Mr Singh conceded that he did not know whether they were thinking along the same lines as him.
36. It is submitted that Mr Singh’s reaction to being told about the anecdote is not particularly surprising. It is not a stretch to say that Ms Lim and Mr Faisal would not have been of the view that the matter had to be handled sensitively. In her evidence at the COP, Ms Lim stated:<sup>21</sup>

**[12105] Mr Edwin Tong Chun Fai:** Okay. So, you would have been there and heard him say, “Speak to your parents first.”

**[12106] Ms Sylvia Lim:** Yes.

**[12107] Mr Edwin Tong Chun Fai:** But you weren’t there as she was leaving and those words were said.

**[12108] Ms Sylvia Lim:** I didn’t accompany her out so I don’t think I heard what he may have said to her at that point.

**[12109] Mr Edwin Tong Chun Fai:** Okay. We heard what Mr Faisal said, that there was zero evidence, zero statements and discussions. Did Mr Singh say anything else to Ms Khan on this issue, on the lie?

**[12110] Ms Sylvia Lim:** I think the main thing was that she had to speak to her parents. That’s what I recall; and I understood it to be in the sense, a first necessary step before anything else could be done. That’s what I understood.

37. Similarly, Mr Faisal told the COP that the WP Leaders did not discuss the issue of Ms Khan’s lie any further “because the focus at that point in time was more on her well-being. And basically when Pritam asked her whether she has told her parents, that became actually

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<sup>20</sup> NE (7 Nov 2024) at p 46 lines 15 – 19.

<sup>21</sup> P50 (Vol 2) at page B713.

a very – a grave – I mean, a concern to us” i.e., that he was concerned that Ms Khan had not spoken to her parents about the fact that she had been sexually assaulted.

38. The Prosecution’s assertion that the “only plausible conclusion” that may be drawn from the lack of discussion between the WP Leaders is that they did not want Ms Khan to clarify the untruth is not supported by either Ms Lim or Mr Faisal’s evidence. In fact, the contrary is true: the consensus between Mr Singh, Ms Lim, and Mr Faisal at the conclusion of the 8<sup>th</sup> August Meeting was that Ms Khan had to speak to her parents and settle herself before she clarified the untruth. It is submitted that *this* is the only cogent reason for Mr Singh’s restraint on 8<sup>th</sup> August.

**(D) It is impossible that Ms Khan’s opinion of Mr Singh would keep her from lying**

39. At [123] of the Prosecution’s submission they state that, “it is impossible that Ms Khan would have blatantly ignored Mr Singh’s alleged instructions to speak to her parents so that the party could then deal with the untruth” given that she revered Mr Singh as a mentor. Impossible is a strong word, particularly when one considers Ms Khan’s proclivity towards lying.

40. One need only look at the fact that Ms Khan ignored Mr Singh’s clear instructions to substantiate the anecdote on 3 August. If she was able to ignore his instructions when she knew she was about to tell a lie in Parliament, it is not a stretch to say that she would ignore his instructions to speak to her parents, especially when she knew that Mr Singh would have her clarify the lie in Parliament as soon as she had done so. This is really a continuation of the Prosecution’s narrative that Ms Khan was a “rookie MP” somehow in need of guidance and it does a disservice to victims of sexual assault that it is such an easy thing to recount what has occurred.

41. The Prosecution further submit that Ms Khan’s account that Mr Singh did not instruct her to speak to her parents before coming back to him is corroborated by the fact that, at his 10<sup>th</sup> August Meeting with PW2 and PW3, Mr Singh never asked either of them to follow up with Ms Khan on whether she had spoken to her parents.<sup>22</sup> Whilst PW2 and PW3 might

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<sup>22</sup> Prosecution Submissions at [124(b)].

enjoy exaggerating the importance of their roles in the party, Mr Singh made it clear why he did not ask them to do so:<sup>23</sup>

- 10           Q.    And you didn't give any instructions to Pei Ying or  
11                    Yudhish to follow up with Ms Khan to check whether she  
12                    had spoken to her parents, right?  
13           A.    No.  I would follow up with Raeesah myself if I had to.

42. Whilst PW2 and PW3 want to give the grandiose impression of their roles in the party it is not matched by reality. Even when Ms Khan was instructed to prepare a statement on 12 October, Mr Singh did not include PW2 and PW3 in that decision. Their involvement comes at their own asking and not that of Mr Singh. It is no surprise therefore that they were not asked at the meeting on 10 August to follow up with Ms Khan. It is difficult to see how the fact that Mr Singh never spoke to either PW2 or PW3 amounts to proof of the charges against him.

**(4)    THE 2<sup>ND</sup> CHARGE – MR SINGH NEVER GUIDED MS KHAN TO MAINTAIN THE UNTRUTH**

**(A) Mr Singh never guided Ms Khan to maintain the untruth**

43. According to the Prosecution at [178] – [186] of their submissions, Mr Singh had guided Ms Khan to maintain the untruth on 4 October by (a) sending the 1<sup>st</sup> October email to remind her “of the dire consequences for her if she were to now clarify the untruth”, and (b) telling her at the 3<sup>rd</sup> October Meeting that he will “not judge” her. They aver that this is supported by the fact that, on 7 October, Ms Khan sends an email to the WP Leaders to thank them for “guiding [her] through this without judgement”. It is submitted that the Prosecution’s position is not premised on Ms Khan’s own evidence and/or is founded on ill-formed hypotheticals posed to Mr Singh during cross-examination.

44. First, it was never Ms Khan’s evidence that she interpreted the 1<sup>st</sup> October email as a reminder “of the dire consequences for her if she were to now clarify the untruth”. As we

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<sup>23</sup> NE (6 November 2024) at p 134 lines 10 – 13.

had stated at [109] – [110] of our closing submissions, Ms Khan’s only interpretation of that email in both her evidence-in-chief and cross-examination was that it was it was “a dig” at her. In cross-examination, she agreed that she understood the email as Mr Singh “having a go at [her]” and to show the other WP MPs that he is taking the issue of Ms Khan’s lie seriously:<sup>24</sup>

18           Q.    Yes.  So the reason you didn't understand it as a  
19                    nudge is because you thought it was just having a go  
20                    at you, is it?  
21           A.    Yes.  Not at -- not at me, but also to show that,  
22                    you know, he's -- he's -- he wants to show people  
23                    that, you know, he's taking it seriously, what  
24                    happened when I made the speech "Empowering Women".

45. Ms Khan’s suggestion that Mr Singh had sent this email to “placate the other MPs in whatever frustrations they had against me” is illogical given that none of the other MPs outside of Mr Singh, Ms Lim, and Mr Faisal, knew about the fact that she had told an untruth.<sup>25</sup> It was on the Prosecution to clarify what she mean by a “dig” at her, something which they never did.

46. Second, the Prosecution’s never seriously challenged Mr Singh’s interpretation of what he meant when he told Ms Khan “I won’t judge you”. As stated at [126] of our closing submissions, Mr Singh’s case is that, at the 3<sup>rd</sup> October Meeting, he told Ms Khan to take “ownership and responsibility”,<sup>26</sup> and that “I will not judge you on the fact you lied in the first place”.<sup>27</sup> In his attempt to undermine Mr Singh’s evidence, the learned DAG himself faced difficulty in coming up with hypothetical scenarios where one might use the phrase “I won’t judge you” when they are going to do something bad.<sup>28</sup>

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<sup>24</sup> NE (15 October 2024) at p 139 lines 18 – 24.

<sup>25</sup> NE (15 October 2024) at p 135 lines 13 – 21.

<sup>26</sup> NE (5 November 2024) at p 105 line 20 – p 106 line 1.

<sup>27</sup> NE (18 October 2024) at p 17 line 3 – p 18 line 2.

<sup>28</sup> NE (7 November 2024) at p 29 line 19 – p 30 line 15.

- 19 DAG MR ANG: Mr Singh, let me ask you a couple of questions  
 20 on logic, okay, which will go to show, to a great  
 21 degree, your level of honesty and candour, all right?  
 22 You know the phrase "I will not judge you" on its own,  
 23 okay, without the thing in front, is often used, right,  
 24 when someone is telling you they are going to do  
 25 something bad and then you sort of say, "Okay, I won't  
 1 10:18 judge you. Go ahead". Do you agree?
- 2 A. I disagree.
- 3 Q. So, for example, if let's say, giving you an example,  
 4 let's say you don't want to go to work tomorrow and you  
 5 tell your friend, "You know, I think I'm going to get  
 6 an MC so I can skip work tomorrow", and then your  
 7 friend will say, "Okay, go ahead, I won't judge you".  
 8 Do you agree?
- 9 A. I've never heard that before, but I disagree.
- 10 Q. If, let's say, for example again, you want to skip a  
 11 relative's birthday party, you say "I'm going to make  
 12 up some excuse, I'm not going to go", your wife might  
 13 say "I won't judge you". That's how "I won't judge  
 14 you" is often or commonly used, do you agree?
- 15 A. No, I disagree.

