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Your Ref:

Our Ref: MR.6073.10

18 October 2011

BY FAX & HAND

Fax No: 6250 4161

Ministry of Home Affairs

New Phoenix Park

28 Irrawaddy Road

Singapore 329560

Dear Sirs,

PP v Yong Vui Kong

Criminal Case No. 26 of 2008

Criminal Appeal No. 13 of 2008

We refer to your letter dated 11 October 2011.

We have recently been instructed by our client, Mr Yong Vui Kong, that the only person who could have confirmed our client's ignorance of the type and quantity of materials that he was carrying into Singapore, was being detained in Singapore under the Criminal Law (Temporary Provisions) Act (CLTPA) during Mr Yong's trial in 2008.

In statements to the Police (Criminal Appeal No. 26 of 2008: Exhibit P-86, pp. 162 - 166; Exhibit P-91 pp. 192-5), and also during his trial, our client frequently mentions his Boss when accounting for the former's actions (Criminal Appeal No. 26 of 2008, Day 3 pp. 21-45).

Our client was questioned by both the Prosecutor and presiding Judge about his Boss during trial. (Criminal Appeal No. 26 of 2008, Day 3 pp. 21-45).

The instructions we have been given by our client may render his conviction unsafe, particularly in view of a written answer given in Parliament to a question raised in the 15 September 2010 sitting by Ms Sylvia Lim. Ms Lim asked the Deputy Prime Minister and Minister for Home Affairs whether Government had detained under the CLTPA any person believed to have been organising drug trafficking activities which involved Yong Vui Kong, an inmate on death row. In a written reply to Ms Lim's question, Mr Wong Kan Seng answered in the affirmative stating that: *"...Apart from Yong, there were indeed others who were part of the syndicate. Several have been prosecuted for trafficking. One has been detained under the Criminal Law (Temporary Provisions) Act...."*

We wish to clarify with the Prosecution why this key witness was not produced at trial in spite of being mentioned by Mr Yong Vui Kong in his statements to the police, and being discussed throughout the trial.

Your urgent response within the next seven (7) days will be most appreciated.

Yours faithfully,



M. Ravi
cc. client



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In reply, please quote our reference number :

Our Ref: AG/CJD/CAB/ODS/2009/2
 Your Ref: MR.6049.09

25 October 2011

M/s L.F. Violet Netto
 101 Upper Cross Street
 #05-45 People's Park Centre
 Singapore 058357

Attn: Mr M Ravi

Dear Sir,

**YONG VUI KONG V PUBLIC PROSECUTOR
 CRIMINAL APPEAL NO. 13 OF 2008**

I refer to your letter dated 19 October 2011.

2. Your client, Mr Yong Vui Kong, had, in his statement recorded on 3 July 2007 (Exhibit P92), identified the alleged mastermind to be one Chia Choon Leng ("Chia"). However, your client also made it clear in the same statement that he did not wish to identify Chia in court. Your client had further requested that Chia not be informed that your client had identified him.
3. The Prosecution did not call Chia as a witness because his evidence was not necessary for the Prosecution's case. Nevertheless, the Prosecution had, on two separate occasions in the course of the trial, informed the court and the defence that Chia had been detained under the Criminal Law (Temporary Provisions) Act. The relevant extracts from the Notes of Evidence are annexed hereto for your reference.
4. Your client was represented by Mr Kelvin Lim and Mr Peter Dendroff at the trial, and Chia's detention under the Criminal Law (Temporary Provisions) Act was disclosed to them before the Defence's case was called, as is evident from the Notes of Evidence. However, Mr Kelvin Lim and Mr Peter Dendroff chose not to call Chia as a witness. Chia was therefore not produced at the trial.

Yours faithfully

CHUA YING-HONG
 DEPUTY PUBLIC PROSECUTOR
 SINGAPORE

Criminal Case No 26 of 2008

Day 2 - Page 11

30 September 2008

PW17 TAY SIEW LENG (F)
XN by Tan

- 1 Witness: Para 92.
2 (P93 read by witness, continued)
- 3 Witness: Para 93.
4 (P93 read by witness, continued)
- 5 Witness: Para 94.
6 (P93 read by witness, continued)
- 7 Tan: Your Honour, as we are moving on to the identification and the
8 marking of the exhibits, can we ask for a 5 minutes'
9 adjournment to prepare the exhibits?
- 10 Court: Yes, all right. By the way, what's happened to this Chia Choon
11 Leng?
- 12 Tan: Yes, your Honour.
- 13 Koy: He has been detained under the Criminal Law Temporary
14 Provisions Act.
- 15 Court: So he's not facing any charges at the moment?
- 16 Koy: Initially, he was but due to the difficulty of the evidence, we
17 decided that we would withdraw the charges against him and
18 executive action was taken against him.
- 19 Court: Yes, all right. We will stand for a short while.
- 20 Koy: Obligated.
- 21 (Adjourned at 11.46am)
22 (Resumed at 12.02pm)
- 23 Tan: Thank you, your Honour, for the adjournment.
- 24 Court: Yes.
- 25 Q ASP Tay, you are reminded you are still on oath.
26 Court: Yes.
- 27 Q ASP Tay, please refer to paragraph 82 of your statement marked as PS52A.
28 PS53A. Paragraph 82 of your statement, you referred to the various exhibits
29 at paragraph 82. I'm going to show you the exhibit one by one.
- 30 Tan: Your Honour, we have also a list of exhibits.
- 31 Court: Yes.
- 32 Tan: We will start from number 36.

11.45am

Criminal Case No 26 of 2008

Day 3 - Page 14

2 October 2008

DWI YONG VUI KONG (ACCUSED)
XN by Lim

- 1 Q Okay. Now, well, you have clarified regarding the mixed race person. Now,
2 would you turn to page 403, paragraph 20? Here you said:
3 [Reads] "I wish to add that before I parted with the male at Taman Sentosa, I
4 was made to swear that I will not open the gifts and I will not let the
5 driver"--know anything---"know about what I am doing."
6 A Yes.
7 Q So you were made to swear that you will not open the gifts?
8 A Yes.
9 Q You were not suspicious when he asked you to swear that you will not open
10 the gifts?
11 A I did not suspect.
12 Q All right. Okay. Looking at your---referring you now to the third long
13 statement that you made on the 15th of June 2007 at page 404 to 410 of the
14 agreed bundle.
15 Court: Just a minute, Mr Lim. Mr Koy, this person known as Ah
16 Hiang, is he been apprehended or not?
17 Koy: This---this is the person who was arrested, initially charged but
18 unfortunately, the evidence is not sufficient against him.
19 Court: It's the one in---under the criminal law detention.
20 Koy: That's correct, your Honour.
21 Court: Do you have his full name again?
22 Koy: Chia, C-H-I-A---
23 Court: Yes.
24 Koy: Choon, C-H-O-O-N, Leng, L-E-N-G.
25 Court: Thank you.
26 Q Yes. Would you look at the statement at 404 to 410 and confirm that this is
27 your statement? Your signatures are at the bottom and also at every other
28 pages where there are amendments.
29 A Yes.
30 Q Now, would you look at paragraph 28---No, sorry, paragraph 25. Sorry,
31 paragraph 25. Okay Now, the seventh line at paragraph 25. Now, here you
32 said that: