

SIXTH PARLIAMENT OF SINGAPORE

Second Session

FIFTH REPORT OF THE COMMITTEE OF PRIVILEGES

Complaint against the Editor, Publisher
and Printer of "THE HAMMER"

Parl. 9 of 1987

Presented to Parliament:

15th May, 1987

COMMITTEE OF PRIVILEGES

Mr Speaker (Dr Yeoh Ghim Seng, B.B.M., J.P.) (Chairman).

Mr E.W. Barker, Minister for Law.

Mr Chiam See Tong, M.P.

Encik Othman bin Haron Eusofe, M.P.

Dr Tony Tan Keng Yam, Minister for Education.

Mr Wong Kan Seng, Minister for Community Development and Second
Minister for Foreign Affairs
Leaders of the House.

Mr Eugene Yap Giau Cheng, Senior Parliamentary Secretary to the
Minister for Trade and Industry and the Minister for the
Environment.

Mr Yeo Cheow Tong, Acting Minister for Health and Minister of State,
Ministry of Foreign Affairs.

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FIFTH REPORT OF THE COMMITTEE OF PRIVILEGES

The Committee of Privileges to whom was referred the matter of the complaint made by the then Leader of the House and Member for Kallang, Mr S. Dhanabalan, of an article entitled "Committee of Privilege Hearing/Jeya denied fair hearing" appearing on page 8 of the January/February 1987 issue of "The Hammer" have agreed to the following Report:

Introduction

1. On 18th March 1987, Mr Speaker informed the House that he received a letter ^(a) dated 6th February 1987, from the then Leader of the House and Member for Kallang, Mr S. Dhanabalan, complaining under Standing Order 95(7)(c) of an article appearing in "The Hammer" purporting to report on the proceedings of the Committee of Privileges of 18th December 1986, meeting. The allegations made by the Member for Kallang satisfied Mr Speaker that the matter complained of prima facie affected the privileges of Parliament and, on being satisfied, that the matter had been raised at the earliest opportunity, Mr Speaker referred the matter to the Committee of Privileges under the Standing Orders.

2. The allegations of Mr Dhanabalan were that:

- (i) the article was a "gross distortion of the truth of what in fact took place during the proceedings of the Committee of Privileges", in particular, he cited that the headline of the article was a totally unwarranted attack on the Committee of Privileges in alleging that Mr Jeyaretnam, as the headline read, was denied a fair hearing by the Committee and such accusations were unjustified as the records showed that he was given every opportunity to, cross-examine the Prime Minister, the Chief Justice, the Attorney-General and other witnesses; and
- (ii) the article was a false and perverted reporting of the Committee's proceedings. Mr Dhanabalan quoted passages in the report when Mr Jeyaretnam was given sufficient time to put his questions to the Prime Minister when the Prime Minister was in the witness box and that it omitted mentioning the Chairman's ruling on 12th September 1986, that "the Committee has decided that we have now come to the conclusion of this stage of our proceedings."

(a) Appendix A

3. The article, Mr Dhanabalan stated, had made certain omissions, such as:

- (i) despite the time limit imposed by the Chairman, the Prime Minister was kind enough to suggest that Mr Jeyaretnam be given three relevant questions to ask him, and that Mr Jeyaretnam refused to ask those relevant questions;
- (ii) the Chairman had said that Mr Jeyaretnam was given every opportunity for five days in response to Mr Jeyaretnam's allegations that he was denied the opportunity to put his case; and
- (iii) the restriction of 45 minutes on Mr Jeyaretnam for making his submission was also applicable to Mr Glenn Knight. This last omission, Mr Dhanabalan stated, conveyed 'the impression that Mr Jeyaretnam was treated unfairly by the Chairman.

4. The Committee decided that copies of the complaint be sent to the Editor (who is Mr J B Jeyaretnam), the Publisher (who is the Executive Council of the Workers' Party) and the Printer (who is G.T. Printing and Trading (Pte) Ltd) of "The Hammer" informing each of them to send his/their reply to the complaint within seven days of the receipt of the copy of the complaint; and that oral evidence be taken from the Editor, the Publisher and the Printer of "The Hammer" on Monday, 13th April 1987.

5. In their reply (b), the Editor and the Publisher of "The Hammer" denied that the article:

- (i) was a false and perverted reporting of the Committee's proceedings;
- (ii) contained misrepresentations ; and
- (iii) was in contempt of the Committee of Privileges and of Parliament.

They maintained that the article did not and does not purport to be a verbatim report of the proceedings of the Committee of Privileges on 18th December 1986 and that the heading when read together with the article was to inform readers of the protests of the Member of Parliament as the protests were not published in the local newspapers. The heading could not be read in isolation from the body of the article and any reasonable person on reading the article could conclude that the Member was complaining that he had been denied a fair hearing. The article did not purport to make a value

judgment on the conduct of the proceedings by the Committee but was simply to inform readers of the protests of the Member concerned.

6. The Editor and the Publisher admitted that the article was selective as were the reports of local newspapers on the proceedings of the Committee of Privileges. They were thus unable to accept the complaint of the Minister for Foreign Affairs.

7. The Editor and Publisher of "The Hammer" maintained that the article was only reporting that Mr Jeyaretnam was not given an opportunity to be heard.

8. The Publisher and the Editorial Board regretted that the heading to the article did not make it abundantly clear that it was the Member who was saying that he had been denied a fair hearing and they apologised for this omission.

9. The Chairman of the Workers' Party, Mr Wong Hong Toy, told the Committee that the article was written by Mr Jeyaretnam and he was "not involved" in the writing of the article.

10. Mr Teo Sing Lim, the Managing Director of G.T. Printing and Trading (Pte) Ltd, in his written reply^(c) to the Clerk of Parliament stated that his company and he himself mainly used Chinese in dealing with their printing business and that he be excused for his reply in Chinese. Mr Teo said that "the typing, type-setting and designing of the English text (of "The Hammer") were all handled by the personnel of that newspaper.". He said that his company did not know that it had infringed and had no intention to infringe the provisions of the Parliament (Privileges, Immunities and Powers) Act when it printed the January/February 1987 issue of "The Hammer". He said that he deeply regretted this incident and sincerely apologised for it. He gave the assurance that he would not commit the same error again. He said that he would not print "The Hammer" anymore.

Oral Evidence on Oath/Affirmation

11. The Committee heard oral evidence on oath/affirmation from the following:

- (1) Mr J.B. Jeyaretnam;
- (2) Mr Wong Hong Toy; and
- (3) Mr Teo Sing Lim.

Findings

12. With regard to Mr Jeyaretnam's argument that the article was not meant to be a verbatim report of the proceedings, the

(c) Appendix C

Committee are of the view that they are not requesting verbatim reports but any published accounts of the Committee's proceedings must not be false, perverted or biased. The Committee note that this is the second time Mr Jeyaretnam is involved in a complaint of false reporting.

13. With regard to the allegation as stated in the article that ". . . the Committee was now denying him, an opportunity to cross-examine the Prime Minister." it is pertinent to note that Mr Jeyaretnam did not include the Prime Minister in his list of witnesses to be called and that the Prime Minister volunteered to give evidence to answer the three specific charges, namely, that there was Executive interference in the transfer of Mr Michael Khoo; that the Chief Justice and the Attorney-General were beholden to the Prime Minister; and that the Attorney-General was being groomed for high office.

14. The truth is that Mr Jeyaretnam wasted 50 minutes in asking irrelevant questions and despite repeated promptings by the Chairman and Mr Barker he never asked those relevant questions until the Chairman had to say, "I think it is becoming very clear to me that you have got no questions relative to the allegations" and "If you go on like this, I have got to ask the Prime Minister to step down". When Mr Jeyaretnam refused to put the relevant questions, the Committee, after a short adjournment, decided that that part of the proceedings was concluded, which clearly meant that the Committee had ruled that the cross-examination of the Prime Minister had ended.

15. Regarding Mr Jeyaretnam's charge that he was also restricted in putting a number of questions to the Chief Justice, it is clear from the records that many of the questions put by Mr Jeyaretnam were irrelevant and that the Chief Justice was in the witness box for about an hour and thirty-five minutes which shows that there was ample time for Mr Jeyaretnam to ask all the relevant questions that he needed. This could be seen from the records of proceedings of 9th September 1986, when the Chairman told Mr Jeyaretnam that he had wasted 40 minutes asking irrelevant questions (page D181, fourth and tenth lines), "You have wasted 40 minutes" and "You have wasted 40 minutes fishing around". Similarly, the Attorney-General was in the witness box for about one and a half hours and Mr Jeyaretnam had ample time to put the relevant questions to him.

16. With regard to the restriction of 45 minutes on Mr Jeyaretnam to make his submission, the article in "The Hammer" gives the impression that the restriction was applicable only to Mr Jeyaretnam and, therefore, he was unfairly treated by Mr Speaker. The truth is that the restriction also applied to Mr Glenn Knight to make his submission. This, therefore, is inaccurate reporting.

17. With regard to Mr Jeyaretnam's claim that the words "Jeya denied fair hearing" should have been shown in quotation as his words and that the inverted commas were omitted due to a lack of professional supervision over the production of the paper, the Committee find it difficult to accept because the whole article and its layout was written, designed, typeset, and proof-read by the Publisher and Editor, and not by the printer. They would have spotted the error in the headline if there was any. Although they apologised for the omission of the inverted commas, they maintained that the article is not in contempt of the Committee and of Parliament. There is no contrition in the apology.

Conclusion and Recommendations

18. In the Second Report* of this Committee (concerning five newsletters which Mr J. B. Jeyaretnam caused to be published), the Committee had explained why false reporting of proceedings of Parliament should be regarded as contempt of Parliament. The principles laid down by the Committee then are equally applicable here.

19. The Committee find that the article read as a whole with the heading "Committee of Privilege Hearing/Jeya denied fair hearing" is a gross distortion of what took place at the Committee's proceedings. The article does not present a fair, truthful and balanced reporting of the proceedings of the Committee of Privileges of 18th December 1986, or of any day of the meetings. It contains serious omissions and distortions calculated to give readers a false impression of what really took place.

20. The article in question is irresponsible reporting with complete disregard for the dignity and decorum of the Committee of Privileges. Parliament cannot allow unjustified and inaccurate account of its proceedings or of its Committee. If the reports of its proceedings are unjustified and inaccurate, then they are in contempt of Parliament, and the authors of such articles have to be dealt with appropriately. The Committee, therefore, find the Editor (Mr Jeyaretnam), and the Publisher (the Workers' Party Executive Council) of "The Hammer" guilty of contempt of Parliament.

21. The author of the article is Mr Jeyaretnam who was found guilty of contempt of the Committee and of Parliament as recently as 27th January 1987 for publishing five newsletters which contained wilful distortions and misrepresentations of the Committee's proceedings. He therefore knew (and the Publisher must have known) that the Committee would take a serious view of such contempts. Yet, despite being put on notice and despite the previous findings and penalty imposed by Parliament, Mr Jeyaretnam wrote the article in question. Such repeated contempts must be

*Parl. 4 of 1987

viewed seriously. Furthermore, the only point on which the Editor and the Publisher expressed regret is that the headline had not made it clear that it was Mr Jeyaretnam's views. They, however, strenuously denied that the article constituted contempt.

22. The Committee are of the view that Mr Jeyaretnam and the Publisher be severely punished for this repeat contempt of the Committee and of Parliament. The punishment for Mr Jeyaretnam should be more severe because this is the second time he committed such an offence.

23. As for Mr Teo Sing Lim, the Printer of "The Hammer", the Committee are satisfied that he did not intentionally commit contempt of Parliament. But this is no excuse. The Committee note that he had, on his own volition, decided not to print "The Hammer" anymore. The Committee are of the view that as a printer, Mr Teo could print anything for anybody so long as his action does not violate any law, including contempt of Parliament.

24. Mr Teo appeared to be deeply contrite for his action. He admitted his mistake and profusely apologised to the Committee. The Committee, taking cognisance of his unreserved apologies and his admission of a genuine mistake on his part, and the fact that this is his first offence, are inclined to take a lenient view of his error.

Penalty

25. The Committee recommend that:

- (a) Parliament impose on the Editor of "The Hammer", Mr J B Jeyaretnam, a fine of \$10,000;
- (b) Parliament impose on the Publisher of "The Hammer", the Workers' Party Executive Council, a fine of \$5,000; and
- (c) the Printer of "The Hammer", Mr Teo Sing Lim, be reprimanded and warned by the Speaker in writing.

MINISTER FOR FOREIGN AFFAIRS
SINGAPORE

6th February, 1987

Dr Yeoh Ghim Seng
Speaker
Parliament

I wish to make a complaint against the Editor, the Publisher and the Printer of the Workers' Party publication, The Hammer, in respect of an article "Committee of Privilege Hearing/Jeya denied fair hearing" which appears on page 8 of the January/February 1987 issue. A copy of the article is attached. This article, in my view, constitutes contempt of the Committee of Privileges and of Parliament. I make this complaint under Standing Order 95(7)(c).

2 The grounds for my complaint are:

- (1) The article is a gross distortion of the truth of what in fact took place during the proceedings of the Committee of Privileges. In particular, the headlines of the article "Committee of Privilege Hearing/Jeya denied fair hearing" is a totally unwarranted attack on the Committee of Privileges in alleging that Mr Jeyaretnam was "denied a fair hearing" by the Committee. The facts, as borne out by the record, are that he was given every opportunity to cross-examine the Prime Minister, the Chief Justice, the Attorney-General and other witnesses. Such an accusation against the Committee is therefore unjustifiable.
- (2) The article also is a false and perverted reporting of the Committee's proceedings. In particular, I wish to draw attention to the following omissions:

2nd paragraph: "When the Committee rose on 12th of September, 1986, the Prime Minister was in the witness box, cross-examined by Mr Jeyaretnam. Mr Jeyaretnam assumed that he would be allowed to continue with his cross-examination when the Committee resumed its sitting on the 18th December and wrote to the Chairman of the Committee on the 11th December indicating his intention to do so and asked the Chairman to make arrangements for the Prime Minister to be made available."