47. DAG was not able to get any agreement because the phrase simply does not make sense in the context suggested. Miss Khan was not asking for Mr Singh's approval *before* the conduct took place: she had already made the decision to lie. She had done that by herself and without Mr Singh's involvement. She did not need – or ask for – Mr Singh's permission to continue lying. And he simply did not tell her that he would not judge her for continuing the lie.

48. In contrast, the Defence suggestion on how the phrase was used, and generally applies to common usage, is more compelling. No judgement was being passed on the wrong that had been committed: the focus was on resolution. . This was precisely the situation at the 3<sup>rd</sup> October Meeting. Ms Khan felt uncomfortable about going to Parliament on 4<sup>th</sup> October to publicly admit that she had lied about the Anecdote, and Mr Singh was seeking to reassure her that he was not judging her for the lie in the first place – that moment had passed, and the focus was now on resolving the fall out. If Mr Singh had sat in judgement over Ms Khan at that moment, she may not have been willing to clarify her lie.
49. Finally, Ms Khan never testified that her 7<sup>th</sup> October email to the WP leaders was in any way connected to Mr Singh purportedly telling her that he would not judge her for maintaining the untruth. Her evidence was simply that she sent this email “because that’s what I *felt* they were doing for me”.<sup>29</sup>
50. It is submitted that, if the email was indeed a reference to Mr Singh telling her that he would not judge her for maintaining the lie, Ms Khan would have taken the countless opportunities to state the fact that she was simply following their instructions to lie. Indeed, on 22 November 2021, Mr Singh responded to Ms Khan’s request for a second interview with the DP by stating “Dear Raeesah, I hope that you can see that it is precisely your character and behaviour that is under review here, in view of your actions in Parliament and your decision to stick to the untruthful anecdote when asked again in Oct.”<sup>30</sup> Despite Mr Singh’s critical comments about her actions and character after allegedly telling her to double down on her lie, Ms Khan did not reject the suggestion that it was her “decision to stick to the untruthful anecdote”. Instead, her response was, “I will send that email, thank you. I understand it’s not personal.”<sup>31</sup> This is certainly inconsistent with Ms Khan’s allegations in the COP and in this trial.
51. It is also case that, if Ms Khan had been following purported instructions to maintain the untruth on 4<sup>th</sup> October, she would have said it when questioned by the Leader of the House. Instead, when asked by the Leader of the House why it is she chose to lie on the 4<sup>th</sup> of

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<sup>29</sup> NE (14 October 2024) at p 129 lines 15 – 24.

<sup>30</sup> P24 at binder page 6.

<sup>31</sup> P24 at binder page 7.

October, she stated that she wanted to “protect the identity of the survivor and the survivors in the women’s support group, and that her family did not know about the sexual assault.”<sup>32</sup>

**Ms Indranee Rajah:** Right. Then, the other thing I am a bit puzzled about is this: I can understand the mistake on the spur of the moment. But the only thing is that on 3 August, I had specifically stood up in this House to remind Members of the need to substantiate allegations made. And I had said this: "I just wanted to remind Members of the House that when assertions and allegations are made, Members must be prepared to substantiate them. This is just a reminder to Members so that in future, they will understand."

So, I said that on 3 August. Two months later, when the Member was asked by the Minister for Home Affairs about this incident, which is two months' time to reflect, why did the Member then repeat the untruth?

**Ms Raeesah Khan:** Thank you. Like I mentioned before, I think there were two things that were going through my mind. The first was that I really wanted to protect the identity of the survivor and the survivors in the women's support group. And secondly, a lot of people did not know about this assault until very recently including my family. So, I was not ready at that point to come forward with this information. But after being able to have discussions with my family, with my friends and also informing the relevant people, it was clear that I wanted to make this apology; I wanted to make this personal explanation like I have done so today.

52. The fact is that Ms Khan, when questioned right up until COP hearings, maintained that she had her own motivations for being untruthful and for maintaining that untruth. That changes when she gets to the COP and, if nothing else, is further evidence of her own lack truthfulness and unreliability.

**(B) The Prosecution’s case on the 11<sup>th</sup> October Meeting does not arise from PW4’s evidence**

53. Given Ms Khan’s aversion to the truth, and PW2 and PW3’s distinct lack of credibility, the Prosecution attempt to hang their case on PW4’s testimony. Except that their retelling of the 11<sup>th</sup> October meeting with PW4 bears no relation to what PW4 actually said in evidence.

54. PW4 was neither asked by the Prosecution nor did he tell this Court that Mr Singh and/or Ms Lim told him that they did not know what they should do about Ms Khan’s lie. He also did not testify that they had not decided for Ms Khan to make a personal statement in

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<sup>32</sup> P4 at document page 4.

Parliament to clarify the untruth. His evidence simply does not withstand the weight the Prosecution attempt to place on it. Had the Prosecution intended to rely on PW4's evidence to prove that the 11<sup>th</sup> October Meeting was the turning point in which Mr Singh decided to have Ms Khan clarify the untruth in Parliament, it would have been incumbent on them to elicit from PW4 evidence that (a) Mr Singh and Ms Khan told him that they did not know what to do about Ms Khan's lie, and (b) that they wanted his advice on how they should have Ms Khan tell the truth about her untruth.

55. PW4 never actually said anything that they purport his evidence to be. The fact that the Prosecution failed to obtain such evidence from their own witness only goes to show that such evidence does not exist.

56. In fact, the evidence suggests that Mr Singh had already decided that to have Ms Khan clarify the untruth in Parliament before his meeting with PW4 on 11 October 2021. On 9 October 2021, Mr Singh sends a message to Ms Khan to arrange a meeting with her on 12 October 2021, to which Ms Khan agreed.<sup>33</sup> In his evidence-in-chief, Mr Singh explained:<sup>34</sup>

25           Q.    Between 4 and 12 October, the last time that you spoke  
1 15:48       to Ms Khan following the parliamentary session on  
2               4 October and 12 October when you were scheduled to  
3               meet with her, what was being done to clarify the lie?  
4           A.    I would have met Sylvia in the course of our  
5               constituency or town council duties between the 5th to  
6               the 8th or the 9th and I recall us meeting and we would  
7               have discussed how to deal with the issue. We  
8               decided -- let me speak for myself. I decided that she  
9               would have to make a clarification in Parliament, that  
10              was quite clear. Sylvia agreed with me, but she also  
11              was thinking about the prospect of a press conference  
12              as a more immediate way to deal with the issue. She

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<sup>33</sup> P17 at binder page 2 – 3.

<sup>34</sup> NE (5 November 2024) at p 116 line 25 – p 117 line 14.

13                                   then suggested to get Mr Low's view on this matter.

14                                   I saw no issue with it and I agreed.

57. It is submitted that the only logical reason for Mr Singh to schedule the 12<sup>th</sup> October Meeting with Ms Khan on 9 October is that he had already decided to have Ms Khan clarify the untruth in Parliament. If that were not the case, as the Prosecution suggest, there would have been no reason for Mr Singh to set up the 12<sup>th</sup> October Meeting in advance of his meeting with PW4 because he would not have known what PW4 would have said and/or whether PW4 would have even given any advice on how the matter should be resolved. The reality is that it would not have escaped Mr Singh and Ms Lim that Ms Khan had doubled down on her lie at the 4<sup>th</sup> October sitting, and that the lie would have to be clarified in Parliament at the next Parliamentary session on 1 November.

58. PW4's evidence does not refute this. His evidence was simply that Ms Lim – not Mr Singh – told him that “*she's* considering to hold a press conference for [Ms Khan] to apologies”.<sup>35</sup> This is not disputed by Mr Singh who, as we have set out above, agreed for Ms Lim to raise the prospect of a press conference as a more immediate way to deal with the issue. Crucially, as Mr Singh said in his evidence-in-chief, a press conference would not obviate the need for Ms Khan to make a personal statement in Parliament “because the untruth was uttered in Parliament and [Ms Khan] would still have to go to Parliament to clarify the parliamentary record”.<sup>36</sup> PW4 agreed that a lie on the record in Parliament would have to be clarified in Parliament.<sup>37</sup>

59. Considering PW4's actual evidence before this Court, and the Prosecution's failure to ask him whether Mr Singh and/or Ms Lim told him that they did not know what to do about Ms Khan's lie, they cannot now submit that Mr Singh only thought about having Ms Khan clarify the untruth in Parliament after the 11<sup>th</sup> October Meeting with PW4. This was simply not PW4's evidence.

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<sup>35</sup> NE (23 October 2024) at p 54 lines 3 – 4.

<sup>36</sup> NE (5 November 2024) at p 119 lines 14 – 18.

<sup>37</sup> NE (23 October 2024) at p 66 lines 8 – 10.

**(C) The Workers' Party Disciplinary Proceedings do not help the Prosecution's case**

60. Finally, it is submitted that the Prosecution's submissions at [229] – [243] that Mr Singh allegedly “used the DP proceedings to distance himself from Ms Khan's conduct and cover up his own involvement in maintaining the untruth” is not only not borne out by the evidence, but wholly at odds with it.

61. It is submitted that the Prosecution's reliance on the DP proceedings does not help them in proving the charges against Mr Singh; rather, Mr Singh's actions are consistent with his position throughout. Contrary to the Prosecution's suggestion that Mr Singh used the DP proceedings to cover up his alleged involvement in Ms Khan's decision to maintain the lie, Mr Singh made it abundantly clear that the decision to lie was Ms Khan's alone.

62. Mr Singh made plain in his message to Ms Khan on 22 November 2021 that it was “[her] decision to stick to the untruthful anecdote when asked again in Oct”.<sup>38</sup> There is no doubting what Mr Singh was saying to her in that message.

63. Further, at her second appearance before the DP on 29 November when it was put to her:<sup>39</sup>

PS: Before Oct session, I met you + told you it was your call. Did need to tell the truth in Parl occur to you?

RK: Yes but consumed with guilt + own experience. Thought it wouldn't come up.

PS: Can't lie right?

RK: Yes.

64. It is clear from this exchange alone that Mr. Singh was saying to her that she needed to tell the truth in October. There is no suggestion from Ms Khan, in Ms Lim's notes, or in the trial, that she pointed out to them that she was only following Mr. Singh's suggestion to continue to lie.

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<sup>38</sup> P24 at binder page 6.

<sup>39</sup> P45 at p 6

65. It is submitted that the text message on 22 November and the second DP hearing on 29 November puts paid to any suggestion that Mr Singh was attempting to cover up his own involvement in Ms Khan maintaining the untruth. On the contrary, what he was doing was making plain to Ms Khan that it was her decision to stick to the lie. This placing of the blame firmly at Ms Khan's door is not something Ms Khan even demurred from, that is, until she got to the COP.

**(5) MR SINGH'S CREDIBILITY IS UNSHAKEN**

66. Over the course of this trial, Ms Khan, PW2 and PW3 have shown themselves to be distinctly lacking in credibility. PW4's evidence is inconsequential for failing to rise to the Prosecution's case that Mr Singh never intended for Ms Khan to clarify the untruth in Parliament until he met PW4. Therefore, in an attempt to shore up their position, the Prosecution have resorted to attacking Mr Singh's credibility, despite it being entirely unclear how Mr. Singh's purported lack of credibility, particularly in respect of the points raised by the Prosecution, proves their case beyond a reasonable doubt.

67. As the Court of Appeal stated in *PP v GCK* [2020] 1 SLR 486:<sup>40</sup>

“136 As we recently explained in *Mohd Ariffan* ([130] supra) at [113], given that the legal burden lies on the Prosecution throughout a trial, as part of its own case, the Prosecution must adduce sufficient evidence to establish the accused person's guilt beyond a reasonable doubt on at least a *prima facie* basis. *One example of a failure to do so would be where, after the Defence has been called, there are discrepancies in the accused person's testimony, but there remain significant inconsistencies in the Prosecution's case that nevertheless generate a reasonable doubt.* In such a situation, the court would be obliged to acquit the accused person. Another example would be where the Prosecution's evidence is so weak that, at the close of the Prosecution's case, it falls below the Haw Tua Tau standard. The court would then be entitled to find that there is no case to answer even without calling upon the Defence.” (*Our emphasis.*)

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<sup>40</sup> DBOA 2 at TAB 3.

68. To this end, it is submitted that none of the ten examples highlighted by the Prosecution in their submissions at [246] – [291] constitute arguments that go to the heart of charges against Mr Singh, or come remotely close to salvaging the internal weaknesses with their witnesses' evidence.

**(A) Mr Singh's never lied to the COP about Ms Khan's clarification on 3 August 2021**

69. At [246] – [249], the Prosecution attempt to paint Mr Singh as being an incredible witness for allegedly giving inconsistent answers to the Court and the COP in relation to Ms Khan's addition of the sentence "I believe that given the topic at hand, consent is imperative, not least to avoid re-victimisation"<sup>41</sup> to a draft clarification sent to her by Mr Singh.

70. In his evidence-in-chief, Mr Singh said that Ms Khan "did add this line when she responds to my email that's in -- when she responds to my WhatsApp message at P5 and I did not object to that line".<sup>42</sup> At the COP, Mr Singh's evidence was as follows:

**[7227]** I drafted the short note and I said, "Have a look at it. Do you agree we it?" And she says, "Yes, I do." Then she adds another line in that statement. Doesn't check with me and then makes that statement in the House. It's on the record in the House.

71. The Prosecution aver that these statements are inconsistent with each other. They interpret Mr Singh's evidence before the Court as him saying that he had approved Ms Khan's amendment to the clarification – which Mr Singh accepts<sup>43</sup> – and they misconstrue his evidence before the COP as Mr Singh saying that he "had not approved Ms Khan's amendment to the clarification".<sup>44</sup>

72. It is evident from Mr Singh's explanation under cross-examination that the phrase "Doesn't check with me" does not mean that Mr Singh did not approve Ms Khan's amended draft. Rather, it meant that Ms Khan did not tell him that she was going to add the draft.<sup>45</sup>

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<sup>41</sup> P5 at binder page 22.

<sup>42</sup> NE (5 November 2024) at p 75 lines 9 – 11.

<sup>43</sup> NE (6 November 2024) at p 16 lines 14 – 20.

<sup>44</sup> Prosecution Submissions at [247].

<sup>45</sup> NE (6 November 2024) at p 18 line 18 – p 19 line 2.

18 Q. So when you told the COP that "Then she adds another  
19 line in that statement. Doesn't check with me and then  
20 makes that statement in the House."

21 That's not correct, is it?

22 A. I would disagree because when I say "Doesn't check with  
23 me", what I meant was she did not tell me that she was  
24 going to add to that draft. At this stage, I did not  
25 have the telephone record with me, but "Doesn't check  
1 10:07 with me", what I meant by that was, she did not tell me  
2 that she was going to improve or add on to the draft.

73. But even if the Prosecution are correct, it is difficult to see how this goes to the heart of the charges. Nobody disputes that, on 3 August, Mr Singh was unaware that the anecdote was untrue. His actions in this respect do not go towards proving that he intended for Ms Khan to continue to lie.

74. In contrast to this purported inconsistency which, on any reading, is trivial, the inconsistencies in Ms Khan's evidence of the 8<sup>th</sup> August Meeting do go to the heart of the 1<sup>st</sup> charge. As we have stated in our closing submissions at [47] – [63], Ms Khan had given three inconsistent accounts of what Mr Singh allegedly said to her at the 8<sup>th</sup> August Meeting.

75. To recapitulate, Ms Khan's **first account** was at the COP on 2 December 2021 was that, if she "were not to be pressed, then the best thing to do would be to retain the narrative that I began in August":<sup>46</sup>

[1503] **Mr Edwin Tong Chun Fai:** What was their reaction to this?

[1504] **Ms Raeesah Khan:** It was incredible disappointment. There was a lot of anger, but I think there was some compassion there as well. The reaction was that if I were not to be pressed, then the best thing to do would be to retain the narrative that I began in August.

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<sup>46</sup> P50 (Vol 1) at page B92.

[1505] **Mr Edwin Tong Chun Fai:** Let me understand the last statement. You said if you were not going to be pressed, and then you would retain the narrative that you started in August.

[1506] **Ms Raeesah Khan:** Yes.

[1507] **Mr Edwin Tong Chun Fai:** It means, “If you can get away with it, we don’t need to clarify the lie”, correct?

[1508] **Ms Raeesah Khan:** I think in the simplest terms, yes, you are correct.

[1509] **Mr Edwin Tong Chun Fai:** And, so, the Workers’ Party leadership was present there. Their initial reaction to being told that there was a lie or falsehood said in Parliament was to try and duck the issue, if possible, and if it doesn’t come up, then the truth may not be told eventually, correct?

[1510] **Ms Raeesah Khan:** I have to say, though, that Pritam Singh’s initial response was that I should go to the Committee of Privileges. But after discussions and me explaining the circumstances that led me to the information in the first place, that changed.

