

Students probe claims of wrongful conviction

One person freed from prison with their help

By AMIR HUSSAIN

A STUDENT project set up to investigate claims of wrongful criminal conviction led to a jailed man being cleared of drug consumption last year – three years after he was first remanded.

The case was the first successful outcome under the Innocence Project that was set up by law students from the National University of Singapore in April 2013.

The initiative is receiving an increasing number of requests from people in prison to have their cases re-examined. The project received 34 applications last year, a five-fold jump compared with the seven it received in 2013.

There are now 56 law students in the project, up from about 20 when it started.

Applicants write in to the Innocence Project from prison or have a representative fill out a form online on their behalf.

A team of three or four students will then investigate the case to see if it meets the selection criteria. Applicants must be serving a prison sentence and have exhausted all avenues of appeal.

Besides going through court documents and trial transcripts, students also interview the applicant in jail.

The project is supervised by lawyers and faculty advisers and the students do not offer legal advice.

After a case has been investigated, it is evaluated for a follow-up with a pro-bono lawyer.

The project collaborates with the Law Society's Pro Bono Services Office and the Association of Criminal Lawyers of Singapore.

Third-year law student Victor Leong, 24, joined the project two years ago as he wanted to be "involved with pro bono work, which directly impacts people".

Together with three of his peers, Mr Leong investigated an application in August 2013, made by a man jailed for consuming drugs. In February 2011, the man was found guilty of taking morphine – a controlled substance – without medical authorisation. In fact, he had taken medicine containing codeine, which affects urine tests for morphine.

The man, who had previous convictions for drug offences, also said his former lawyer instructed him to remain silent when his defence was called. He was sentenced to seven years and six months' jail, and ordered to be given six strokes of the cane.

Three weeks after Mr Leong's team investigated the case, it was forwarded to pro bono lawyer Mervyn Cheong. After a re-trial was initiated, the court, acting on an application by the prosecution, ordered a discharge amounting to an acquittal in April last year.

"There was some notion of disbelief that our work had actually helped an applicant," said Mr Leong. "We couldn't imagine that this would happen when we took up the project."

Innocence Project head and second-year law student Jaryl Lim, 22, said the scheme has since handed over another case involving violence-related offences to a pro bono lawyer.

Twenty other cases are being evaluated for follow-up action.

"Most of the applications we received ended up being rejected and for good reason – our criminal justice system is already very robust," said Mr Lim. "But no matter how perfect a criminal justice system may be, there will be people who fall through the cracks, and it is precisely these people that we want to help."

Said Mr Cheong: "Without the Innocence Project and the students' initial efforts to kick-start a train of inquiry, the case would have slipped through a small gap in the criminal justice system.

"It shows as well that it is never too early for a young law student to contribute meaningfully to legal pro bono work, including criminal work, where an individual's liberty is at stake."

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Second-year NUS law student and Innocence Project head Jaryl Lim Zhi Wei, 22 (left), with fellow project members Abhinav Ratan Mohan, 22, and Jolin Chen Si Heng, 20. The initiative is receiving an increasing number of requests from people in prison to have their cases re-examined. ST PHOTO: LAU FOOK KONG