Mr Jeyaretnam has made a serious omission in not mentioning that, at the close of the proceedings of 12th September, the Speaker had made it clear the cross-examination of the Prime Minister had ended when he ruled "The Committee has decided that we have now come to the conclusion of this stage of our proceedings".

5th paragraph : "He also said he had come prepared with several questions which he intended to put to the Prime Minister and which he considered were necessary for the presentation of his case. The Chairman of the Committee said that Mr Jeyaretnam had already had 50 minutes to cross-examine the Prime Minister on the 12th September and he was not going to allow any further questioning and he said Mr Jeyaretnam could have his protest recorded."

While it is true the Speaker said that Mr Jeyaretnam could have his protest recorded, the Speaker also said that despite the time limit that he imposed, "the Prime Minister was kind enough to suggest that you be given three questions to ask him. If you can remember what those questions were, I will not repeat them. You refused to ask these questions in spite of prompting from the Members of the Committee and, therefore, it is my opinion I am not going to call the Prime Minister again?" (paragraph 3246). This important point was omitted in the article.

6th paragraph: "He said he wished to put on record that he had not been given an adequate opportunity to present his case."

The article omits the Speaker's response: "You were given every opportunity for five days, Mr Jeyaretnam?" (paragraph 3248)

9th paragraph: "After Mr Elias' evidence, the Chairman of the Committee told Mr Jeyaretnam that he had 45 minutes in which to make his submission. Mr Jeyaretnam again protested and said that the time was wholly inadequate. The Chairman, however, said it was his ruling."

This gives the impression that the Speaker had treated Mr Jeyaretnam unfairly by imposing a time limit for submissions on him only. He omitted the fact that the Speaker specifically mentioned this when he said "I restricted not only you but also Mr Glenn Knight." (paragraph 3259)

Committee of Privilege Hearing

Jeya denied fair hearing

The Committee of Privileges resumed its hearing on the 18th December, 1986, into the complaint against Mr Jeyaretnam that he had committed a breach of privilege by alleging executive interference in the Subordinate Courts judiciary. The Committee last sat on the 12th of September, 1986 and had adjourned further hearing until the appeal by Mr Jeyaretnam against his conviction had been heard by the High Court.

When the Committee rose on 12th of September, 1986, the Prime Minister was in the witness box, cross examined by Mr Jeyaretnam. Mr Jeyaretnam assumed that he would be allowed to continue with his cross-examination when the Committee resumed its sitting on the 18th December and wrote to the Chairman of the Committee on the 11th December indicating his intention to do so and asked the Chairman to make arrangements for the Prime Minister to be made available.

When the Committee sat on the 18th December, the Chairman of the Committee, the Speaker of Parliament, announced that the Committee did not wish to record any further evidence from any witness other than Mr Harry Elias who Mr Jeyaretnam had requested to be called.

Mr Jeyaretnam protested and said that it was not his understanding on the 12th September, 1986, that he would not be allowed to continue with his cross-examination of the Prime Minister when the Committee resumed its hearings and he said he had accordingly written to the Chairman of the Committee to make the Prime Minister available.

He also said he had come prepared with several questions which he intended to put to the Prime Minister and which he considered were necessary for the presentation of his case. The Chairman of the Committee said that Mr Jeyaretnam had already had 50 minutes to cross-examine the Prime Minister on the 12th September and he was not going to allow any further questioning and he said Mr Jeyaretnam could have his protest recorded.

Mr Jeyaretnam told the Committee that he had not been allowed to put a number of questions to the Chief Justice and he was also severely restricted in his cross-examination of the

Attorney-General and the Committee was now denying him an opportunity to cross-examine the Prime Minister. He said he wished to put on record that he had not been given an adequate opportunity to present his case.

The Prime Minister, who was present, said he had made himself available for cross-examination and was always available but since the Committee had ruled that he was not to be further questioned, he wished to be excused and left the Chambers.

After the Prime Minister left, Mr Harry Elias gave evidence and he confirmed what he told the Select Committee on the Legal Profession Amendment Bill, that there was a universal feeling among lawyers that the transfer of Mr Michael Khoo was a sad day.

After Mr Elias' evidence, the Chairman of the Committee told Mr Jeyaretnam that he had 45 minutes in which to make his submission. Mr Jeyaretnam again protested and said that the time was wholly inadequate. The Chairman, however, said it was his ruling.

Mr Jeyaretnam then made his submission after which Mr Glenn Knight made his. Mr Jeyaretnam then rose to ask for permission to reply to what he said were misrepresentations by Mr Glenn Knight.

The Chairman said that as a special concession he would allow Mr Jeyaretnam to send in written submission in reply to Mr Glenn Knight's submission and then announced that the Committee had come to the end of its sitting and would submit its report to Parliament in due course.

THE WORKERS' PARTY

c/o 1 Colombo Court #08-02,
SINGAPORE 0617.

3rd April, 1987

The Clerk of Parliament
Singapore

re: Complaint by the Minister
for Foreign Affairs.

I refer to your letters of the 27th March, 1987, addressed to the Executive Council of the Workers' Party, as publishers of "The Hammer" and to me, as editor of "The Hammer".

I now forward the Reply of both parties to the complaint.

J.B. Jeyaretnam
Secretary-General

Reply of the Editor and Publishers
of The Hammer to the complaint by
the Minister for Foreign Affairs
of the 6th February, 1987

It is firstly denied that the article in the paper "is a false and perverted reporting of the Committee's proceedings". Secondly, it is denied that the article, even if it is false or contains misrepresentations (which is denied), is in contempt of the Committee of Privileges and of Parliament.

The article did not and does not purport to be a verbatim report of the proceedings before the Committee of Privileges of the 18th December, 1986.

It is transparently plain when one reads the article together with the heading that what the article does is to inform its readers of the protests of the Member of Parliament whose conduct was being enquired into by the Committee. The editorial board thought that the readers should be informed of the protests since the local newspapers had omitted the protests of the Member of Parliament except for the protest against the limit of 45 minutes for his submission.

The heading cannot be read in isolation from the body of the article. Any reasonable person, after reading the article, could only conclude that the Member was complaining that he had been denied a fair hearing.

The article does not purport to make a value judgment on the conduct of the proceedings by the Committee but simply to inform readers of the protests of the Member concerned.

It is admittedly selective in the same way that the reports in the local newspapers of the entire proceedings before the Committee were selective.

The complainant does not say that the report of the protests made by the Member is false. He does not deny that the Member made the protests. The complaint is simply that the report omits to inform its readers of other matters but, as was said above, the article was not intended to be a verbatim report of the proceedings.

For these reasons, the publishers and the members of the editorial board are unable to accept the complaint of the Minister for Foreign Affairs.

Having said the above, the publishers and the editorial board regret that the heading to the article did not make it abundantly clear that it was the Member who was saying that he had been denied a fair hearing. When the article was first prepared for publication, the words "denied fair hearing" were shown as the words of the Member but when the final proof was read and returned to the printers the omission was missed. The publishers and the editorial board apologise for this omission to show that the words were the words of the Member which omission resulted from lack of professional supervision over the production of the paper.

The publishers and the editorial board regret this very unfortunate omission.

The publishers and the editor would like to be heard further on the above submission.

For and on behalf of the Executive Council of the Workers' Party as publishers:

Chairman/Joint Editor of
"The Hammer"

Wong Hong Toy

Secretary-General/Editor
of "The Hammer"

J.B. Jeyaretnam

3rd April, 1987

THE WORKERS' PARTY

c/o 1 Colombo Court #08-02,
SINGAPORE 0617.

14th April, 1987

The Clerk of Parliament
Singapore

re: Complaint lodged by the Minister
for Foreign Affairs against the
Publishers and Editors of "The
Hammer"

I shall be pleased if you will place before the Committee of Privileges the annexed further submission on behalf of the Publishers and the Editors of "The Hammer".

Yours faithfully

J.B. Jeyaretnam

THE WORKERS' PARTY

Further submission on behalf
of the Publishers and Editors
of "The Hammer"

I regret that when before the Committee on the 13th of April 1987, I omitted to bring to the notice of the Committee the practice of the U.K. House of Commons as regards publication outside Parliament of proceedings in Parliament.

I would respectfully refer the Committee to the resolution of the House of Commons made on the 16th of July, 1971 and reported in Erskine May, 20th edition at page 83. The resolution is in the following words:-

".... notwithstanding the Resolution of the House on 3rd March, 1762 and other such Resolutions, this House will not entertain any complaint of contempt of the House or breach of privilege in respect of the publication of the debates or proceedings of the House or of its Committees, except when any such debates or proceedings shall have been conducted with closed doors or in private, or when such publication shall have been expressly prohibited by the House."

The Committee's attention is also drawn to a passage at the foot of page 83 of the same edition which is reproduced below:-

"The repeated orders made by the House forbidding the publication of the debates and proceedings of the House, or of any committee thereof, and of comments thereon, or on the conduct of Members in the House, by newspapers, newsletters, or otherwise, and directing the punishment of offenders against such rules, had long since' fallen into disuse."

(J.B. Jeyaretnam)

Translation From Chinese

G. T. PRINTING & TRADING (PTE) LTD
1092 Lower Delta Road #03-10 (JTC Factory)
Singapore 0316

1st April, 1987

Clerk of Parliament
Singapore

Thank you for your letter of 27th March, 1987. Please accept my letter in Chinese in reply to your letter. As my company and I mainly use Chinese in dealing with our printing business we are unable to ask others to write the reply in English for us. Kindly excuse us for this.

2 Your letter pointed out that our company had printed the January/February issue of "The Hammer" of the Workers' Party and had infringed the privileges provisions of the Committee of Privileges of Parliament. My company deeply regret this incident and sincerely apologize for this. Allow us to explain that we really did not know it nor did we intend to infringe the provisions on purpose. Please accept our sincere apology and excuse us with magnanimity and understanding.

3 Kindly peruse the following points in order to understand our principle of "talking business in terms of business" in accepting the printing of "The Hammer".

- (1) Our company originally dealt in stationery supplies at the same time accepting small printing jobs as an agent for others. As delivery of printed articles could not be made on time causing the customers to be dissatisfied commercial credibility, at first we used a small table-top printing machine to print simple bill books, letters-heads, etc. Later, with the support of friends, we reorganized into a limited company on 5th November, 1975, and moved to the present address where we have been until now. We had also applied for and obtained a publishing and printing licence from the Ministry of Culture which enabled us to engage in bigger printing jobs such as printing of books, publications for civic organizations, playbills, newspapers, etc.

- (2) When applying for a publishing and printing licence, we were informed by a female officer of the Ministry of Culture about the few points to pay attention to (publishing and printing provisions attached⁽¹⁾). Therefore, our company has all along been quite careful in dealing with printing jobs of customers, lest we infringe against the provisions and have the MC/P rescinded.
- (3) Between 1981 and 1982, an official of the Workers' Party, Mr Wong Hong Toy, came to our office to look for me. (Mr Wong and I had worked in Wen Lin⁽²⁾ Bookshop and were mutually acquainted, but there has been no mutual relationship even up to now). He wanted to publish the Workers' Party's "The Hammer" and asked me whether I dared to accept the printing job. I did not respond immediately, but told him frankly that I had to seek direction from the Ministry of Culture before I could answer him. We therefore enquired at the publication and printing licensing section of the Ministry of Culture about questions like whether the Workers' Party had the permit to publish "The Hammer" and whether there would be any infringement of the Printing Act, etc. The answer we got was we could print it as that newspaper had the permit to publish and also the Party was a legal political party. We therefore accepted the printing job. For the first few issues I had been to the said Ministry for direction, lest there should be anything wrong which would affect the existence of our company.
- (4) At the time the company accepted to print "The Hammer" newspaper, one reason was it would help our financial turnover and increase our business. From a business point of view, provided it was legal and could make money, for the sake of the future of the company we should accept the job. Secondly, it was to fulfil our duty as citizens. The main point was to give the lie to unfavourable criticisms of the Government (that no printing press wants to print anything for opposition parties).
- (5) Regarding the English text published at the top left corner on page 8 of the January/February issue of "The Hammers" construed as infringing the privileges provision of the Privileges Committee of Parliament, our company was involved in it unwittingly. Because the text of that article which had been published in some major newspaper was extracted and truncated at random and published in "The Hammer" when our company

(1) See pages C4-5-

(2) Mandarin pronunciation.

was not in a position to fully realize it. Further, "The Hammer" was a multilingual newspaper, there was no Chinese translation for publishing. Moreover, the typing, type-setting and designing of the English text were all handled by the personnel of that newspaper. The completed type-set text was then handed to our company for immediate printing and the delivery of the goods was required within a short space of a few days. Thus, it can be said that our company is a Chinese stream printing company and is comparatively much less knowledgeable or conversant in other languages. Furthermore, the person in charge of that newspaper was a well-known and highly experienced personage in the legal circle who we believe would not like to do us harm. (For the June/July issue, that newspaper intended to publish a public message which was returned by major newspapers. When the person in charge of the paper Mr Wong Hong Toy raised this matter with me asking me to consult a lawyer before printing it, it was at once rejected by me for any publication). Therefore, on the unfortunate happening of this incident, our company once more tender our apologies and assure that hereafter it would not happen again and we would never print "The Hammer" newspaper for the Workers' Party any more. In the meantime, the Chinese text for the March/April 1987 issue has also been sent back.

4 Lastly, we crave for your indulgence.

Teo Sing Lim
Managing Director
G.T. Printing & Trading (Pte) Ltd

21st November, 1986

Ms Lieu Siew Khim
Manager
G T Printing & Trading (Pte) Ltd
Blk 1092 Lower Delta Road
03-10
Singapore 0316

Dear Mdm

G T PRINTING & TRADING (PTE) LTD

With reference to your application dated 1st November, 1986, I forward herewith Printing Press Licence No. 5492 for the operation of the above printing press for the period from 1st January, 1987 to 31st December, 1987.

2 Your attention is drawn to the requirements of the relevant laws as follows:

- (a) five copies of every publication printed or published in Singapore must be forwarded to Head, National Bibliography Section, National Library Singapore as required under the Printers and Publishers Act;
- (b) the name and address of the printer must be printed legibly on the first or last printed leaf of every publication as required under the Newspaper and Printing Presses Act, 1974;
- (c) a permit is required for the printing and publishing of any Publication which comes within the definition of the term "newspaper" in the Newspaper & Printing Presses Act, 1974. The Chief Editor/Proprietor should apply for the permit. However it is your responsibility to ensure that any such "newspaper" printed by you has a valid permit. You may inspect the original copy of the permit or check with the Ministry should there be any doubt.

3 **Please note that the above licence is not transferable. Permission must be obtained from the Ministry for any change in the proprietorship/directorship/partnership of the printing press.**

Yours faithfully

**Mrs PHUA J L
f PERMANENT SECRETARY
MINISTRY OF COMMUNICATIONS & INFORMATION**

MINUTES OF EVIDENCE

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MINUTES OF EVIDENCE

13 APRIL 1987

Present:

Mr Speaker (in the Chair)

Mr E.W. Barker	:	Mr Wong Kan Seng
Mr Chiam See Tong	:	Mr Eugene Yap Giau Cheng
Encik Othman bin Haron Eusofe	:	Mr Yeo Cheow Tong
Dr Tony Tan Keng Yam	:	

Examination of Witness

Mr J.B. Jeyaretnam, Editor of the "Hammer", was examined under oath.

13 APRIL 1987

Chairman

1. Good afternoon. As a formality and for the record, will you please state your name, address and occupation? --- (Mr J.B. Jeyaretnam) My name is Joshua Benjamin Jeyaretnam and the address is 35 Mount Sinai Rise, Apartment #07-01. And my profession is that of an Advocate and Solicitor.

2. Thank you? --- Mr Chairman, may I say something first?

3. We would like you to take the oath first? --- I see. [Mr Jeyaretnam took the oath.]

4. Mr Jeyaretnam, before you begin, the Committee is looking into the complaint of Mr S. Dhanabalan, then Leader of the House, of 6th February 1987 against the editor, the publisher and the printer of the Workers' Party publication, the Hammer, in respect of an article titled "Committee of Privilege Hearing/Jeya denied fair hearing" which appeared in page 8 of the January/February 1987 issue of the publication. That is the complaint? --- I see. Thank you. May I say what I want to say, Mr Chairman?

5. Please do that? --- It is simply this. I know you have said that the complaint is against the editor, the publisher and the printer. But the editor and the publishers in this case are more or less indivisible, and they are the one and the same person. It is

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unlike newspaper companies where the editor is a paid employee of the company. I am representing the publishers as well. I am one of the highest officials of the publishers and so is the Chairman. So I was wondering whether you will hear both of us as publishers and as editor at the same time. Because we are not here in two different capacities. I am also here for the publishers as well as for the editor. I think if the Committee will hear both of us together, then whatever I have to say as editor will be the same as whatever I say on behalf of the publishers.

Chairman (cont.)

6. I see? --- They are not two distinct persons.

7. Your thinking may not be the same? --- Well, we both represent the publishers and we are both editors. As I said, I am the editor, he is the joint editor.

8. Personally, I see no harm in seeing you first and then we can see Mr Wong? --- Well, if the Committee pleases. But all I am saying is that whatever I say as editor will be the same as what I shall say here as publishers.

9. We will take note of what you have said. But I think it would be better for you to appear first and then we will ask Mr Wong to appear later on? --- You will hear him alone, will you?

10. Yes, and see what are his views? --- All right, as you please, Mr Chairman.

11. Thank you? --- The other thing is: may I first make a statement?

Mr Wong Kan Seng

12. May I seek a clarification from Mr Jeyaretnam? You said that Mr Wong Hong Toy is the joint editor? --- Yes.

13. It does not appear so in the permit that you applied for in September 1986. The editor is stated as "Mr J.B. Jeyaretnam"? --- Well, that may be true. I suppose it might have been an oversight.

14. So Mr Wong therefore is not a joint editor? --- I am sorry, Mr Wong. I know you are relying on that. But, you see, he is in charge of the Chinese section. I don't read Chinese. So he will

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tell you (he will confirm it) as far as the party is concerned, he is the joint editor as well. It may be that in the last application we forgot to show against his name, "joint editor". But he happens to be in charge of the Chinese publication. So he is joint editor with me whatever the form may show or not show.

Mr Wong-Kan Seng (cont.)

15. I just want to make a clarification that that is not what is stated in the application? --- Yes. The fact is he is joint editor.

Chairman

16. You were going to make a statement just now? --- Yes, I want to say something about the whole thing, Mr Chairman, before questions are put to me, if I may.

17. Yes? --- Mr Chairman and Members of the Committee, I want to try and ask you to look at the whole thing dispassionately. Because it is my view that if you do, you will see that this complaint is really a storm in a tea cup or much ado about nothing. If I may take the letter from the Minister for Foreign Affairs dated the 6th of February 1987 and addressed to the Speaker, and if I may skip the first paragraph where it says he wishes to make a complaint and attaches a copy of the article, and move on to the relevant paragraph of his letter which is really paragraph 2. He says there that the grounds for his complaint are:

'(1) The article is a gross distortion of the truth of what in fact took place during the proceedings of the Committee of Privileges.'

Pausing there for a minute, Mr Chairman, he is in error in that statement because the article doesn't purport to inform its readers of what took place during the proceedings of the Committee of Privileges which would suggest that it attempts to report the entire proceedings of the Committee of Privileges. That is not true. The article merely reports one sitting of the Committee of Privileges on the 18th of December. So that assumption that it is a distortion of the truth of what, in fact, took place during the proceedings of the Committee of Privileges is a complete misconception and erroneous. And then he goes onto talk about the headline and then comes to the penultimate sentence:

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'The facts, as borne out by the record, are that he was given every opportunity to cross-examine the Prime Minister, the Chief Justice, the Attorney-General and other witnesses.'

Mr Chairman, with all due respect, and I am sure the Committee will concede immediately that there can be two different views about this matter, that two persons may hold completely different views. One person may take the view that the person in question has been given every opportunity. Another person may equally take the opposite view that the person concerned has not been given an adequate reasonable opportunity. But these, as I say, are matters of opinion and submission and there is a lot of judicial dicta on what amounts to adequate reasonable opportunity to be heard. I am sure the lawyers of this Committee are only too well aware of the rule about reasonable opportunity to be heard and what amounts to a denial of the reasonable opportunity to be heard. Again, he goes on to say:

'Such an accusation against the Committee is therefore unjustifiable.'

In the first place, it is our submission that there was no accusation against the Committee in that article. If one reads the whole of that article, and you must read of course the whole of the article including the heading, you can't just pick out one sentence or two sentences or even just the heading, you've got to read the whole of the article, it is, as I have said in my letter, transparently plain, abundantly clear, that what the article is reporting is that I protested before the Committee several times that I had not been given an opportunity to be heard. And that is borne out by the verbatim transcript. I have got the verbatim transcript. I have copied that part from the Report of the Committee. And every single statement in the article about my protest is borne out, it is there. So the article is simply reporting what took place before the Committee including my protests. It is like a newspaper report that a man in front of City Hall was shouting anti-Government slogans. The paper simply reports that. That can't be held to be a comment by the paper that it agrees with that man's views or whatever he says. It is a simple, straight piece of reporting. So this is what the Committee has to decide: whether the article is a straight piece of reporting or not, because I would ask the Committee to tell me where it is false. Because I cannot find anything that is false in that reporting. If I may then move on to his second complaint where he selects certain passages to justify his complaint. And in my respectful submission, may I say the Minister for Foreign Affairs,

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(cont.)

the then Leader of the House, protests too much. His complaint of the second paragraph, and I hope Members of the Committee have the second paragraph of this article in front of them, his complaint is simply not that it is false but that the article should have gone on to say something else. The passage in question is simply:

'When the Committee rose on the 12th September 1986, the Prime Minister was in the witness box cross-examined by Mr Jeyaretnam.'

That is a statement of fact which cannot be denied. It is a true statement of fact as ever there was. Then:

'Mr Jeyaretnam assumed that he would be allowed to continue with his cross-examination when the Committee resumed its sitting on the 18th December and wrote to the Chairman of the Committee on the 11th December indicating his intention to do so and asked the Chairman to make arrangements for 'the Prime Minister to be made available.'

That reports an assumption by me. 'It is not for the minister for Foreign Affairs to say that my assumption is wrong or that I did not make that assumption. It is quite clear that I made that assumption from the fact that I wrote to the Chairman of the Committee on the 11th December. That is not denied - that I wrote to the Chairman on the 11th December. So I was under the assumption that I would be allowed to continue with the cross-examination. Whether I should have been under that assumption or not is a different matter altogether. That is a matter for submission. But unless the Minister is able to open up my mind and say, "Well, you did not make that assumption," I can't see how it can be said that that report is false. But I say it is quite clear that I made that assumption from the fact that I wrote to the Chairman saying that I wished to cross-examine the Prime Minister. His complaint about that passage is that I had made:

' a serious omission in not mentioning that, at the close of the proceedings of 12 September, the Speaker had made it clear the cross-examination of the Prime Minister had ended when he ruled "The Committee has decided that we have ' now come to the conclusion of this stage of our proceedings." '

I have got two things to say about this. As I said, this article is a report of what took place on the 18th December. It does not purport to report anything said at the earlier hearings. Mr

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Dhanabalan's complaint is that we did not report what was said on the 12th September, 1986. I don't see that an article dealing completely with a sitting on one day is obliged to go on to report something said on another day. Or its absence can make the article a distortion or a lie. He can't say that my assumption was unfounded because, Mr Chairman and Members of the Committee, it would appear that the Prime Minister himself was under the impression that he would be cross-examined further because he rose and he said, "I am here. I am ready to make myself available and I have come for that purpose. But if it is your ruling that I am not to be further cross-examined, then I will ask your permission to leave." So it would appear that even the Prime Minister himself was under the impression that he might be cross-examined. So how could my assumption be shown to be false? Again, may I say, with respect, Mr Chairman, that your ruling on the 12th, "The Committee has decided that we have now come to the conclusion of this stage of our proceedings" did not make it clear, I say this with respect, did not make it clear that that meant that there was going to be no further cross-examination of the Prime Minister. I have got the transcript of the sitting of the 12th September, and at page D516, the Committee will see there were a lot of going-to-and-fro between me and the Members of the Committee and the Prime Minister, and suddenly Dr Tony Tan intervened and said, "Can I suggest we adjourn this session until we can restore some order in these proceedings." So that is how we came to have the adjournment. There was no suggestion that I had come to the end of my cross-examination of the Prime Minister. Dr Tan thought the thing was getting out of hand perhaps and that there should be an adjournment for a little while to restore order.

Dr Tony Tan Keng Yam

18. Mr Chairman, can I ask the witness perhaps if he could refrain from inferring the thoughts of Members of the Committee? --- I am sorry. All right. I am just reading out that you said, "I suggest we adjourn until we can restore some order." It suggests that. I am sorry. I won't. But it suggested that to me. Then when the Committee resumed, you announced, Mr Chairman, "The Committee has decided that we have now come to the conclusion of that stage of our proceedings." That is, that you do not intend to sit any further on the matter and that is all. There is nothing there to say that no further questions would be allowed of the Prime Minister, that his evidence was concluded, that he won't be called back. Which is what you said when you released the Attorney-General and the CJ previously. Here, the Prime Minister wasn't even released. So all you are saying is that you had come to the

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conclusion of that stage of your proceedings. So in my respectful submission, it wasn't at all clear that you had made it clear, according to the Minister for Foreign Affairs, that the cross-examination of the Prime Minister had ended. It is an open-ended question. If you had made it clear that there would be no further cross-examination of the Prime Minister, then Mr Chairman, you would have replied to my letter immediately saying, "I have ruled the Prime Minister will not be further cross-examined. So he will not be made available to you for further cross-examination." And if you again look at the proceedings on the 18th of December, your words were these: "I am not going to call . . ." in other words, you were making the decision for the first time, not that you had made it on the 12th September. "I am not going to call the Prime Minister again". "I am not going to call", in other words, that decision was being made for the first time on the 18th December. It wasn't a decision that was made on the 12th September. But Mr Dhanabalan assumes that that decision was already made on the 12th September. If you had made the decision on the 12th September, Mr Chairman, you wouldn't have said, "I am not going to call". You would have said, "I had already ruled that the Prime Minister's cross-examination had ended." So I really don't know what the complaint is against us that I had not reported on the 12th September. Because on the 12th September, it is far from clear that the Prime Minister's examination-in-chief had come to an end. Now, if I may move on to the next one, the fifth paragraph, that is the paragraph of which complaint is made:

"He also said he had come prepared with several questions' which he intended to put to the Prime Minister and which he considered were necessary for the presentation of his case. The Chairman of the Committee said that Mr Jeyaretnam had already had 50 minutes to cross-examine the Prime Minister on the 12th September and he was not going to allow any further questioning and he said Mr Jeyaretnam could have his protest recorded."