[1511] **Mr Edwin Tong Chun Fai:** So, the upshot of the meeting a few days after 7 August was that the Workers’ Party leadership decided that there would be no need to clarify the position, they will keep the lie in place, since if you’re not pressed, there’s no need to clarify the truth, correct?

[1512] **Ms Raeesah Khan:** Correct.

76. Her **second account** was at her third appearance before the COP on 22 December 2021, and only after PW2 had given evidence of this. Her evidence here had changed fundamentally. She told the COP that she was very clear that “Mr Singh used the words “take it to the grave””.<sup>47</sup>

[13951] **Mr Edwin Tong Chun Fai:** Alright. As far as you can recall, can you give us an account of what happened in relation to the admission that you made about the lie?

[13952] **Ms Raeesah Khan:** After I made the admission, there was of course discussion about my well-being, which I think rightly so because I had just shared a very deeply personal experience that I’ve had. And the discussion that followed was that we would not pursue the matter further and like in my message, Mr Singh used the words “take it to the grave”.

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<sup>47</sup> P-50 (Vol 2) at page B845, [13951] – [13956].

[13953] **Mr Edwin Tong Chun Fai:** So, the words “take it to the grave” came from Mr Singh?

[13954] **Ms Raeesah Khan:** Yes.

[13955] **Mr Edwin Tong Chun Fai:** Are you very clear about that? Is that your recollection?

[13956] **Ms Raeesah Khan:** Yes, I’m very clear.

77. Her **third account** was in her evidence-in-chief before this Court, where she testified that Mr Singh’s response was: “he was listening and maybe he was, like, a bit upset over the situation, and he spoke about putting me forth on the -- putting me through the Committee of Privileges. But then he said, you know, this would probably be something that we would have to take to the grave.”<sup>48</sup>

78. Additionally, Ms Khan’s evidence at the COP of what Ms Lim and Mr Faisal said at the 8<sup>th</sup> August Meeting is drastically different to her evidence in court despite the fact that her memory of the event would have undoubtedly been clearer when she gave the former. Her account on 22 December 2021 to the COP was as follows:<sup>49</sup>

[13981] **Mr Edwin Tong Chun Fai:** The exact words. Do you remember if either Ms Lim or Mr Faisal said anything in this context?

[13982] **Ms Raeesah Khan:** No, I cannot remember.

79. Here is what she says in her evidence-in-chief:<sup>50</sup>

11 Q. What did Ms Lim say?

12 A. Ms Lim mentioned that, you know, probably the issue  
13 wouldn't come up again. But then she was -- she  
14 also said some supportive words. And she also

<sup>48</sup> NE (14 October 2024) at p74 lines 3 – 10.

<sup>49</sup> P 50 (Vol 2) at p B847.

<sup>50</sup> NE (14 October 2024) at p 74 lines 11 – 23.

15                    mentioned that there were residents that approached  
16                    her that said supportive things about me and the  
17                    work that I was doing on the ground.

18            Q.    And what did Mr Faisal say?

19            A.    Mr Faisal, I think he was trying to be consoling, so  
20                    he gave some encouraging words and he suggested that  
21                    I -- I mean, he asked if I see anyone to counsel me  
22                    about these issues. And, yeah, he was just very  
23                    kind about -- about his response to my experience.

80. The emphasis on Mr Singh's purported inconsistency on 3 August brings into sharp focus Ms Khan's undoubted unreliability throughout this sorry saga. On the one hand, you have a purported inconsistency on an inconsequential message well before anyone other than Ms Khan knew she was lying, and you have all of Ms Khan's inconsistencies when everyone knew she was lying. There is no equivalence here.

**(B) There is no doubt that Mr Singh's evidence before the COP was that he had told Ms Khan to clarify the untruth at the 4 October sitting**

81. The Prosecution submit at [250] – [256] of their submissions that Mr Singh's credibility is diminished by his refusal to admit that he was untruthful at the COP when he testified that he told Ms Khan at the 3<sup>rd</sup> October Meeting to clarify the untruth on 4<sup>th</sup> October regardless of whether the matter was raised. The Prosecution aver that this was a lie given Mr Singh's evidence at the trial that he told Ms Khan at the 3<sup>rd</sup> October meeting that "if [the issue of the lie] did come up, she would have to take ownership and responsibility over the issue".<sup>51</sup> The part to note is that, on both versions, there is clarity that Ms Khan would have to clarify the lie, the only doubt is when.

82. In respect of his answers to the COP, Mr Singh explained that it was given at the tail end of a long session of inquiry by the COP on 10 December.<sup>52</sup> To his credit, Mr Singh candidly

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<sup>51</sup> NE (5 November 2024) at p 104 lines 17 – 18.

<sup>52</sup> NE (6 November 2024) at p 32 line 16 – p 33 line 11.

conceded that he may have misspoken in his answers to the COP, but there is no doubt as to what his evidence before the COP was, that he had told Ms Khan to clarify the truth of her anecdote on 4 October if she was asked. He did not tell her to clarify the false anecdote irrespective of whether she was asked or not.<sup>53</sup>

- 16           A.    The truth would be what I told in court. The context  
17                   of the COP back and forth with Mr Tong, as you pointed  
18                   out, starts at B514. It goes on and my evidence, as  
19                   you would recall the COP, we were going back and forth  
20                   with -- I was going back and forth with Mr Tong and my  
21                   replies -- I mean, it's a long COP report. It is a  
22                   long COP minutes of evidence. It was quite clear that  
23                   if the matter had come up on 3 October, I would have  
24                   expected her to clarify the matter. But insofar as  
25                   what was going to happen, if it didn't come up, the  
1   10:32         matter would be clarified at some stage in future. It  
2                   is possible, in the course of this exchange on  
3                   hindsight, looking back at how the words were uttered  
4                   by myself, there is a suggestion that, as you alluded  
5                   to, on 4 October, she would have had to come up with a  
6                   personal statement. But at other places in the COP  
7                   report, I make it quite clear that she would have to  
8                   clarify the truth or clarify the anecdote, I beg your  
9                   pardon, on 3 October, if it came up.
- 10           Q.    Do you mean 4 October?
- 11           A.    I beg your pardon, it is 4 October, yes.

83. From [8822] to [8827] Mr Singh testified that he did not tell Ms Khan on 3 October 2021 “to tell the truth even if the Anecdote did not come up in Parliament on 4 Oct 2021”. It is

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<sup>53</sup> *Ibid.*

wholly unsurprising that Mr Singh would reject the contention that he lied before the COP. He told Ms Khan that the issue may come up and that she had to take ownership and responsibility for it. Mr Singh's answers to the Court do not prove the Prosecution's case, which is why, even on their own description, it is referred to as "long and convoluted".

84. We highlight that the Prosecution's own witness, PW2, conceded that it is possible that Mr Singh had told her on 12 October that he had said to Ms Khan "take ownership and responsibility" when he met with her on 3 October.

85. What is in issue is what occurred on 3 October. For this, the Prosecution are stuck with Ms Khan's account. As we set out in our submissions at [115] – [122], as with her account of the meeting on 8 August, the 3 October meeting also has multiple versions. Ms Khan's **first account** was to the COP on 2 December 2021 where she stated:<sup>54</sup>

[1434] Pausing there for a moment, can you remember the occasion at which you were asked to clarify the statement before the October Sitting?

[1435] **Ms Raeesah Khan:** Before the October Sitting, I had a conversation with Leader of the Opposition, Pritam Singh, and the conversation was that if I were to retain the narrative or if I were to continue the narrative, there would be no judgement.

[1436] **Mr Edwin Tong Chun Fai:** Can you tell us which date this took place?

[1437] **Ms Raeesah Khan:** 3 October.

[1438] **Mr Edwin Tong Chun Fai:** Where did this take place?

[1439] **Ms Raeesah Khan:** In my house.

[1440] **Mr Edwin Tong Chun Fai:** Was there anyone else present besides the two of you?

[1441] **Ms Raeesah Khan:** No, there was not.

[1442] **Mr Edwin Tong Chun Fai:** Are there any emails or messages exchanged as a result of this?

[1443] **Ms Raeesah Khan:** No, there was not.

[1444] **Mr Edwin Tong Chun Fai:** The discussion for you to retain the narrative and there would be no judgement, can you give me your interpretation of that? What do you make of that statement?

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<sup>54</sup> P50 (Vol 1) at p B88.

[1445] **Ms Raeesah Khan:** My interpretation was that there would be no consequences for me to continue the narrative that I had begun in August.

86. There was no mention of the 1<sup>st</sup> October email. Then on 22 December, she gave her **second account** to the COP, in which she also failed to mention the 1<sup>st</sup> October email.<sup>55</sup>

[14047] **Mr Edwin Tong Chun Fai:** Alright. I would like to refer you now to 3 October. You remember that was a visit that Mr Singh paid to you at your home. Just before that, between 8 August and 3 October, did you have any discussion with any of the Party leaders about the lie in Parliament and what to do about it?

