

A-G calls for bold approach in cases involving vulnerable

When he first took the post in January, Attorney-General Lucien Wong was especially concerned about offences involving the sexual abuse of minors and those against foreign domestic workers, as they belong to “exceptionally vulnerable segments” of society.

“If minors and domestic workers suffer at the hands of those that are supposed to care for them, they have very limited means of reporting the abuse and getting help,” he said at the Singapore Law Review Lecture yesterday.

In the past months, he said he has seen cases in these two areas that have “shocked his conscience”, which is why he tells his colleagues in the Attorney-General’s Chambers (AGC) to take a bold approach on such cases to vindicate the public interest.

He said it is often the case that offences against the two categories are difficult to prove from an evidential point of view, as objective evidence is rare and the cases may turn on the testimony of the victims, if they are alive.

“In cases where the victim has succumbed to his or her injuries, the task for us as prosecutors is even more difficult. Yet the impetus for us to act must be even greater, since an innocent life has been lost,” added Mr Wong.

TAKING ON DIFFICULT CASES

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ATTORNEY-GENERAL LUCIEN WONG

But far from being slow to act or trying to plead down in what may be an “uphill task”, he said the prosecution will pursue the case and prefer more serious charges if the justice of the case requires it, though the chances of conviction are higher if less serious charges are pursued.

“If we obtain a conviction, the cause of justice would have been vindicated. But we will not shy away from trying the difficult cases, simply because we cannot guarantee a conviction. Because that is what the public interest and justice demand of us,” said Mr Wong.

Such challenges and demands explain why the lot of a prosecutor is seldom the envy of anyone, he added, recalling someone senior who quipped that he “has not come across anyone who has said he likes the A-G”.

Pointing out that this is a multifaceted and complicated task requiring the balancing of many competing factors, Mr Wong said that “ultimately, the final guarantor is the quality, integrity and compassion of the men and women to whom this crucial task is entrusted”.

“And on this, I am very fortunate, because the deputy public prosecutors who assist me in the AGC are some of the most dedicated and committed lawyers I have ever had the privilege of working with.”

K. C. Vijayan



Attorney-General Lucien Wong giving a talk, titled *Prosecution in the Public Interest*, at the annual Singapore Law Review Lecture held at the National University of Singapore’s law faculty yesterday. ST PHOTO: MARK CHEONG

Prosecutions must keep up with public interest: A-G

AGC’s goals have to change over time to tackle emerging issues, says Lucien Wong

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Emerging problems in Singapore’s society, such as fake news and offences against elderly victims, must be tackled with “resolute prosecutorial action”, said Attorney-General Lucien Wong at the annual Singapore Law Review Lecture yesterday.

Making his first major speech since taking the post in January, Mr Wong listed these areas as examples of how the goals of the Attorney-General’s Chambers (AGC) will have to change over time as public interest, which permeates all its decisions, evolves.

Explaining the menace from fake news, he noted that more news is now being delivered through social media, messaging apps and blogs where stories are written anonymously, and many are untrue or deliberately fabricated to achieve a specific end.

Underlining the “vital public interest to stop the flow of lies”, he said the AGC will continue to use existing laws to act firmly and decisively against those who seek to distort the public narrative for their own ends.

Mr Wong referred to the recent action taken against fake news purveyors, such as the proprietors of the now-defunct *The Real Singapore* socio-political website.

Singaporean Yang Kaiheng, 28, and his wife Ai Takagi, 24, an Australian of Japanese descent, were convicted under the Sedition Act last year for deliberately sowing discord between Singaporeans and foreigners through a series of articles on their website. Yang was sentenced to eight months’ jail while Ai received 10 months.

On protecting elderly victims, Mr Wong said the rapidly ageing population made for a “highly vulnerable group” who had amassed substantial savings for retirement and is a ripe target for fraudsters.

“We will robustly prosecute those who exploit the elderly, in order to deter such offences and give the full protection of the law to some of the most vulnerable members of our society,” he added.

Mr Wong was giving a talk, titled *Prosecution in the Public Interest*, at the National University of Singapore’s law faculty, providing insights into how prosecutorial discretion is exercised, which involves who to charge, the appropriate charges and sentences that prosecutors call for.

“Prosecution of a crime is more

than just to punish the wrongdoer or offender – each prosecution is done with the public interest in mind,” he said.

He added that prosecutions are conducted in the name of the public; offences are prosecuted for the good of the public; proceedings are held according to values expected by the public; and action is taken in the eye of the public.

But he said that even as prosecutors pursue important objectives like maintaining a secure Singapore environment or promoting a culture where rights are respected, this does not mean that every offence must be prosecuted.

Prosecutors take a solution-centric approach in dealing with crime, which means considering diversionary programmes to deal with young offenders instead of pressing charges in court, said Mr Wong. “The upshot of all this is that prosecutorial decisions are complex and difficult. There are many different interests that we are balancing in every case.”

Underlining that there is no single, right answer in many difficult cases, he said “many exercises of the prosecutorial discretion reside along a continuum of credible, good-faith decisions made by my deputies, on the basis of evidence put before them”.

“If the correct guiding principles are followed, I accord my officers a ‘margin of appreciation’ – in short, no one person unilaterally ‘determines’ the public interest in my Chambers,” he added.

“We discuss our cases critically, and at times debate with each other vigorously, over the decisions we have to make every day. We do so precisely because it is only through that process of open engagement that we can arrive at fully considered decisions.”

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• Additional reporting by Nur Asyqin Mohamed Salleh

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