May I say, Mr Chairman and Members. of the Committee, that if the Editorial Board of the Hammer had intended to malign the Committee, we wouldn't have taken the trouble to include in that article that the Chairman of the Committee said that Mr Jeyaretnam had already had 50 minutes to cross-examine the Prime Minister. We were trying to be as fair as possible and give the other view that you had already said that I had already had 50 minutes to cross-examine the Prime Minister. We could easily have shut that out. So we are not being unfair at all in making this report. We were giving the other side that I had already had 50 minutes and I was still complaining. So the reader can judge for himself. "Well, Jeyaretnam seems to be

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complaining too much. He already had 50 minutes on his own admission." So there is an indication that the report, far from being malicious or unfair, is a perfectly fair article. The complaint, however, by the Minister is that instead of just limiting your statement to saying that I already had 50 minutes, that article should have gone on to give the further part of your statement that:

"the Prime Minister was kind enough to suggest that you be given three questions 'to ask him. If you can remember what those questions were, I will not repeat them. You refuse to ask these questions in spite of prompting from the Members of the Committee and, therefore, it is my opinion I am not going to call the Prime Minister again."

He complains that we haven't reported that. We only reported the 50 minutes. Mr Chairman, Sir, of course we haven't. But, as I said, this is intended not to be a verbatim report. It is not intended to be a lengthy report and detailed report. This was intended to be a brief report conveying the essence of the proceedings before the Committee. Having said that, may I say this, Mr Chairman. If we had reported all this - that you had told me that the Prime Minister was good enough to suggest that I be given three questions to ask him (if you can remember what those questions were) - if we had reported all that, then we would have been compelled to report also my rejoinder on the 12th September, the last day of that hearing. Because I then replied to those comments by you, Mr Chairman, that I must be allowed to have the conduct of these proceedings and that the Prime Minister cannot dictate to me what questions I should ask and try to confine me to those questions. So we would have had to report a lot more. The article would have to go on to some considerable length: Because that is not just the whole aspect of it. There was my rejoinder that I should be given the full conduct of the proceedings. And if I had reported that, then that would suggest that I wasn't given the full conduct. So we were really being' fair to the Committee in not reporting the entire thing but reporting essentially what took place, that is, you had said that I had already had 50 minutes. We were being absolutely fair in reporting that. Then the complaint about the sixth paragraph. The sixth paragraph said:

"He said he wished to put on record that he had not been given an adequate opportunity to present his case."

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Mr Dhanabalan takes offence with that passage in that paragraph, and he says it "omits the Speaker's response:(it is actually the Chairman's response) "You were given every opportunity for five days, Mr Jeyaretnam." Again, my answer to that is simply that this wasn't intended to be a verbatim article. And again, may I repeat what I said, if we had gone on to report what the Chairman of the Committee said, then we would also be obliged to report what my reply to that was. I tried to protest what the whole record would show and then we would have had to explain what the record would show. So the article would have to go to some considerable length again to try and explain all this, otherwise you leave readers in mid-air and you can't just do that. So we just reported that "I wish to place on record" which is admitted by Mr Dhanabalan. In fact, all this appears in the verbatim report. Finally, the passage in the ninth paragraph that he takes offence to is:

' "After Mr Elias' evidence, the Chairman of the Committee told Mr Jeyaretnam that he had 45 minutes in which to make his submission."

That is true. There is no falsity about that statement of fact.

"Mr Jeyaretnam again protested...."

and again that is true. There is no falsity about that.

"... and said that the time was wholly inadequate. The Chairman, however, said it was his ruling."

If the Committee would again like to look at the verbatim report, you will see that I was vigorously protesting about the 45 minutes. Mr Dhanabalan says that the article should have gone on to report that Mr Glenn Knight was also restricted. Of course, the article doesn't say that. But may I say, with respect to this Committee, that there was really no restriction on Mr Glenn Knight because he didn't need the 45 minutes. So there was no question of any restriction on him. He had come prepared with a submission which only took 30 minutes, it would appear. So there was no restriction on him. For him, there was ample' time and time to spare. The restriction was really on me. I needed more time but I was restricted. So to say that there was also restriction on Mr Glenn Knight would be, in my respectful submission, wrong because for him 30 minutes was more than enough and 45 minutes was set apart so there was no restriction. To have reported that he was also restricted would be, in my submission, erroneous. We were reporting

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truthfully that it was I who protested at the restriction on me and the restriction was only on me, not on Mr Knight. Somehow, he knew, I suppose, or guessed that he won't have very much time. He prepared his submission just to last for 30 minutes and was able to finish it well within the time. So there was no restriction. That is all I wish to say about the complaint and the merits of it and it is my respectful submission, Mr Chairman and Members of the Committee, that if you really go through it you will see that there is really nothing in that complaint. So I ask you to look at it dispassionately and decide judiciously whether there is really any falsity, any distortion. But we have in our letter in reply referred to the heading and we have said that it was unfortunate that it didn't show that "denied fair hearing" were the words of Jeyaretnam. But if one looks at the article it is patently clear that the words "denied fair hearing" are the words of Jeyaretnam, not the words of "The Hammer" newspaper. As I have explained in that letter, that was an oversight arising from lack of professional supervision over the final proof. When it was first prepared for the printers it was shown as a quotation of Jeyaretnam - "Jeya denied fair hearing" those words as the words of Jeyaretnam. But that's all to it. There is nothing else. And the article simply is a straight piece of reporting. May I again point out something in favour of this article which I would ask you to take into consideration as showing its eagerness to try and be fair to both sides. We report, Mr Chairman, that you granted a special concession to me to send in a written submission. That is something we are reporting that you were good enough to give me a special concession over and above my rights. So there, we were being very fair to the Committee by reporting that. If we had omitted that, that would be very serious because I had protested about the 45 minutes and then you, at the end, said you would give me an opportunity to send in written submission in reply to Mr Glenn Knight's submission. But that didn't really answer all my protests because my reply had to be confined to answering what I called the distortions in Mr Glenn Knight's submission. It didn't give me an opportunity to present my case. But nevertheless we reported that. So you will see from there that we are being very fair, the publishers and the editor of the article. So much then for the merits of this complaint. May I briefly touch on the law on this, Mr Chairman. May I say that as far back as the 19th century in 1841 or beginning of 1842, what the Privy Council had held in the case of Kielley and Carson reported in Four Moore (this is an old English report and it is now reproduced in the English reports) Privy Council Reports, page 63. It had held that unlike the English Parliament, the Parliaments in other territories, the dominions, the

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former colonies, had no inherent jurisdiction to punish - this is something that I am raising before the Courts in the other complaint which is now before the Court as a result of the Attorney-General's claim against me - had no inherent jurisdiction to punish for contempt committed outside the House. And this was a contempt committed outside the House. This is what I told the Registrar against the Attorney-General when he was arguing, because he was arguing that the English Parliament had jurisdiction and so this Parliament also has jurisdiction. The Privy Council said that the English position was completely different. There, it was because of the historical background that there grew up what was known as the Law of Parliament which became part of the general law. But they said that in other territories one had to look at the Constitution and one had to look at the statutes and they so held in that case and, in fact, that was an action against the Speaker in the Assembly in Newfoundland or somewhere, that the Speaker was liable in ordering the imprisonment of that man for a contempt committed outside the House. So I would ask you to consider that. I was going to bring this before Parliament if I had been given an opportunity at the last complaint upon which Parliament resolved to fine me \$25,000. But unfortunately I wasn't enabled to appear, and may I say that under the Act itself there is provision for me to have appeared. I am sorry that Mr Chiam was unable to draw the attention of Parliament to those two sections at that time but they are there clearly. They are sections 24 and 25 that I could have been summoned to appear before Parliament. May I ask you to look at the Act itself? The complaint of the Minister is that the letters were distorted and they contained misrepresentations and therefore they amounted to contempt. But that offence under the Act clearly comes under section 30 of the Act, and it is paragraph (h):

'publish wilfully any false or perverted report [and he says ours is a perverted report] or any writing containing a gross or scandalous misrepresentation of any debate or proceedings of Parliament [and that includes of course proceedings of Committees], or of any speech of a member in Parliament;'

So it is an offence under section 30 of the Act. And if one looks at section 21, the Procedure in cases of contempt, Members of the Committee, you will find that it says quite clearly:

'If it is alleged or appears that any person has committed any offence mentioned in section 20, Parliament may -'

And then you move down to (c):

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' if the offence is an offence mentioned in Part V, refer the matter to the Attorney-General with a view to the institution of criminal proceedings against such person.'

So under section 21, it is provided that Parliament may, if it comes under Part V, and section 30 is under Part V, refer the matter to the Attorney-General with a view to the institution of criminal proceedings against such person. It's "may" because Parliament may refuse to take any action. But if it wants to take any action, it should refer the matter to the Attorney-General with a view to the institution of criminal proceedings against such person. And then if you look at subsection (2) of section 21 again, Mr Chairman and Members of the Committee:

' If, on the report of the select committee to which a matter has been referred under subsection 1(b).'

which is this matter because you will be reporting to Parliament.

' (b) it appears to Parliament [that is on that report] that any person may have committed any offence mentioned in Part V, Parliament may follow the procedure prescribed in subsection (1)(c).'

which is to refer it to the Attorney-General with a view to the institution of criminal proceedings against such person. Then the court has to determine whether it amounts to contempt or not and I don't want to burden you with that because it is my submission whether even if it is a false report it amounts to contempt. It is my submission that it doesn't amount to contempt. And may I say that the scheme of this Act, the fact that section 30 selects a number of offences or misconduct and makes them punishable in court through institution of criminal proceedings accords with what the Privy Council has said in that case that if it is something outside the House, then we have to provide for punishment through the judicial process. It is only where the contempt is within the House, in the view of the House Parliament itself may punish. So that is all for the law, Mr Chairman and Members of the Committee. It is my view on the law if even for a minute it is conceded that there was something false which it isn't. And I say that again and again, there is nothing false about it, but even if it is conceded, all that Parliament can do then is to refer the matter to the Attorney-General to prosecute and let the courts decide as a matter of law whether it amounts to contempt or not. As I said, I was hoping to argue this before Parliament if I had been allowed to appear in the last hearing to draw this to the attention of

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Parliament. The case of Kielley and Carson is very interesting reading, Mr Chairman. That's all I wish to say.

Chairman] Do other Members like to speak? Mr Barker.

Mr Barker

19. Mr Jeyaretnam, we are not here to argue with you on the law but we will note your submissions. Let me take you back to this article of January/February 1987, "Committee of Privilege Hearing", headlines "Jeya denied fair hearing". Don't you think that heading is misleading? --- Mr Barker, we have referred to it in our letter to the Committee and it was intended it should have been in quotes but ---

20. But it is misleading? --- I suppose if you just look at it without reading the article, then it is misleading. I concede that, if one simply stops at reading that headline and does not read the article. But for that, we've apologized and we've said it was a lack of professional supervision over the final proof copy that went to the printers.

21. Let me ask you a question, point blank. Did we give you a fair hearing? --- Well, Mr Barker, as I said, there may be different views. Of course it is my view and I still maintain it, that I didn't get a reasonable adequate opportunity to present my case. I'm not resiling from that. That's my view. But, of course, it does not mean that everybody else must agree with it. A court of law may not agree. But that's my view.

22. You will remember, after you made your allegations in Parliament that Government set up a Commission of Inquiry to look into your allegations under Mr Justice Sinnathuray. Don't you remember that? --- Yes, of course, I do.

23. At that Inquiry you refused to give evidence because the Commissioner would not give you an assurance that he would call the Chief Justice and the Attorney-General as witnesses? --- And other persons as well. I mentioned others as well, yes.

24. We won't go into the reasons why or whether he was right or wrong. Subsequently, we had this Committee of Privileges and, without your giving evidence first, we called the Chief Justice, we called the Attorney-General and other witnesses, and you had ample opportunity to cross-examine them? --- May I, first of all, correct

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you, Mr Barker, on a point? You said "before you gave evidence", that is not true. I gave evidence right from the start, the first day.

Mr Barker (cont.)

25. All right? --- And it was during the course of my giving evidence that the Chief Justice was called on the second day.

26. Very well? --- So I gave evidence first.

27. I see. Okay. But you had ample opportunity to cross-examine the Chief Justice and the Attorney-General and others? --- Mr Barker, as I said, opinions may differ. You take the view that I was given ample opportunity. But may I point out, as I told the Committee on the hearing on the 18th December, that the Chief Justice was unnecessarily protected because he wasn't there as the Chief Justice. He was there as Chairman of the Legal Service Commission and, therefore, he shouldn't have been given that protection under the Constitution.

28. He was not? --- He wasn't being questioned about his duties and functions as a Chief Justice.

29. You could have. But you never did. Nobody protected him? --- First of all, I was told that I could only put questions - I can't put questions direct to him - they had to go through the Committee. And then, Mr Barker, if you go through the verbatim report, I am sure you will find a number of questions disallowed.

30. Well, if irrelevant? --- A number of questions were disallowed.

31. If they were irrelevant, yes? --- Well, that again is a matter of opinion.

32. All right? --- A matter of opinion.

33. Let me now --- ? --- And also, there was only a limited time. He was called, I think, about 4 o'clock or quarter to Four maybe.