[14048] **Ms Raeesah Khan:** No, we did not.

[14049] **Mr Edwin Tong Chun Fai:** Can you tell us why?

[14050] **Ms Raeesah Khan:** I think because we assumed that it would not be brought up again.

[14051] **Mr Edwin Tong Chun Fai:** So, on 3 October, Mr Singh says, and again, I'll paraphrase, that he went to your home because there was a Parliamentary Sitting the next day. You had been absent for the September Sittings because of shingles. So, this is now an occasion where you'll be in Parliament. And he said that he had contemplated that this issue might arise and he went to discuss it with you. So, that's the context of this meeting.

87. But she does mention at that hearing, "He brought [the lie] up because he had a feeling that it would be brought up in Parliament again, and that if I were to stick to the narrative, if I was to stick to my position, there would be no judgment from him".<sup>56</sup>

88. The email is first mentioned when she is interviewed by the police<sup>57</sup> – her **third account**. It is then that Ms Khan says: "We sat down and he said, "I just wanted to talk to you about the email that I sent. You know these people may want to bring it up again. And if they do bring it up, there will be no judgement from me to continue with what you said previously." These were the exact words as much as I can recall"

89. However, in Court, her **fourth account** of the meeting on 3 October was as follows:<sup>58</sup>

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<sup>55</sup> P50 (Vol 2) at p B851.

<sup>56</sup> P50 (Vol 2) at p B852, [14071]

<sup>57</sup> D1.

<sup>58</sup> NE (14 October 2024) at p 110 line 14 – p 111 line 2

14 A. He came, and then I think I he said hi to my  
 15 parents, and then he asked if he -- we could have a  
 16 chat.

17 Q. Then what did he do?

18 A. And then we went to, like, a corner of my living  
 19 room and he spoke about the next sitting.

20 Q. Was anyone else around you when he spoke to you?

21 A. There were people in the house but out of earshot.

22 Q. And what did he speak to you about, the next  
 23 sitting?

24 A. He said, well, something along the lines of "I don't  
 25 think the issue will come up", but if it does come  
 1 15.07 up he wouldn't judge me for continuing the  
 2 narrative.

90. Ms Khan's multiple and varied accounts are impossible to reconcile. They do not come, like Mr Singh's at the end of a long session before the COP. Her account changes each time she is questioned and new evidence is put before her. Each time, she gives a different version to accommodate the new information. This is a tell-tale sign of a liar.

91. Why would Ms Khan not tell this Court that Mr Singh had spoken to her about the 1<sup>st</sup> October email at the 3<sup>rd</sup> October Meeting? It is submitted that if Ms Khan acknowledges that this discussion of the 1<sup>st</sup> October email took place, then her evidence to the COP i.e., that her interpretation of the conversation was that there would be "no consequences" would clearly be absurd. The 1<sup>st</sup> October email was clearly about the consequences for failing to substantiate what one says in Parliament.<sup>59</sup>

**But my note to all of you today arises from one part of the former debate (extracted below) re: Hendrickson, which restates how serious it is to be able to back up and defend what you say in Parliament, or risk being hauled up before the Committee of Privileges.**

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<sup>59</sup> P26.



- 13 Q. Okay. So the moment she doubled down on her lie, the  
14 condition precedent becomes irrelevant because the  
15 matters were not worse now, correct?  
16 A. That's correct.

95. Nobody is doubting that the issue of the untruth has become much more significant after she doubled down on it on 4 October. Now, preparation would be needed because, unlike the period before October sitting, Mr Singh had to ensure that she did not go to Parliament and lie again.
96. It is submitted that Mr Singh's evidence before this Court and what he told the police are not inconsistent. As Mr Singh explained, what he meant in his police statement (P56) by "I don't know whether or not she has told her parents"<sup>62</sup> pertained to the fact that he did not know why Ms Khan doubled down on the lie, and that was what stopped him from standing up to clarify Ms Khan's untruth.<sup>63</sup> He thought that the reason might have been that Ms Khan had not spoken with her parents about her sexual assault.<sup>64</sup> It is submitted that Mr Singh's explanation to the Police does not contradict what he said in Court. The fact is that the answers given by Mr Singh to the police during investigations and the Prosecution in court may *appear* to be different is down to the different questions asked of him.
97. Notably absent from the Prosecution's submissions in respect of Mr Singh's credibility is the assertion that Mr Singh never told Ms Khan to speak to her parents, and for good reason. Mr Singh's evidence that he *reminded* Ms Khan to speak to her parents about her own sexual assault experience is corroborated by Ms Lim's evidence to the COP.<sup>65</sup>

**[I2092] Mr Edwin Tong Chun Fai:** No. I wanted to give you the context to the conversation. But the only parts which Mr Singh said he spoke directly to her, appears at the quotes in page 299. But rather than just show you page 299, I wanted to give you the context to which this statement was said. But as far as Mr Singh's evidence is concerned, those parts in quotes at page 299 were the words he spoke to her.

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<sup>62</sup> P56 at Answer 302.

<sup>63</sup> NE (8 November at 2024) at p 50 line 23 – p 51 line 5.

<sup>64</sup> NE (8 November at 2024) at p 51 lines 6 – 11.

<sup>65</sup> P50 (Vol 2) at p B712.

[12093] So, my question to you is: do you recall Mr Singh speaking these words to Ms Khan and were you there?

[12094] Ms Sylvia Lim: I recall him saying that she had to speak to her parents. That I recall.

98. Conversely, Ms Khan's evidence that Mr Singh never said this to her is completely uncorroborated and is hard to believe considering she accepts that, at the 8<sup>th</sup> August Meeting, Mr Singh asked her if she had spoken to her parents about her sexual assault experience.<sup>66</sup>

14 Q. Did anyone ask you whether your parents knew about  
15 the sexual assault?  
16 A. Yes.  
17 Q. Who? Who asked you that question?  
18 A. I think Pritam asked that question.  
19 Q. What was your answer?  
20 A. I said "no".

**(D) Mr Singh's evidence in relation to 1<sup>st</sup> and 7<sup>th</sup> October emails is clear and consistent**

99. The Prosecution contend that Mr Singh changed his answers when he was cross-examined in respect of his 1<sup>st</sup> October email (see Prosecution Submissions at [261] – [266]) and the Police's email to Ms Khan on 7<sup>th</sup> October (see Prosecution Submissions at [284] – [285]). It is submitted that this perceived "change" by the Prosecution is misconceived.

**(I) The 1<sup>st</sup> October email**

100. In relation the 1<sup>st</sup> October email, the Prosecution's attempt to shoehorn the purpose of the 1 October email into one specific purpose is to miss the wood for the trees. They assert that Mr Singh is disingenuous because he testified in Court that the email was in relation to Ms Khan's lie while maintaining that what he said to the COP, i.e., that it was a general email,

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<sup>66</sup> NE (14 October 2024) at p 75 lines 14 – 20.

was true. What the Prosecution fail to appreciate is that these characterisations of the 1<sup>st</sup> October email are not mutually exclusive, and the portions of Mr Singh's evidence cited by the Prosecution make that clear. Given the context in which it was sent, the email was clearly in relation to Ms Khan's lie – although it does not expressly mention the lie – while simultaneously being a general email to the WP MPs to highlight the importance of being able to substantiate what they say in Parliament. During cross-examination, Mr Singh stated:<sup>67</sup>

19 Q. And you say that this email was about the lie that she  
20 had made in Parliament on 3 August?

21 A. It was in relation to that, yes.

22 Q. It was in relation to the lie that she made in  
23 Parliament on 3 August?

24 A. Yes, because it talks about how serious is it to be  
25 able to back up what you say in Parliament, risk being  
1 15:24 hauled up to the COP, and the email itself makes  
2 reference to the importance of substantiating what is  
3 said in Parliament.

4 Q. The truth is, Mr Singh, this was a general email,  
5 correct?

6 A. It was an email to all the MPs because it applied to  
7 everyone of us as a reminder as well.

101. The contents of the email and its surrounding context clearly suggest that it was both in relation to Ms Khan's lie and a caution to all other MPs, but the Prosecution want Mr Singh to agree that they are mutually exclusive and contradictory. In fact, the Prosecution's own submissions make it clear that the 1 October email was an email to the WP, which included Ms Khan, about the importance of telling the truth.

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<sup>67</sup> NE (6 November 2024) at p 119 line 19 – p 120 line 7.