34. You had finished with him? --- And we had to finish by 5 o'clock.. But it's my view. I mean, I may be wrong, you may be right. But it's my view. And then the Attorney-General ---

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Mr Barker (cont.)

35. Let me take you through your evidence, page D 498? --- On the 18th December?

36. 12th September? --- But I don't have all that with me. (Copy of First Report of the Committee of Privileges handed to Mr Jeyaretnam.) Yes.

37. After the Prime Minister had made a statement, you were asked to cross-examine.

'3166. I am going to ask the Prime Minister, perhaps I should really be asking you, Mr Chairman, and the Members of the Committee, for leave to ask him a few things generally before I come to these three specific matters because they are quite important.'

? --- Yes.

38. Then your first question:

'It is the attitude of the Government towards political leaders, It is on that sort of thing that I wish to ask him.'

Mr Barker All right. Put your first question. Let's hear it.'

What is your first question? We are dealing with allegations of alleged Executive interference with the Judiciary, transfer of Mr Michael Khoo, the CJ and the Attorney-General being beholden to the Prime Minister. Your first question is:

'Mr Prime Minister, you said that you bore me no animosity on that. ... you hate me?'

So it goes on and on. I later asked you Question No. 2 and you go on, right to the bottom of D 500:

'My question is: do you consider me as your worst enemy? --- [Reply] No.'

So we go on and on. What all this has to do with the Committee, I don't know. Few pages later, right up to D509:

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Mr Barker (cont.)

Mr Barker

If we can end this exchange [this long exchange between you and the Prime Minister] and get on to some relevant questions? --- [Prime Minister] Yes. I am here to answer Executive interference, beholden.'

Then you said:

'The Committee has allowed him to carry on for half an hour now.'

And I said:

'You ask him for his opinion and he explains.'

Mr Jeyaretnam For more than half an hour he has been carrying on.

Mr Barker I am trying to get you to ask a relevant question.'

Your reply: I have quite a lot of questions to ask him.'

I said: 'Well, we'll go on for days, the way you are going with irrelevant questions.'

And then you said: 'The way he is going, I am not going, Mr Barker. The way Mr Lee is going, it will take weeks perhaps.'

And I had to ask you again:

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker (cont.)

'Ask your question.'

So we go on. On the next page, D511, at the top:

Mr Barker For the last few minutes, I have trying to ask you again and again to ask him questions.'

Then you said:

'Are you going to stop me at 5 o'clock, are you? Then it is impossible.'

I said:

'No, no. But get on with the questions.'

You said:

'It is impossible.'

Mr Barker It is so hard for you to ask the questions.

Mr Jeyaretnam All right. I will.

Mr Barker. Come on.

Mr Jeyaretnam But it will start the Prime Minister off with something else.'

My answer to you was:

'Don't allow him.'

Mr Jeyaretnam I can't. I'll be told that I am committing contempt.

Mr Barker All right. Go on and ask your question, please.'

So we go on and on. At the bottom of the page:

Mr Barker Let's not have a debate. Let's have the next question.'

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker (cont.)

Next page, right in the middle:

' Mr Barker] Please, Mr Jeyaretnam, next question.'

Your reply:

' If he has finished, I will ask the next question. All right, leave him alone.'

I said:

' He is repeating himself.

Mr Jeyaretnam] All right, thank you.'

My advice to you:

' Don't give him a chance to.

Mr Jeyaretnam] I hope the Committee will.'

Instead of asking him relevant questions, you said:

' Mr Lee, have you read this book at all, Governing Singapore by Mr Raj K. Vasil?'

And you said:

' May I refer you to a passage. This is somebody who is writing about ---'

So I said:

' Read the passage quickly and loudly and clearly. Come on.'

Obviously, I was trying to get on with the relevant questions but they hadn't come out yet. Finally, at the bottom of the page:

' Prof. Jayakumar] Mr Chairman, I think Mr Jeyaretnam should go on to the next question ...

Chairman] I agree. I have been waiting for the last 20 minutes for even one relevant question.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker (cont.)

Next page:

'Chairman] If you go on like this, I have got to ask the Prime Minister to step down.

Mr Jeyaretnam] No, Mr Chairman, please.

Chairman] All right. Just give me one relevant question.

Mr Barker] One relevant question. One question relevant to this Committee.'

But you never got to those questions. We go on and on.

Page D515:

'Mr Jeyaretnam] Please don't look at me and accuse me of prolonging the proceedings.

Mr Barker] Come on. Get going.'

You said:

'There is another passage ---'

I said:

'Please.'

What that passage had to do with the Committee, I do not know. Finally, question 3237:

Mr Barker

3237. Would you like to put those questions? --- [Prime Minister] There are three accusations and they are relevant.'

And you said:

'Mr Chairman, I have to, with respect, remind you that I have the conduct and I am not going to be dictated to by the Prime Minister as to what questions I should put to him?'

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker (cont.)

The Prime Minister's answer was:

'But those were the accusations he has made against the Government.'

Finally, next page, you complained. You said:

'I have a lot of questions

If you are going to confine me to three questions, it is no good, Mr Chairman. I think we might as well as stop.'

Then I tried again:

'Three of the best questions you can ask.'

Then you said:

'No, I am not going to confine myself to three questions.'

I only took you through this because the record will show that we gave you every opportunity to ask questions of the Prime Minister. But somehow you never did? --- Have you finished, Mr Barker?

39. Yes, I thought I'll take you through this to find out what is your reaction to that? --- I can only repeat. That is your view, Mr Barker. Somebody else may not agree with your view. But may I say this simply. I was on the witness stand for three days, not 45 minutes or 50 minutes. I was on the witness stand for three days and I protested at a number of questions as being irrelevant. They dragged up all the proceedings in court, the evidence that was given, the affidavits, about Workers' Party funds, that, this, ad nauseam. And I protested that it was irrelevant but I was overruled. Now, when I started questioning, I was told that I was being irrelevant completely and confined to only three questions. And my answer to that, as I said then, was that I must have the conduct of my own case.

40. You had. You had the conduct. You wasted a lot of time. I tried to get you to ask the three relevant questions: (1) executive interference with the judiciary; (2) about the transfer of

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker (cont.)

Michael Khoo and other judges; and (3) CJ and the Attorney-General being beholden to the Prime Minister. This is what you alleged in Parliament. This is what the Committee of Privileges was inquiring into. Then we went on to passages from books, and at the end of the day you said we didn't give you time enough? --- I can only repeat. It is your view.

41. But the record is clear. It is not my view. I have taken you through that little bit. It took a long time? --- one has to put this before a court to decide the question whether there was a reasonable opportunity or whether there was hectoring, whether there was compulsion on me.

42. I tried my best to get you to ask these questions. I was not leading you on. I tried my best to, get you to ask those questions? --- Mr Barker, please.

43. I repeated and I repeated and we never got there? --- Mr Barker, please.

44. And at the end of the day ---?--- You are not appearing as my counsel.

45. No, I am not? --- You are not. I have the conduct.

46. Yes? --- And I had a purpose in asking those questions.

47. You had a purpose but you never asked the relevant questions which the Committee was concerned with? --- I am sorry.

48. You could ask all your other questions but the three relevant questions were never asked? --- If you think that 50 minutes is enough time, well, then that's your opinion.

49. It is more than enough to ask three important relevant questions which you said at the beginning you would come to after you asked him general questions. But you never came to them? --- Mr Barker, I have been at the Bar for no less than 30 years and I am not one to fall into the trap of putting a direct question and getting a direct no. That is not how you conduct cross-examinations. I am sure you must know that, Mr Barker, from your practice at the Bar.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker (cont.)

50. But I wasn't suggesting that you ask direct questions. You ask questions in the way you like. But get on- with' the subject? --- You don't do that, Mr Barker.

51. But you never did at all? --- I don't know how you conducted your cross-examination.

52. You never came to that at all, in whatever way you wanted to ask those questions, but you never did?' --- Mr Chairman, all I can say it is a matter of opinion. Anyway, the main fact is that this article is not seeking to make any value judgment. I have tried to impress that. We are merely reporting that I was protesting and I still maintain and I will maintain before any court of law or before any tribunal or anybody for that matter that I was not given a reasonable opportunity to be heard. I will maintain that. I will never abandon that.

53. After five long weary days? --- The main thing is that this article is not making a value judgment. This article is not saying that the Committee had denied me a fair hearing. This article is reporting that was saying that.

Chairman

54. But the heading was misleading? --- As I said, that was unfortunate, a completely unfortunate omission.

Dr Tony Tan Keng Yam

55. Mr Jeyaretnam, can I refer you to the article in question? Have you got a copy? --- Yes, certainly.

56. The fourth column, at the top, there is a sentence which says:

'Mr Jeyaretnam told the Committee that he had not been allowed to put a number of questions to the Chief Justice and he was also severely restricted ...'

--- Yes. No complaint is made about that passage by Mr Dhanabalan.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B, Jeyaretnam (cont.)

Dr Tony Tan Keng Yam (cont.)

57. Would you agree that it is unusual for the Chief Justice to be present as a witness in an inquiry? --- About his function as the Chief Justice, about how he decided a case, about what matters he took into consideration in coming to his decision. But the important thing is here he wasn't there as Chief Justice. He was there in his administrative capacity as Chairman of the Legal Services Commission. So the Chief Justice, I agree will never be questioned about how he decided any case before him.

58. Mr Jeyaretnam, can I refer you to page D 167 of the proceedings? --- Yes.

59. When the Committee resumed sitting at half past three on the 9th September 1986, shortly after that the Chief Justice was called in and examined under oath? --- Yes.

60. He was there until 5 o'clock' when the Committee adjourned? --- That's right.

61. So there was one and a half hours when the Chief Justice was in the box? --- He gave his evidence first. I think that took about 10-15 minutes. I don't know, maybe till 3.45. And then I had to ask questions through the Committee and so time was lost a little by that.

62. There was at least an hour for you in which you could ask your questions? --- Yes. As regards the Chief Justice, I am not complaining about the time limit. All I am saying is that a number of questions were disallowed. I am not complaining about the time limit for the Chief Justice. It is about the Attorney-General that I am complaining about the time limit and the Prime Minister. About the Chief Justice, my complaint was that a number of questions were disallowed, relying on this Article in the Constitution or whatever it was. A number of questions were disallowed.

63. As publisher and editor of the Hammer, this article including the headline was approved by you? --- It was approved by the editorial board. We were all there.

64. Of which you were the chief? --- Yes, we were all there. The article was prepared. Before it went to the printers, we had an editorial board meeting and it was all approved. And then it went to the printers for printing.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Dr Tony Tan Keng Yam (cont.)

65. So the article could not have been published without your specific approval? --- Yes, all right. But we meet as the editorial board. I am the editor but there is the editorial board which decides.

66. And you agree that the heading is misleading? --- Not if you read the whole of the article. This is my point. You can't just take it in isolation, Dr Tan. You can't. If you see that, you will want to read the whole of that report. And once you start reading the whole of the report, it is patently clear that what the article is saying is that I am complaining that I was denied a fair hearing; not that the article is making a value judgment.

67. All I am asking is whether the headline is misleading in your judgment? --- Well, as I said, it is unfortunate - that it should have been shown as my words, and I apologize for that. We agree certainly that it would have been much better if it had appeared with the necessary marks to show that those were my words.

68. So it was misleading? --- As I said to Mr Barker, if you just look at that simply and you don't read the article at all, if somebody just looks at that and then goes away, then it is misleading.

Dr Tony Tan Keng Yam] Thank you.

Mr Wong Kan Seng

69. Mr Jeyaretnam, do you utter those words "denied fair hearing" before the Committee? --- Well, I have uttered ---

Mr Wong Kan Seng] These words.

Mr Chiam See Tong] Mr Chairman, I have to interrupt. Mr Barker has gone through this point. Dr Tan has gone through this point. And Mr Wong is now canvassing the same point. What is the purpose?

Mr Wong Kan Seng] No, I am asking a new question. Whether he said those words "denied fair hearing"?

Chairman] Why don't you allow Mr Wong to finish first?

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong] No, you are reading the heading "denied fair hearing". Am I correct?

Mr Wong Kan Seng] It is a different point that Dr Tan brought up. Dr Tan asked Mr Jeyaretnam whether he thought those words were misleading, and he said "Yes". And I am asking whether he said these words "denied fair hearing" before the Committee.

Mr Chiam See Tong] No, it is exactly the same point, isn't it?

Mr Wong Kan Seng] It is not the same.

Mr Chiam See Tong] You are bringing up whether or not this is misleading. He has already explained it twice to this Committee.

Mr Wong Kan Seng] No, I did not ask him whether it is misleading. I did not ask him whether those words were misleading. I asked him whether he said those words "denied fair hearing" before the Committee. It is a different question.

Mr Chiam See Tong] Well, this is printed in words here. You are bringing a subject matter which is not before this Committee.

Mr Wong Kan Seng] Definitely.

Mr Chiam See Tong] We are dealing with this printed article. Now you are asking him whether he said these words. On what occasion? Where?

Mr Wong Kan Seng] He said that these words were what he said. I am asking whether he actually said these words.

Mr Chiam See Tong] No, we are hearing on this article. You are asking him ---

Chairman] Mr Chiam, why don't you allow Mr Wong to finish his questioning.

Mr Chiam See Tong] I cannot understand, Mr Chairman. We are here. We have canvassed this --

Chairman] Well, wait till he finishes his questioning, then we can understand what he is leading to.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong All right. You have made a ruling.

Mr Wong Kan Seng

70. These three words "denied fair hearing", did you say these words before the Committee? --- No, Mr Wong, I think you are perhaps under a misconception. I did not say that we were reporting these words as having been uttered by me before the Committee. What I had told the Committee is all in the verbatim report and it is quite clear from there that I will say again and again that I have not been given any opportunity to present my case, a reasonable opportunity, an adequate opportunity to present my case. 45 minutes is not enough for me. It appears a number of times before the Committee. And that, Mr Wong, is what the lawyers would call "a denial of a fair hearing". So it is a lawyer's concept of what is a fair hearing. So I am encapsulating all that into the legal concept of a fair hearing. The words "denied fair hearing" are my words for this article, encapsulating all the objections that I had taken. It is a legal concept.

Chairman

71. Words just like you said, "you are denying me my right"? --- Sorry, Sir?

72. You said in page D 546: "You are unnecessarily hampering me, and you are denying me my right."? --- Thank you, Mr Chairman.

73. That is legal expression, is it not? --- No. "denying me my right" amounts to denying me a fair hearing in the legal concept because the legal concept is always a fair hearing. Lawyers will tell you, Mr Chairman, that the concept has been defined throughout perhaps the last century and this century - what is a reasonable adequate opportunity to be heard fairly. And if all those are not present, then the courts say "he has been denied a fair hearing". That is their conclusion that he has been denied a fair hearing. So I am merely putting the conclusion there. "Jeya denied fair hearing". That means I am saying in that article that I was denied a fair hearing, using the legal summation of what amounts to a denial of fair hearing.

Mr Wong Kan Seng

74. Firstly, Mr Chairman, the headline "Jeya denied fair hearing" did not clearly attribute that to what Mr Jeyaretnam said before the Committee? --- Sorry?

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Wong Kan Seng (cont.)

75. The words here in the heading did not attribute him to be the person who made the remark. It is just a headline, that is all. Secondly, he did not actually say those words before the Committee? --- I agree with you. I mean I haven't looked through this. It may be that those actual words "denied fair hearing" were not used by me in the Committee.

76. I can't find any of those words there? --- All right, Mr Wong. But I have tried to explain to you for the last 10 minutes that "denied fair hearing" is a legal term of art. It summarises a court's view of whether a person has been given a reasonable opportunity to be heard, whether he has been given his right, as the Chairman has pointed out. So at the end, they come and say, "We find the man has not been given a fair hearing. He has been denied a fair hearing." Because a fair hearing means being given a reasonable opportunity to be heard, being given adequate time, being given time to prepare his case, being given time to present it calmly and coolly, all that amounts to a fair hearing.

77. The record shows, of course, that a lot of time was spent on questioning and a lot of opportunities were given to Mr Jeyaretnam before the Committee in asking the questions. Let me ask Mr Jeyaretnam another question which he referred to earlier on about the Editorial Board. Who comprise the Editorial Board? --- There is the Chairman and myself, who are the editors. Then there are three others.

78. Who are they? --- Well, do I have to reveal their names, Mr Chairman?

Chairman

79. There is no harm if you do? --- All right, Sir. Perhaps I should have asked them for their permission. There is a Mr Tan Tee Seng, Kenneth Sung, on the Editorial Board, and Mr Percy Seneviratne. He was a journalist. And there are these two others with us.

80. Who then decided to take out the attribute to the quotation? --- No one decided. It was intended that they should be shown as my words. But as I have explained in the letter, it was lack of professional supervision. We were in a bit of a hurry, I suppose. And when it came to the final proof from the printers, it was missed

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

somehow. And it went back. We said, "Go ahead and print". I have explained that. It was a lack of professional supervision. We didn't have the staff as the Straits Times may have, or others may have, to go through everything minutely.

Dr Tony Tan Keng Yam

81. Mr Jeyaretnam, do you read "The Hammer" after it is being published? --- Of course, I do, Dr Tan.

82. Then you would have seen that the heading was not attributed? --- Yes, we saw that. May I say, you have asked this, we intend to put out in the next issue of "The Hammer", unfortunately it does not come out everyday, so we could not carry a correction. But we intend to put out in the next issue of "The Hammer" that this was unfortunately omitted, and it should have appeared as the words of Jeya. We are intending to do that. I can assure you.

83. You are an advocate and solicitor and you would know that the heading as it is without attribution is misleading? --- Dr Tan, not if you read the whole article. If you put it before the court, the first thing they will say is, "You can't read the heading in isolation." That is one of the first rules of construction. You have got to read the whole thing together. They will never just take the one sentence or even the heading or the title and then condemn the article. They will say one has to look at the whole article, read it as a whole and then see whether the heading is misleading or not.

84. But if it had been possible, you would have it attributed? --- Sorry, Sir?

85. If there was proper supervision, you would have put the attribution in the heading? --- I agree. As I said, we missed it. And I am sorry. We apologize for that.

86. But you could have withdrawn the issue from circulation after it was printed? --- Well, we could have withdrawn, but we haven't.

Dr Tony Tan Keng Yam] Thank you.

Mr Chiam See Tong] Mr Chairman, I wonder whether there is going to be an orderly questioning or whenever we like we can just ask questions.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

[Chairman] Carry on.

Mr Chiam See Tong

87. All right, may I have my turn to question Mr Jeyaretnam. Mr Jeyaretnam, do you have the intention at all to commit contempt of Parliament in regard to this article? --- I should have thought the answer was obvious, even when one read the article. As I said, we have been scrupulously fair in including two items which we need not have included.

88. Your answer is no? --- No.

89. Of course. Do you have an intention to grossly falsify any of the proceedings in regard to this Committee of Privileges in which you were involved? --- Again, the answer is obvious. Because we say there is nothing false there. So I do not see how we could have had the intention when there is nothing false.

90. How would you define "grossly"? The word used is "gross". Under the Act it is "grossly false". Your denial is false? --- The Act says ---

91. I think there is the word "grossly". Am I right? --- Yes. "Containing a gross ---"

92. "Grossly"? --- "or scandalously misrepresentation".

93. Yes. How would you define that, Mr Jeyaretnam? Your denial is false. You did not have this word "gross"? --- I am saying the article was not false at all, even in the minutest particular, let alone "gross or scandalous misrepresentation". "Gross" means, in my understanding of that term, a sort of total misrepresentation where what is reported has no relation to the fact. It is a total misrepresentation. It has no relation to the facts.

94. Would you say that this article here is totally unrelated to the facts at all? --- I don't see how anyone can say it is totally unrelated to the facts. I keep saying it is a faithful reporting of the facts.

95. Yes? --- Because even Mr Dhanabalan does not deny anything. All he is saying is that we omitted to say something more. And may I say, Mr Chairman, which I should have said, the local press misses out a number of things. Of course, we complain about it because

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

they miss out anything that can be favourable to us. But we never thought of suing them for contempt. I have had to write letters to the Straits Times to point out that they had missed out this, they had missed out that, and would they please correct it. They refuse to take my letters.

Mr Chiam See Tong (cont.)

96. The words used by the complainant are "gross distortion". That is what he has used the words "gross distortion"? --- In his letter ---

97. In regard to the first complaint, No. (1)? --- "... is a gross distortion", yes.

98. "Jeya denied fair hearing" - he alleges that that statement is a gross distortion? --- He says "is a gross distortion of the truth of what in fact took place during the proceedings of the Committee of Privileges." That means the entire proceedings.

99. Yes. And you are in a way saying that this heading on its own may have been professional inadvertence on your part. But you are saying that no reader should just stop at the heading and should read the article? --- Yes, that is what I am saying.

100. And if anyone, just reading "denied a fair hearing", in fact, or I should say nobody should just read the heading and stop there? --- No.

101. If anyone reading the heading and stops there, in fact, he cannot make any comments on that article. If he is just only looking at the heading, nobody has a right in fact to say that you have distorted the hearing when they have only read it. They should read the article? --- That is my view.

102. And not only read the article but read it as a whole and not in isolation? --- Thank you. That is my view completely, that you can't jump to conclusions just from the heading.

103. So would you say that the heading should be read together with the article and not in isolation? --- I have been saying that again and again.

104. If the heading is read together with the article, would you say that it is a gross distortion? --- Far from it. I don't think any court of law will hold that. I say it confidently.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong (cont.)

105. Perhaps you could enlighten this Committee what is in your mind. How do you define "gross distortion"? --- I have tried to, Mr Chiam. I said where it is totally unrelated, where someone reports something which never really happened before the Committee, then it is a gross distortion. If I could give an example. If somebody gives evidence and says, "I did not murder this man. I did not go to his house. I did not plunge the knife into his back." And he says that. But the paper comes out with the report: This man says, "I committed the murder. I went to his house. I plunged the knife into his back." That is a completely gross distortion. But Mr Dhanabalan doesn't begin to suggest that.

106. So there is no gross distortion on your part? --- I have been maintaining that.

Chairman] Mr Chiam, you keep on repeating the same thing. Come on to something new.

Mr Chiam See Tong] Mr Chairman, I think the Committee must know what the terms of reference are. We don't want to be just led by the complaint of Mr Dhanabalan. I think we must understand fully what the complaint is about. In law, you cannot take every word for granted. We must know what the complaint is all about.

Mr Barker] We are well aware of what the complaint is about, Mr Chiam. All the Chairman is asking you is not to repeat yourself.

Mr Chiam See Tong] Yes.

Mr Barker] That's all.

Mr Chiam See Tong

107. Can we go on to the second paragraph complained of? When you wrote on the 11th, you had a bona fide belief that you would be given an opportunity to cross-examine the Prime Minister? --- Of course, I assumed, as I said, and that is why I wrote to the Chairman of the Committee on the 11th.

108. So, in fact, there was no intention at all to distort or to make false allegations when you wrote - or I don't know who wrote? --- I wrote on the 11th of December.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong (cont.)

109. Did you write this article in any event? --- You mean, the article in question?

110. Yes? --- Yes. I wrote the article. It had to be written by me. They wanted an article and I wrote it and it was put before the Editorial Board.

111. In fact, you had nothing in your mind at all at that time? --- Sorry, Mr Chiam, what do you mean "nothing in my mind"?

112. Nothing in your mind at all to consciously omit whatever is stated as "serious omission" in Mr Dhanabalan's claim? --- Well, as I have tried to explain ---

113. Mr Dhanabalan has said that you have omitted "The Committee has decided that we have now come to the conclusion of this stage of our proceedings"? --- I see your point. I agree. I would say that I didn't consciously decide that I would leave this out, I would leave that out. I didn't have the verbatim report in front of me. I was writing from my own memory. So I didn't consciously say, "I won't put that in. I won't put this in." I simply wrote as a narrative what I recollected from the proceedings.

114. Mr Jeyaretnam, let's come to the fifth paragraph. According to the Committee and the Chairman, you had already 50 minutes to cross-examine the Prime Minister. In your mind, of course, you would like to ask many questions, many more questions? --- Yes, of course. May I explain a little bit further because Mr Barker said those questions were irrelevant. I wanted to elicit from the Prime Minister the philosophy of the People's Action Party and I, wanted to show that they wanted complete loyalty from the civil service and from every public official, and to try and show that anybody who didn't carry out what was expected by the PAP would run the risk of displeasure from the Government or the ruling party.

115. That is your purpose of trying to read out passages from this particular book? --- Yes. The whole philosophy from the time that the PAP took over in 1959 and that man has done research and documented it.

116. So, in your view, those questions that you were trying to put were relevant? --- Of course. Of course, I had to. The Prime Minister was the Head of the Executive and he has been in power since 1959. I wanted to point out to him a number of things but I had to first lay the groundwork.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong (cont.)

117. As a result of not being able to lay your groundwork for your case, in your mind, at least, you felt that you were not given the opportunity? --- Of course. That was my view and I said it time and time again and I am prepared to stand by it before any tribunal.

118. When you said that you were not given enough time, were you thinking of the three days that you were on the stand and that you had given yourself to the other side for cross-examination and for any questions that might be put to you --- ? --- No, I wasn't thinking of that.

119. Were you comparing that? That they were using you for three days on the stand and in your particular case you were just only given 50 minutes? --- No, I wasn't consciously thinking of that. I wasn't going to demand three days of the Prime Minister in return for three days of my being in the witness stand. I simply wanted a reasonable opportunity to put my questions. And, you see, during that 50 minutes a lot of it was taken up by the Prime Minister going off on his speech and also by the Committee intervening to ask me to get on. I considered that I was being harassed and hurried unnecessarily and, of course, lawyers on the Committee are aware that if a Judge hearing a case, and the Committee of Privileges was in the position of a Judge, if he interferes unnecessarily and too often the Court of Appeal will set aside the hearing.

120. Mr Jeyaretnam, from your point of view, the questions that you were trying to put to the Committee were relevant, weren't they? --- Yes, of course.

121. And you said that at page D 511? --- Yes.

122. "It is relevant to me, Mr Chairman." You said that? --- Yes.

123. Mr Jeyaretnam, perhaps you can explain to the Committee. You said that you had three specific questions to ask. What were you trying to aim at? --- No, not that I had three specific questions. Before I come to the three specific questions which the Prime Minister kept popping up all the time, the three questions were about the Chief Justice and the Attorney-General being beholden and then about Executive interference in the transfer of Mr Michael Khoo.

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13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong (cont.)

124. Executive interference? --- That the Prime Minister or the Executive was at the back of the transfer of Mr Michael Khoo, and I think the third one was ---

125. Was it that your cases were politically motivated? --- Yes. That one, yes. Those were the three questions that the Prime Minister kept saying, "Just put it to me like this." I would be a fool just to put it directly to him and to be confronted with his broad "no" and then sit down. I had to build my case so that he cannot just say "no".