102. That Mr Singh refers to it in any one of these ways does not constitute a contradiction. The Prosecution laboriously attempt to dissect the essential purpose of 1 October email in an attempt to force Mr Singh to contradict himself. Mr Singh's final answer is clear about the multifaceted nature of the 1<sup>st</sup> October email:<sup>68</sup>

22           A.    Yes, I stand by it because if you look at the --  
 23                    I haven't seen the lead up to that question, but what  
 24                    I would say is, if you look at the email strictly, it  
 25                    doesn't talk, it doesn't say "lie" anywhere, so it is  
 1   15:30            correct to say the email wasn't about the lie, but  
 2                    clearly, the email talks about substantiating what is  
 3                    said in Parliament.

103. The email is fatal to the Prosecution's narrative. If Mr Singh had instructed Ms Khan on 8 August to maintain the lie, and that it would not be discussed again, there would have been no reason him to send the 1<sup>st</sup> October email or to meet with Ms Khan 3 October to warn her that the matter of her lie may arise at the 4<sup>th</sup> October sitting.

104. The Prosecution have not been able to provide a cogent and, ultimately, logical explanation to these two important events in the Defence's case. Ms Lim testified before the COP that she saw Mr Singh's email as a "nudge" to Ms Khan:<sup>69</sup>

**[12206] Mr Edwin Tong Chun Fai:** This email was not addressed to the question of the lie by Ms Khan specifically, correct?

**[12207] Ms Sylvia Lim:** To me, I mean, it was a big nudge to her, that's how I read it. But if you look at the words, it is just to the team, yes.

105. It is submitted that any objective person who was aware of Ms Khan's lie in Parliament would know that the email had special significance for her, namely reminding her that the issue of her false anecdote had not been resolved. The email is irrefutable evidence of Mr Singh's state of mind at the material time.

<sup>68</sup> NE (6 November 2024) at p 123 line 22 – p 124 line 3.

<sup>69</sup> P50 (Vol 2) at page B719.

106. There is no ambiguity about what the email says or how it came to be sent. This is in contrast to Ms Khan's evidence relating to the 12:41PM Message on 8 August. To begin with, Ms Khan testified that she was able to send two messages in the space of two seconds, one after the other, something even the Prosecution had difficulty believing, which is why they asked her how she did it. Her response that she "typed really fast" does not even come close to explaining how such an act was possible.<sup>70</sup>
107. When the paucity of her explanation was pointed out in cross-examination, she gave an equally preposterous answer i.e., that she had the message saved as a rough draft in her phone, and she edited it before sending it out.<sup>71</sup> Upon being pressed further, Ms Khan conceded that she "probably couldn't make an edit and send that message in two seconds".<sup>72</sup>
108. Whilst Mr Singh informed the COP of the 1 October email, Ms Khan neither informed the COP of the 8 August message or thought the message relevant, until PW2 provided the message to the COP. She conceded this at the trial:<sup>73</sup>

23 Q. 2 December you go to the COP; no message. And we've  
24 seen that. We've gone through it.

25 A. As in the message is still there but it's just not  
1 16.04 presented to the COP?

2 Q. No statement from you that they told you to take it  
3 to the grave, 2 December.

4 A. Yes.

5 Q. Okay? So I'm asking you between 8 August, when you  
6 sent this message, and the next time when this  
7 message is first mentioned, which is 22 December,  
8 when did you become aware of it?

9 A. Aware of what? Maybe you can change the phrasing of

<sup>70</sup> NE (14 October 2024) at p 85 line 12.

<sup>71</sup> NE (15 October 2024) at p 112 line 7 – p 115 line 1.

<sup>72</sup> NE (15 October 2024) at p 115 line 2 – 4.

<sup>73</sup>

10                    your question so I can understand better.

11            Q.    Well, when did you understand that this message was

12                    relevant as far as you were concerned?

13            A.    Oh, okay. When Ms Loh provided the message to the

14                    COP.

109. In contrast to the purported inconsistency in respect of the 1 October email, whether it related to Ms Khan’s lie or a general email to the WP MPs, the inconsistencies in Ms Khan’s evidence go straight to the heart of the charges against Mr Singh. Did he tell her that the lie was something “to take to the grave” or not? Despite the Prosecution’s heavy reliance on this message, it is clear that Ms Khan was not operating under its auspices, such that she did not mention it until her 3<sup>rd</sup> appearance before the COP, when the message was shown to her.

***(II) The 7<sup>th</sup> October email***

110. The Prosecution allege at [284] – [285] of their submissions that Mr Singh changed his answers about whether Ms Khan could respond to the police’s email on 7 October 2021 including: (a) the separation of powers, (b) the WP Leaders had not discussed the matter with Ms Khan, and (c) she was not legally obligated to respond to the police. In particular, the Prosecution submit that Mr Singh’s explanation relating to the separation of powers “is clearly spurious because Ms Khan issuing a response to the Police has nothing to do with the “separation of powers”.

111. This is a misinterpretation of Mr Singh’s evidence. Mr Singh’s evidence was in relation to mistakes having to be corrected in Parliament, and in response to the Prosecution’s basic point that the police, an arm of the executive, should expect legislators to submit to its investigations when Parliament is equipped to handle its own affairs. This is evident from his testimony:<sup>74</sup>

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<sup>74</sup> NE (7 November 2024) at p 69 line 23 – p 70 line 16.

10           A.    Yes, because in our view -- I beg your pardon, in my  
 11                    view, the matter was raised in Parliament and Ms Khan  
 12                    should clear the matter in Parliament and this is  
 13                    arising from how we as opposition MPs take the  
 14                    separation of powers schema seriously. We believe that  
 15                    if you've done something wrong in Parliament, that  
 16                    matter should be addressed by Parliament.

112. Mr Singh's belief that Ms Khan was not able to speak to the police as she had not discussed the matter with the WP Leaders, and that she was not legally obligated to clarify the matter with the police, do not contradict each other or earlier response. They are not mutually exclusive.

113. Further, Mr Singh's understanding of section 5 of the PPIPA was that it legally entitled Ms Khan to refuse an interview with the police in relation to her Anecdote in Parliament as opposed to a legal impediment which he conceded did not apply.<sup>75</sup> He was cut off before he could explain this.<sup>76</sup>

20           Q.    Can you tell us which provision there stops Ms Khan  
 21                    from writing to the police?

22           A.    It is not so much what I --

23           Q.    Can you tell us which provision there?

24           A.    I will look at section 5.

25           Q.    Okay. So section 5 is the one you rely on to say that,

114. Despite the Prosecution's lacklustre challenge to Mr Singh's reliance on section 5 of the PPIPA, it was ultimately left to the Defence to produce the provision as defence exhibit (D4) to demonstrate its unambiguous meaning as construed by Mr Singh. Even if there was

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<sup>75</sup> NE (7 November 2024) at p 78 lines 7 – 10.

<sup>76</sup> NE (7 November 2024) at p 78 lines 20 – 24.

no legal impediment to surrender to police investigations, it is submitted that the prerogative to do so must remain with the legislators.

**(E) Mr Singh’s account of the 8<sup>th</sup> August Meeting is compelling**

115. At [267] – [278] of their closing submissions, the Prosecution raised four points which they claim to support their position that Mr Singh’s account of the 8<sup>th</sup> August Meeting “defies logic and belief”.
116. First, they submit that Mr Singh refused to agree with *their* ‘logic’ that, when he learnt of Ms Khan’s lie on 7 August, he would have thought that the untruth had to be corrected in Parliament. Instead, Mr Singh explained that “the thought that crossed my mind was, “Why would she tell a lie?” Why would she lie about something so – that’s neither here nor there.”<sup>77</sup> Correspondingly, when Mr Singh found out on 8 August that the reason for her lie was because she herself was a victim of sexual assault, it is only natural for him to approach Ms Khan’s clarification of the lie with a degree of sensitivity. This does not detract from his desire for her to clarify the untruth in Parliament *at some point*. The Prosecution’s ‘logic’ is one devoid of any notion of realistic and natural human interaction. When someone breaks down and discloses that they lied because they were sexually assaulted, any reasonable person would not to seek to invalidate what they just been told by saying none of that matters and you must immediately tell the truth.
117. The Prosecution do not stop there. They suggest that Ms Lim’s presence at Mr Singh house half an hour before Ms Khan arrived would have been a reason for both Mr Singh and Ms Lim to discuss Ms Khan clarifying the untruth. Leaving aside the fact that this is pure conjecture on the Prosecution’s part, the reality is that neither Mr Singh nor Ms Lim were aware of the reason for Ms Khan’s lie before the 8<sup>th</sup> August Meeting and it was not unreasonable to take a wait and see approach. In any event, this similarly does not detract from the fact that, at the conclusion of the meeting, after Ms Khan had told them the reason for her lie, Mr Singh wanted her to come clean at some point.

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<sup>77</sup> NE (7 November 2024) at p 38 lines 1 – 6.