126. So when Mr Barker was prodding and asking you to put relevant questions, did you try to put a relevant question, in your mind? --- Yes. As I said, I wanted to lay the groundwork to draw the Prime Minister's mind to what that man said was the way in which the PAP had worked from 1959.

Mr Wong Kan Seng] May I seek a clarification, Mr Chairman?

Chairman] Yes, Mr Wong.

Mr Wong Kan Seng] I think we are here to enquire into this complaint on the article. We are not here to go back to the history and the proceedings of the Committee that inquired into the allegations of Executive interference. Here, I seem to get the feeling that we are trying to probe Mr Jeyaretnam as to what he wanted to do and what he was thinking about before that particular Committee. I think if we continue to do that, it will take us another week.

Mr Chiam See Tong] Mr Chairman, I think Mr Wong, with due respect to him, should ask me what is the purpose of my line of questioning. It, is quite obvious, isn't it? Here we are trying to find out whether or not what Mr Jeyaretnam writes is a fair comment or fair report of what he has written. One of the things he has written was that he felt that he has not been given a fair hearing. So we are trying to find out whether or not, in fact, what he has written is correct because if it was in his mind at that time -- =

Mr Barker] Nobody would know what is in his mind.

Mr Chiam See Tong] That is what we are trying to find out now.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Wong Kan Seng] How could you find out? What is stated there is on the record.

Mr Chiam See Tong] We are trying to find out. You see, Mr Barker has had his say in regard to this questioning. I think it is fair that I should be given also.

Chairman] Your view is the same as Mr Jeyaretnam's.

Mr Chiam See Tong] My views are not the same as Mr Jeyaretnam's. I am trying to find out what Mr Jeyaretnam was thinking and what his purpose was in regard to what Mr Barker had asked him. You see, Mr Barker had been asking him to put a relevant question. So I am asking Mr Jeyaretnam whether or not he had been putting relevant questions from his point of view, you see. And even though ---.

[Chairman] You were a Member of the Committee. You thought the answers were relevant to the questions?

Mr Chiam See Tong] This is what I read now. According to him, it is relevant to me, Mr Chairman.

Chairman] It is relevant to you.

[Mr Chiam See Tong] This is what he says.

Mr Barker] Very well.

[Chairman] Carry on, Mr Chiam.

Mr Chiam See Tong

127. Mr Jeyaretnam, you were trying to quote from that book. In your mind, it was a relevant question and you were trying to put your case by putting those questions, quotations from that book? --- Yes, of course.

Chairman] I presume you have finished.

Mr Chiam See Tong

128. We have finished paragraph 5. Let's go to paragraph 6. We have heard your explanations, Mr Jeyaretnam, that what you said in regard to paragraph 6 was not meant to be verbatim? --- Sorry, paragraph?

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong (cont.)

129. The complaint in paragraph 6. Now, I want to ask you, Mr Jeyaretnam: do you feel that you were distorting - I think it is "false and perverted" - do you feel that it was false and perverted that you failed to record these words, "You were given every opportunity for five days, Mr Jeyaretnam"? --- No, I certainly do not think that the article became distorted merely by the omission of the Speaker's response: "You were given every opportunity for five days". The article records and reports what I said, and that is true. Mr Dhanabalan doesn't deny that. So it is no distortion.

Chairman

130. In other words, it is a one-sided view? --- Sorry, Mr Chairman.

Mr Chiam See Tong

131. One-sided view. Whatever you say it is all right, what others say you don't bother to put in? --- Mr Chairman, may I explain that this article wasn't intended to be a long article going into the entire proceedings. Because if the article had reported that, then it would have had to report my rejoinder made to that at the previous hearings. And so it would have invited the readers to go on an examination. And this is what we are trying to avoid completely and just report that I was protesting, and that is a fact. And, of course, Mr Chairman, you said this. But you must also remember my own rejoinder to all that, right through the proceedings. So there is no end. We can go on writing reams of all this. But this article was intended to be a brief article.

132. I think more importantly, Mr Jeyaretnam, when you wrote this first part and you omitted: "You were given every opportunity for five days, Mr Jeyaretnam?", I presume you wrote this article from memory? --- This article, yes.

133. When you wrote it, did you remember this and you on purpose omitted this? Did you remember this: "You were given every opportunity for five days"? --- As I told the Committee, I didn't have the verbatim report in front of me as I wrote this.

134. Yes? --- I wrote it from memory and I couldn't recall every response made by the Chairman of the Committee. But there were two responses which I remembered and which I thought I should report in

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

fairness to the Committee, and that was that the Chairman had told me I had 50 minutes already to cross-examine the Prime Minister. And so I thought in fairness, I should report that and also that he had given me a special concession.

Mr Chiam See Tong (cont.)

135. Can I just go to the last paragraph, paragraph 9? You have reported that Jeyaretnam "had 45 minutes in which to make his submission. Mr Jeyaretnam again protested and said that the time was wholly inadequate. The Chairman, however, said it was his ruling." Now, again, there was an allegation of this omission of what the Speaker said: "I restricted not only you but also Mr Glenn Knight."? --- Yes.

136. So, in your view, you would require more than 45 minutes? --- Easily. I required at least two to three hours to present my case as calmly as possible and to take the Committee through the entire proceedings and to draw their attention to the evidence. I would have required at least three hours.

137. Mr Jeyaretnam, you are a long-standing advocate of our courts here. Now, were you ever stopped by the courts or given a time limit in your submission at the end of a case? --- No. I was never told, "You only have 45 minutes."

138. So when you said you protested that you had only 45 minutes, this was in fact a protest you would make in any court of law if you were ---? --- of course, I would. I would tell the court the time wasn't adequate.

139. And by all legal practice, you would say that you have been discriminated or have been in a way hampered in your submission? --- Well, I was hampered, yes. I mean I was hampered in that I wasn't given enough time.

140. So you not only really personally felt that but also from legal experience. This is, in fact, something which prevented you from doing your full duty or in carrying out your submission? --- Yes.

141. When you reported this in your "Hammer", why didn't you also put: "I restricted not only you but also Mr Glenn Knight" which was said by the Chairman? Why didn't you put this in? --- I have tried to explain. In the first place, I couldn't see that there was any

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

restriction on Mr Glenn Knight because a restriction can only be where the man wants something more and you restrict him and say, "You can't have what you want, you can only have something less." Then it is a restriction. But Mr Glenn Knight didn't ask for any more time than 45 minutes. He was ready to complete everything in 30 minutes. So there was no restriction on him. The restriction was on me because I wanted more time. So I couldn't go on to say Mr Glenn Knight was also restricted without pointing out that he finished his submission in 30 minutes. Therefore then, they would say I'm talking nonsense. There was no restriction because he said everything he had to say within 30 minutes. And they can say, "Well, perhaps because you are long-winded. You wanted three hours."

Mr Barker

142. Could be? --- But that's a matter of opinion, Mr Barker. A matter of opinion. It is for the judges to decide. But you don't cut down on a man's time.

Mr Chiam See Tong] Mr Chairman, I just now came in more or less abruptly. I intended all along to apologize to you and to the Committee for coming late today. Thank you, Mr Chairman.

Chairman] You have finished. Any others? Mr Barker.

Mr Barker

143. Mr Jeyaretnam, just a few questions. This particular section? --- Which section?

144. Section 30 which you quoted, Parliament (Privileges, Immunities and Powers) Act? --- Yes.

145. 'No person shall -

(h) publish wilfully any false or perverted report or any writing containing a gross or scandalous misrepresentation of any debate ...'.

You have been talking of the word "gross"? --- Gross, yes.

146. I take you to the other word "scandalous". Isn't that heading in the article scandalous? --- No, Mr Barker, with respect, I don't agree.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong] Mr Chairman, point of order. I don't think the word "scandalous" is used by the complainant.

Mr Barker] The section. Never mind the complainant. We are a Committee of Privileges looking at a particular section. The words used are "gross or scandalous". Both Mr Chiam and Mr Jeyaretnam are lawyers. Where the word "scandalous" is used in pleadings, when the pleadings are scandalous, lawyers get them struck off. What more scandalous than a heading which says, "Committee of Privileges Hearing/Jeya denied fair hearing"? We are a Committee of Privileges sitting for five days on a serious allegation of a Member of Parliament. For five days, in my view, we gave him every opportunity to be heard. Mr Chiam was himself a Member of that Committee. Now he joins Mr Jeyaretnam in saying he didn't have enough time. He should have given him more time or raised it with the Committee.

Mr Chiam See Tong] Mr Chairman, I think Mr Baker ---

Mr Barker

147. The word I used is "scandalous". That heading is scandalous in my view? --- May I reply to that?

Mr Chiam See Tong] Mr Chairman, if I may be allowed, it is a point of order. What I was just drawing attention was that in the complaint the words "gross distortion" were used.

Mr Barker] That's correct.

Mr Chiam See Tong] If Mr Barker wants to bring this in, there is nothing to stop him. I think he has every right to. But what I am saying is that it is just that we are looking at the complaint. That's all. Unless of course now we are also looking at the word "scandalous", then fair enough. We will look into it.

Mr Barker] Of course. The section uses the words "gross or scandalous".

Mr Chiam See Tong] Because this is like a charge, the complaint is like a charge. We are looking at the complaint. There is nowhere there where the word "scandalous" is used. But if Mr Barker feels that he wants to amend, and in court we say amend the charge or include the word, all right, fair enough. Then we could look at it.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker

148. I don't want to interrupt Mr Chiam and Mr Jeyaretnam. This is a Committee of Privileges. We are not on all fours with a court of law. We don't follow all their procedures. You said that in court you would have been given more time. Yes, perhaps. But this is not a court of law. This is a Committee of Privileges of Parliament. And we do not follow exactly all the procedures that a court of law follows? --- May I reply to Mr Barker, Mr Chairman?

149. Please? --- First of all, I respectfully agree with Mr Chiam's intervention on this. You see, Mr Chairman, Sir, you are seized of this as a Committee upon a complaint by another Member of Parliament. And that complaint was referred to Parliament and Parliament has referred it to the Committee. So what the Committee is asked to examine is the complaint of the Member. And the complaint of the Member is that it is a gross distortion or a gross misrepresentation of the proceedings. Now, Mr Barker is saying, "No, it isn't. It may not be gross but it is scandalous."

Mr Barker] I did not say that.

Chairman] Mr Barker never said that.

Mr Barker

150. I said that the word also used in the section is "scandalous"? --- All right. Mr Barker is saying it is also scandalous. But Mr Dhanabalan hasn't asked the Committee to consider that and Parliament hasn't asked the Committee to consider that. Parliament has asked the Committee merely to consider whether it is a "gross distortion" in the words used by the Member who has complained. And, secondly, may I say that gross or scandalous misrepresentation must be read ejusdem generis. That is a canon of interpretation or construction. It must be read ejusdem generis. And gross or scandalous misrepresentation must be read as belonging to the same genus. So before it can be scandalous, there must be a total departure from the facts so that it is a gross distortion, misrepresentation. And that is what is intended by using the words "gross or scandalous misrepresentation". They are interchangeable as it were, those two words. And, secondly, to answer Mr Barker which I have tried to, time and time again, you are considering the article, not just the heading. It is the article that the complaint is made.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Barker (cont.)

151. We've got your point. There is no need to repeat it? --- You keep repeating, Mr Barker. So the article has to be taken in its entirety.

Mr Barker] We heard you six times on that. We have got your submission. It is for us to consider.

Chairman] Any other Member would like to ask Mr Jeyaretnam questions?

Mr Chiam See Tong] Can I just have a word on this section 31(h) on the words "containing a gross or scandalous"? I beg to differ with Mr Barker.

Chairman

152. Mr Jeyaretnam has just said that the two words are interchangeable. It is his definition? --- Ejusdem generis interpretation.

Chairman] That is what you said?

Mr Chiam See Tong] He has his interpretation. May I just have a word on it?

Mr Barker] Make your point.

Mr Chiam See Tong] This word "or" is disjunctive. It is "gross or scandalous" and the complainant chose to use the word "gross" and not chose to use the word "scandalous". So we should confine ourselves to "gross" and not to "scandalous". Because, you see, the word is "or". The complainant can choose either "gross" or "scandalous". Of course, he can also say "gross and scandalous". But the complainant has chosen the word "gross".

Chairman] Mr Jeyaretnam already said that the two words are interchangeable.

Mr Chiam See Tong] I know.

Chairman] Then what are you arguing about?

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr J.B. Jeyaretnam (cont.)

Mr Chiam See Tong] I know the two words are "gross" or "scandalous". But what I am saying is that the complainant has brought before the Committee and asked us to look at "gross distortion" and not "scandalous distortion".

Chairman] All right. Let us not argue any more. Let us take the word "gross".

Mr Chiam See Tong] Yes.

Chairman] All right.

Dr Tony Tan Keng Yam] Mr Chairman, I think we should not detain Mr Jeyaretnam. If there are no other questions, can we move on to the other witnesses?

Chairman

153. Yes, we shall do that. Since there are no other questions, Mr Jeyaretnam, thank you for coming? --- Thank you very much, Mr Chairman, and Members of the Committee for hearing me.

(The witness withdrew.)

MINUTES OF EVIDENCE

13 Apr 87

Mr Wong Hong Toy, Chairman, Workers' Party, was called in and examined under oath.

Mr Sung Ekee, Simultaneous Interpreter, Parliament, assisted in the interpretation. The witness spoke in English, unless otherwise indicated.