118. Second, the Prosecution aver at [273] of their submissions that Mr Singh's evidence that, by telling Ms Khan at the end of the 8<sup>th</sup> August Meeting to speak to her parents, he expected her "to do a laundry list of things" is incredible. It is submitted that when one really looks at this "laundry list" in the context of the conversation, Mr Singh's expectation is quite unremarkable. Mr Singh's instruction to Ms Khan to talk to her parents was clearly for her to tell them that she had been sexually assaulted. In doing so, Ms Khan would inadvertently explain that the reason she was telling them about this now is because she had lied in Parliament and that her sexual assault was the impetus for that lie. She would naturally tell them that the lie was going to become public – the government was clearly not going to let it fade away. And given that it was going to become public, she would have to come back to Mr Singh to let him know that she is ready to tell the truth. Viewed in this context, there was really only one thing Ms Khan needed to do – talk to her parents.
119. The fact that Mr Singh instructed Ms Khan to speak to her parents, which is corroborated by Ms Lim, clearly indicates that the matter would not be kept secret or "buried" and between them. If the intention was to keep the matter "buried" as agreed between Ms Khan, PW2 and PW3 at the 7<sup>th</sup> August Zoom Meeting, there would have been no reason for Mr Singh to tell Ms Khan to speak to her parents, to send P26 or to meet on 3 October.
120. Third, the Prosecution claim at [275] of their submissions that Mr Singh "gave entirely speculative answers when it was put to him that he did not discuss the next steps with Ms Lim and Mr Faisal". As we have set out above at [36] – [37], Mr Singh's answers were not speculative given that Ms Lim and Mr Faisal's evidence at the COP was similar - that their understanding at the end of the 8<sup>th</sup> August Meeting was that Ms Khan had to speak to her parents before clarifying the untruth. Even if they were, which is not admitted, how does it take the Prosecution's case any further?
121. Fourth, the Prosecution allege at [277] of their submissions that "Mr Singh gave inconsistent answers regarding the complete lack of documentation regarding the 8<sup>th</sup> Aug Meeting". As we have stated above, Mr Singh explained that the reason he had not made any written record of the 8<sup>th</sup> August Meeting was due to the sensitivity of Ms Khan's sexual assault and his concern that such information might be shared (see above at [30] – [33])

and, in any event, taking minutes such a meeting – whether or not they could have omitted Ms Khan’s personal details – was “not how [the Workers’ Party leaders] operate”.<sup>78</sup>

122. Mr Singh’s evidence in respect these matters are characteristically consistent, and the Prosecution’s attempt to paint them as more than they are is nothing more than an endeavour to find inconsistencies in Mr Singh’s evidence that do not exist. Conversely, as we have highlighted above at [79] – [85], the inconsistencies in Ms Khan’s shifting accounts of the 8<sup>th</sup> August Meeting is plain to see and reveals her lack of credibility on issues at the heart of this case.

**(F) The Prosecution’s assertions in relation to events on or after the 12<sup>th</sup> October Meeting**

***(I) Mr Singh’s evidence on whether PW2 and PW3 wanted to suppress the truth at the 12<sup>th</sup> October Meeting***

123. It really does not matter whether Mr Singh’s was inconsistent about whether PW2 an/or PW3 wanted to continue to suppress the lie at the meeting on 12 October. The Prosecution’s own witness, PW2, has given evidence that PW3 wanted Ms Khan to continue to lie on 12 October. She conceded that, at the beginning of the 12<sup>th</sup> October Meeting, neither she, nor PW3, were fully committed to having Ms Khan clarify the untruth in Parliament, and that PW3 suggested suppressing the truth with another lie, which was immediately shot down by Mr Singh.<sup>79</sup> The Prosecution did not rebut this evidence.

124. The text messages between Ms Khan, PW2 and PW3, leading up to and including the 12 October show that they wanted her to continue to lie. It is simply untenable for the Prosecution to pretend that PW3, or PW2 for that matter, was not trying to suppress the untruth.

125. Furthermore, Mr Singh’s answer in his police statement at [196] clearly references the discussion at the end of the meeting i.e., “how best to articulate [the truth] in [Ms Khan’s] personal statement”. By this point, PW2 and PW3 were no longer thinking about

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<sup>78</sup> NE (7 Nov 2024) at p 53 lines 17 – 22.

<sup>79</sup> NE (18 October 2024) at p 10 line 12 – p 12 line 1.

suppressing the truth because Mr Singh had told them in no uncertain terms that that was not an option. This is not inconsistent.

126. The real inconsistency comes from PW3, who flip-flopped on whether he had made this suggestion to Mr Singh at the 12<sup>th</sup> October Meeting. In his evidence-in-chief, PW3 first told the Court that he could not recall if he proposed this suggestion to Mr Singh:<sup>80</sup>

7           Q.    Now, this 5.13 pm message, the plan, or at least  
8                    what you've said was the plan in this message, was  
9                    this plan eventually taken up by Ms Khan?

10          A.    No.

11          Q.    As far as you can recall, did you propose this plan  
12                   to Mr Singh or Ms Sylvia Lim?

13          A.    As far as I can recall -- well, I can't recall that  
14                   I did that.

127. During cross-examination, PW3 initially maintained his position that he could not recall if he suggested this plan to Mr Singh:<sup>81</sup>

19          Q.    Now, you went on in your evidence-in-chief to say,  
20                    "I can't recall if I proposed this plan to  
21                    Mr Singh". So could you have proposed this plan or  
22                    not?

23          A.    I can't recall.

128. And in the next breath, was suddenly “pretty sure that he didn’t ask [Mr Singh] to” ask Ms Khan to maintain the lie by lying about the victim’s age and, just moments later, he was again unable to recall if he made the suggestion:<sup>82</sup>

<sup>80</sup> NE (18 October 2024) at p 132 lines 7 – 14.

<sup>81</sup> NE (21 October 2024) at p 75 lines 19 – 23.

<sup>82</sup> NE (21 October 2024) at p 77 lines 3 – 25.

- 3 MR JUMABHOY: So bearing in mind all of this, why is  
4 it -- and bearing in mind you've made the effort to  
5 make the suggestion in your chat group, why can't  
6 you recall whether you told Mr Singh that, "This is  
7 what we should do", ie lie some more?
- 8 A. May I just clarify, it's not that I can't recall,  
9 but I'm pretty sure I didn't ask him to --
- 10 Q. So you do recall?
- 11 A. -- do what was in this message.
- 12 Q. So you do recall?
- 13 A. Yes, sorry, I misspoke on the --
- 14 Q. Well, you've misspoken on two days now. Because  
15 when you gave evidence-in-chief, you didn't recall.  
16 When I asked you repeatedly, "I don't recall". And  
17 now you're saying, "I'm sure that I didn't". What's  
18 prompted that turnaround?
- 19 A. Or, rather, I -- I'd like to apologise to the court.  
20 Um, having reflected, I can't recall. Because we  
21 spoke about many things that day, and there are  
22 things that I do recall, but I don't recall having  
23 put the suggestion to Mr Singh.
- 24 Q. This feels like Who Wants to be a Millionaire. Is  
25 that your final answer?

***(II) There was nothing illegal or sinister about Mr Singh's meeting with Ms Lim and Mr Faisal on 7 and 8 December 2021***

129. At [289] – [291] of their submissions, the Prosecution attempt to draw an equivalence between the nefarious conspiracy between Ms Khan, PW2 and PW3 on 1 December and

the meeting between the WP Leaders on 7 and 8 December 2021. Understandably, the Prosecution's summary of Mr Singh's evidence when he was questioned on this issue does a real disservice to his evidence to this Court.

130. It is a fact that Mr Singh first disagreed that the WP Leaders had discussed PW2 and PW3's evidence to the COP. But a crucial point that the Prosecution omit from their submissions is the fact that Mr Singh candidly clarified that the WP Leaders did discuss PW2 and PW3's evidence to the COP, but they "focused specifically on what Raeesah Khan had said". Mr Singh's evidence was as follows:<sup>83</sup>

20 Q. Sorry, sorry. So your evidence is that at these two  
21 meetings on 7 and 8 December, you discussed primarily  
22 this WhatsApp message that Raeesah had sent about  
23 taking the information to the grave, correct?

24 A. I don't believe it was the message per se, but her  
25 testimony of 2 December that -- to continue with the  
1 15:58 narrative, I think that's what we knew at that time.  
2 You asked earlier, Mr Ang, about Yudhish and Pei Ying  
3 specifically. You're right, it is impossible that we  
4 would have completely ignored what they said, because  
5 it was published. We would have discussed that, but  
6 the central issue of deep concern to us was why Raeesah  
7 would lie.

8 Q. What are you agreeing with me on now? I asked you two  
9 times that what you discussed, the three of you, was  
10 whether any of you -- the three of you had missed  
11 out -- there was anything that the three of you had  
12 missed out in what Yudhish and Pei Ying told the COP  
13 and you said, "No, disagree. Disagree". You told me

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<sup>83</sup> NE (7 November 2024) at p 156 line 20 – p 158 line 2.

14                   twice that. So are you telling me that now you are  
15                   changing your evidence that yes, you agree that you  
16                   actually discussed, the three of you, whether there was  
17                   anything that the three of you had missed out in what  
18                   Yudhish and Pei Ying told the COP?

19           A.   No, to that extent, I have no difficulty in correcting  
20                   myself. I am sure the matter of Yudhish and Pei Ying's  
21                   evidence would have been discussed.

22           Q.   So you would like to change your earlier evidence?

23           A.   I think what I said right now is accurate, yes.

24           Q.   Yes. So the previous answer you gave me twice, that  
25                   was false?

1   15:59 A.   I was answering it with Raeesah Khan in my mind, so,  
2                   yes, you can make that correction.

131. Ms Khan, PW2 and PW3 met on 1 December to align their evidence with, according to PW2, Ms Khan being intent on telling more lies. PW2 and PW3 engineered to align their evidence by lying at the COP, by stating that they wanted Ms Khan to tell the truth about her anecdote and hide evidence that they did not want Ms Khan to clarify the truth in Parliament.

132. PW2's evidence to this Court was even more insidious. After she had been informed on 29 November that she would be called to give evidence at the COP, she calls a meeting at her house with Ms Khan, PW3 and Mike Lim on 1 December, where she persuaded Ms Khan to align her evidence with PW2's own.<sup>84</sup>

9           Q.   And that meeting that you had was for you and  
10                   Ms Khan to discuss what evidence to give at the COP?

11           A.   I disagree.

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<sup>84</sup> NE (18 October 2024) at p 40 line 9 – p 41 line 6.

12 Q. Did you discuss what evidence you would be giving at  
13 the COP?  
14 A. We did discuss some of that, yes.  
15 Q. And at that meeting the lie that Ms Khan planned to  
16 tell the COP was about when Pritam knew; correct?  
17 A. I'm not sure what you mean by "the lie".  
18 Q. Well, she wanted to tell the COP that Mr Singh only  
19 knew in October; correct?  
20 A. She had -- yeah. Yes.  
21 Q. And when you heard that, you told her that would  
22 contradict your testimony.  
23 A. I didn't just say that. I told her she was crazy.  
24 Q. But it would contradict your testimony.  
25 A. Yes, because my testimony was to be telling the  
1 10.57 truth.  
2 Q. Testimony that you had yet to give.  
3 A. Yeah.  
4 Q. And this went on the night before you went to give  
5 evidence at the COP.  
6 A. That's right.

133. To make matters worse, PW2 gets Mike to text Mr Singh to, "'change the decision" of the Disciplinary Panel not to expel Ms Khan or force her resignation".<sup>85</sup> As we had stated at [143] of our closing submissions, Mr Singh's response exemplifies his conduct throughout.<sup>86</sup>

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<sup>85</sup> NE (18 October 2021) at p 34 lines 17 – 21

<sup>86</sup> NE (18 October 2021) at p 36 lines 1 – 6.

1 10.30 Q. And he tells you Mr Singh's response, doesn't he?

2 A. He -- I believe he had a meeting with Mr Singh, and  
3 he recounted the meeting to me.

4 Q. And Mr Singh's response was that he told Mike to  
5 tell you that you should speak the truth.

6 A. That's right.

134. Finally, we come to PW3, who admitted to discussing with Ms Khan and PW2 the evidence that Ms Khan was going to give the very next day to the COP, and corroborated PW2's evidence that Mr Singh's response to Mike was to tell PW2 that she should speak the truth:<sup>87</sup>

15 Q. You had two dinners with Ms Loh, one on  
16 29 November and one on 1 December, together with  
17 Ms Khan being present. On both those occasions,  
18 there were discussions about the upcoming COP;  
19 correct?

20 A. Possibly.

21 Q. You knew that the COP was -- Ms Loh certainly was  
22 about to give evidence before the COP; correct?

23 A. Yes.

24 Q. You were discussing her evidence?

25 A. Um -- yes.

1 15.44 Q. When Ms Khan was present on 1 December, you were  
2 discussing, together with Ms Loh, Ms Khan's evidence  
3 before the COP?

4 A. To some extent, yes.

5 Q. What were you discussing?

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<sup>87</sup> NE (23 October 2024) at p 44 line 15 – p 46 line 3.

6           A.    So at that point in time, even after she had  
7                    resigned, Ms Khan was I think somewhat afraid of  
8                    going to the COP and essentially telling the whole  
9                    country about the truth that the party leaders had  
10                   asked her to maintain the lie since August.  And  
11                   Ms Loh was also concerned that -- so Ms Loh had -- I  
12                   recall there at some point having -- there was a  
13                   phone call between Mr Mike Lim and Mr Pritam Singh,  
14                   I don't know who initiated the phone call, but I  
15                   believe Mr Mike Lim may have stepped out.  We were  
16                   meeting at Ms Loh's house.  He might have stepped  
17                   out of her house to have that phone call.  And  
18                   before he had that phone call, Ms Loh had told  
19                   Mr Mike Lim, "Please tell Pritam that I've been  
20                   called to the COP and I'm not going to lie to save  
21                   the party", and I believe Mr Mike Lim did convey  
22                   that to Mr Singh.  So that was something else that  
23                   happened at that meeting.

24           Q.    What was Mr Singh's response?

25           A.    I believe Mr -- based on my memory, Mr Singh had  
1  15.46           told Mr Mike to tell Pei Ying to go to the COP and  
2                   tell the truth, which was a response that surprised  
3                   me, but I believe that was his response.

135. The attempt to draw an equivalence between what Ms Khan and her party of conspirators attempted to do with the WPs' leaders watching the televised broadcast of the COP is an attempt to argue that chalk and cheese are same. There is simply no equivalence between what was both reasonable and legal on the part of the WP leaders and what is frankly illegal conduct on the part of Ms Khan and her co-conspirators.

136. Reiterating the Court of Appeal in *PP v GCK*, the Prosecution must adduce sufficient evidence to establish the accused person's guilt beyond a reasonable doubt on their own evidence. Purported discrepancies in Mr Singh's account, particularly the trivial nature of such discrepancies, does not overcome the significant inconsistencies in the Prosecution's case

## (6) CONCLUSION

137. It is submitted that considering our submissions above, the Prosecution have failed to prove beyond reasonable doubt the two charges against Mr Singh.

138. It is clear from their submissions in relation to the 1<sup>st</sup> charge that aside from Ms Khan's evidence in relation to the 8<sup>th</sup> August Meeting, which we have shown to be unworthy of belief in the course of this trial, the Prosecution have no evidence to suggest that Mr Singh did not want Ms Khan to clarify the untruth in Parliament at some point. This is betrayed by the fact that they rely chiefly on the *absence* of evidence showing Mr Singh taking more active steps in having Ms Khan clarify the lie between 8 August and 1 October 2021 i.e., Mr Singh's decision to not call Ms Lim and Mr Faisal as witnesses, the absence of minutes of the 8<sup>th</sup> August Meeting, the lack of discussion between the WP Leaders. All these matters are either explicable or immaterial to the first charge.

139. In relation to the 2<sup>nd</sup> charge, the Prosecution rely on evidence that was never uttered by their own witnesses. Their claim that Mr Singh had sent the 1<sup>st</sup> October email to warn Ms Khan to maintain the lie was not borne out of Ms Khan's evidence – she understood the email to be “a dig”. Similarly, their submission that Mr Singh only decided to have Ms Khan clarify the truth after speaking with PW4 was not his evidence. PW4's evidence does not rise to that extent. The Prosecution's witnesses have given them nothing with which they could mount their case.

140. In the premises, it is submitted that this Court should acquit Mr Singh of both charges pursuant to section 230(1)(w) of the CPC 2010.

- a. **1<sup>st</sup> Charge (MCN-900426-2024)** – that as at the conclusion of his meeting with Ms Khan, Lim Swee Lian Sylvia and Muhamad Faisal bin Abdul Manap on 8 August 2021,

Mr Singh wanted Ms Khan to, at some point, clarify in Parliament that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue.

- b. **2<sup>nd</sup> Charge (MCN-900427-2024)** – that when Mr, Singh spoke to Ms Khan on 3 October 2021, he wanted to convey to Ms Khan that she had to clarify that what she told Parliament on 3 August 2021 about having accompanied a rape victim to a police station was untrue if this issue came up in Parliament on 4 October 2021.

*Andre Jumabhoy LLC*

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