Chairman

154. Mr Wong, let us, for our records, have your full name, address and profession? --- Can I use Mandarin?

155. Yes. Sure? --- My name is Wong Hong Toy. I am running a drug store. So I am a businessman. My age is 50 years old.

156. Your address? --- My address is Block 423, Jurong West, Avenue 1, #07-200, Singapore 2264.

Chairman The Committee are looking into the complaint of Mr S. Dhanabalan, then Leader of the House, of 6th February 1987, against the Editor, Publisher and the Printer of "The Hammer" in respect of an article titled "Committee of Privilege Hearing/Jeya denied fair hearing" which appeared on page 8 of the January/February 1987 issue of "The Hammer". Mr Barker.

Mr. Barker Mr Wong, what is your position in the Workers' Party?

Chairman Well, if you can speak in English, carry on, but if not, you can speak in Mandarin.

Mr Barker

157. Simple questions you can speak in English? --- I am the Chairman of the Party.

158. You are the Chairman? --- Yes.

159. How are you connected to this publication "The Hammer"? --- I am the Joint Editor of the Publication and I am responsible for the Chinese edition actually. I am also on the Editorial Board.

160. Were you responsible for this article in any way? --- Yes, I do.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr Wong Hong Toy (cont.)

Mr Barker (cont.)

161. You were? --- Yes.

162. Why did you use this heading, "Jeya denied fair hearing"? --- (In Mandarin) Originally, that term "Jeya denied fair hearing" was put within inverted commas. Later the inverted commas were missed out.

163. Inverted commas right round the whole four words or "fair hearing"? --- (In Mandarin) Yes, that is right. The inverted commas would include the four words.

164. All four words. Why did you take out the inverted commas? --- (In Mandarin) After typing, when the typed version was sent back, we omitted or rather careless that these were not included.

165. Did he use the word "careless"? --- (In Mandarin) Omitted.

166. By mistake or Intentional? --- I think by mistake.

Mr Barker] I think I had better leave you to a Mandarin speaker.

Mr Wong Kan Seng

167. Isn't there any proof reading before you finally print the copy? --- Yes.

168. Who did the proof reading? --- Jeya, he himself.

169. So he would have noted that the quotations were taken out? --- Actually I also go through the whole article after that. The heading, actually the typing, at first they typed a very fine, very small, not very broad wording. After that they enlarged it. Maybe this will happen. (In Mandarin) Earlier the wording was quite small. So later when the type-setting was done, the wording was enlarged. So things like that could have happened.

170. Do you think that the heading is misleading? --- What do you mean by "misleading"? (In Mandarin) If you read the heading in conjunction with the text, it is not misleading.

171. Who are on the Editorial Board, Mr Wong? --- (In Mandarin) I myself, Mr J.B. Jeyaretnam, one Mr Loh Tia Kiang, Mr Kenneth Sung and Mr Tan Tee Seng.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr Wong Hong Toy (cont.)

Mr Wong Kan Seng (cont.)

172. Anybody else? --- No.

173. Mr Seneviratne? --- No. Actually he is not in the Editorial Board. I think sometimes he gives us advice.

174. We just heard from Mr Jeyaretnam that Mr Seneviratne also on on the Editorial Board? --- Actually he is not.

Dr Tony Tan Keng Yam

175. Mr Wong, you said the inverted commas were put around the four words, is that right? Around the four words "Jeya denied fair hearing"? --- Yes.

176. If it is around the four words, that means it must be a quotation from somebody? --- Yes.

177. From whom? --- That is, Jeya, the writer. That means he wrote this article.

178. From Jeyaretnam? --- Yes.

179. In that case the quotation marks should be around the words "denied fair hearing"? --- Yes.

180. Which one is it? --- Yes.

Dr Tony Tan Keng Yam] No. Is it around the four words or around the three words "denied fair hearing"?

Mr Chiam See Tong) Am I allowed to interrupt?

Chairman

181. He has not answered the question yet? --- Can I just recall that? I think "denied fair hearing". I think the word "Jeya" is behind those three words.

Dr Tony Tan Keng Yam

182. So the quotation marks are around the words, behind? --- Yes.

183. The intention was to have a quotation from Mr Jeyaretnam? --- Yes.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr Wong Hong Toy (cont.)

Dr Tony Tan Keng Yam (cont.)

184. So that is not what you said at the beginning? --- Yes.

Dr Tony Tan Keng Yam] Thank you.

Chairman] Mr Chiam, you want to say something.

Mr Chiam See Tong

185. Mr Wong, you said you were Joint Editors? --- Yes.

186. But we are here to hear only on this particular article? ---
Yes.

187. Were you in any way involved in writing this article? ---
No, I did not write the article.

188. Were you in any way or contributed in any sense at all? ---
No. (In Mandarin). I already said earlier that I am only
responsible for the Chinese article.

189. Did you make a translation of this in Chinese? --- Sometimes
I make a translation. But some others ---

190. No, a translation of this? --- No, this one we don't have a
Chinese translation.

191. No Chinese translation. So you were not involved? --- Yes.

192. When you saw this heading, "Jeya denied fair hearing", did
you follow the proceedings of 18th December and 12th September of
the Committee of Privileges? --- After this publication was
published, I did ask Jeya to show me the Report of the Committee of
Privileges hearing.

193. No. Were you familiar or did you follow the proceedings of
the Committee of Privileges heard on the 12th September and 18th
December, 1986? --- No, I don't follow that.

194. So you would not know for sure whether this article was or
was not a fair hearing? --- Yes.

195. You would not know? --- Yes. I only know that according to
the article. But I would not know that.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr Wong Hong Toy (cont.)

Mr Chiam See Tong (cont.)

196. You would not know? --- Yes, I would not know.

197. So, in other words, you just tagged along with Mr J.B. Jeyaretnam? --- Yes.

198. Whatever he writes, you don't oppose him. You just followed what he wrote? --- Yes.

199. Did you ask him whether this was a fair hearing? I mean, did you ask him whether that this was, in fact, a fair report of the proceedings? --- No, I didn't ask him.

200. You did not ask him? --- Yes.

201. So, in fact, can I say that you did not know anything at all in regard to this article, whether or not it was truthful, whether or not it was a fair report, or whether it was a gross distortion or misrepresentation, you would not know? --- Yes, I would not know.

202. When the question was put to you whether you were responsible in regard to this article, why did you say, "Yes, I do."? --- Yes, because I am one of the joint editors.

203. That's all? --- That's all. Suppose I am the Chairman of the Party. If anything happens to the Party, I have to take responsibility. I can't escape my duty.

Mr Barker] Fair enough.

Mr Chiam See Tong

204. In other words, what you are saying is that you will endorse whatever Mr Jeyaretnam does, whether right or wrong? --- But partly also according to this article.

205. You have read it in the English version? --- Yes, but not very detailed. I just went through it briefly.

206. Briefly? --- Yes.

207. You didn't bother to ask him on any particular point at all in regard to this article? --- No.

13 Apr 87 - Witness: Mr Wong Hong Toy (cont.)

Mr Chiam See Tong (cont.)

208. So you are telling this Committee that you are responsible because you are duty-bound to say that since you are the co-editor you are responsible also for it, although you know nothing about this article? --- Yes.

Mr Chiam See Tong] Thank you.

Mr Yeo Cheow Tong

209. Mr Wong, you are the Chairman and you are also the co-editor. But you did go through that article, at least, briefly, as you said? --- Yes.

210. You also said that you didn't follow the proceedings of the Committee of Privileges. Is that right? --- Yes.

211. But reading the article, do you feel that the title is a fair title? --- Yes.

212. So for anyone who has not followed the proceedings, just reading that article, he would also conclude that the title is a fair title? --- But I can't answer you on behalf of what others think.

213. But, for yourself, you think the title is a fair title based on the article? --- Yes. As the editor of our publication, I think this is a suitable title.

Mr Wong Kan Seng

214. Mr Wong, you are not just the joint editor but you are also the permit holder together with the other members of the Workers' Party Executive Council? --- Yes.

215. In other words, the Workers' Party constituted by the Executive Council is the publisher of "The Hammer"? --- Yes.

216. And as publishers, you also owe a responsibility to what is actually written there? --- It depends, you see. But the Executive Council gives power to the editors.

217. Are you aware that if there is a libellous article, whoever that was libelled can take the whole group in the Council to court because they are the publishers? --- Yes, they are in the Act.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr Wong Hong Toy (cont.)

Mr Wong Kan Seng (cont.)

218. Even though they may not be actively involved? --- Yes.

Chairman

219. Any other Member has any questions? No other questions.
Well, thank you, Mr Wong, for coming today. Thank you very much?
--- Thank you.

(The witness withdrew.)

MINUTES OF EVIDENCE

13 Apr 87

Mr Teo Sing Lim, Managing Director of G.T. Printing & Trading (Pte) Ltd, was examined under oath.

Mr Sung Ekee, Simultaneous Interpreter, Parliament, assisted in the interpretation.

Chairman

220. Mr Teo, let us have your full name, your address and your occupation? --- I am Teo Sing Lim. Address: Blk 541, #06-1042, Jurong West, Avenue 1. I am the Managing Director of G.T. Printing and Trading (Pte) Ltd.

221. The Committee are looking into the complaint of Mr S. Dhanabalan, then Leader of the House, of 6th February 1987, against the Editor, the Publisher and the Printer of the Workers' Party publication "The Hammer" in respect of an article titled "Committee of Privilege hearing/Jeya denied fair hearing" which appeared on page 8 of the January/February 1987 issue of the publication? --- I have already written a reply in Chinese.

Chairman All right. Members will ask you questions. Mr Barker.

Mr Barker

222. You are Chinese educated and your knowledge of English is limited? --- Yes.

223. This article you printed in "The Hammer" was published in English? --- Yes.

224. Did you know the contents? --- I did not know the contents.

225. Do you know that as the printer, if you print something that is untrue or scandalous or libellous of someone else, in law, you, as the printer, will be held liable for damages? --- This paper is published in several languages, mainly in English and Chinese. Concerning this particular article, it was only in English. There was no Chinese translation. Therefore, I was not aware of the contents.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr Teo Sing Lim (cont.)

Mr Barker (cont.)

226. But it is dangerous for you to print anything that you are not knowledgeable of. You are printing blindly? --- This article was typed by them and handed to me, requiring me to print it within four or five days. There had been one occasion when Mr Wong Hong Toy asked me to publish something but he advised me to consult a lawyer before publishing that article. I rejected it.

227. In your reply, you said you are sorry for your mistake? --- Yes.

228. Now that you are before the Committee, will you confirm your apology? --- I admit my mistake and I apologize to the Committee for my ignorance.

Mr Wong Kan Seng

229. Mr Teo, in your reply, last paragraph, you also said that "hereafter it would not happen again and we would never print "The Hammer" newspaper for the Workers' Party any more." Did you do this on your own? You made this decision on your own? --- It is my own decision.

230. Nobody told you not to do it? --- No.

Mr Chiam See Tong

231. Mr Teo, when did you first come to know that a complaint was made against this article? --- I knew about it through radio report on the very day the Parliament sat.

232. Did you know that you might be called up because of this complaint? --- I did not know that I would be called up because the radio report or the newspaper did not give very detailed information.

233. After hearing this radio report, did you telephone or make contact with Mr Wong Hong Toy? --- No.

234. Is it because you thought that you would not be called up under his complaint? --- That is right. Because there was no mention of my company, so I thought I might not be called up.

MINUTES OF EVIDENCE

13 Apr 87 - Witness: Mr Teo Sing Lim (cont.)

Mr Chiam See Tong (cont.)

235. So you only knew of the complaint against you when you received a letter from this Committee? --- That is right.

236. Did you consult Mr Wong or a lawyer after that? --- No.

237. Did you know that, as Mr Barker has pointed out, if you print something which is in contempt of Parliament or defamatory of an individual, you might be liable for some form of punishment? Did you know that? --- I knew of this when I received a letter from Parliament. Therefore I replied to express my regret and apologies.

238. Are you a member of the Workers' Party? --- I don't belong to any party.

239. So you print "The Hammer" purely on a commercial basis? --- That is right, because I am a businessman.

240. When you printed this article, Mr Wong or any member of the editorial board of "The Hammer" did not indicate or tell you that this article may be in contempt of Parliament? --- Nobody told me.

241. Were you paid for printing this particular issue of "The Hammer"? --- Yes.

242. You were paid for it? --- I was paid.

243. You have indicated that in a previous case that he asked you to consult a lawyer on one particular article and you refused to print it. Would that mean that if you had known that this article had something peculiar or something which you need to consult a lawyer, you would not also print it? --- If I had known it, I would not have printed it.

244. So can I say that, in fact, you printed it quite blindly, without knowing the contents and not suspecting that anything peculiar would happen to you? --- That is correct. Because they had lawyers among them and I had also told them that if there was anything that would subject me to an infringement of the law or anything that would be harmful to me, then I would not print.

Mr Chiam See Tong] Thank you.

13 Apr 87 - Witness: Mr Teo Sing Lim (cont.)

Chairman

245. Mr Teo, thank you for coming? --- Thank you.

(The witness withdrew.)

MINUTES OF PROCEEDINGS

21st Meeting

Friday, 27th March, 1987

3.00 p.m.

PRESENT:

Mr Speaker (in the Chair)
Mr E.W. Barker
Mr Chiam See Tong
Dr Tony Tan Keng Yam
Mr Wong Kan Seng
Mr Eugene Yap Giau Cheng
Mr Yeo Cheow Tong.

ABSENT:

Encik Othman bin Haron Eusofe.

1. The Committee deliberated on the complaint by Mr S. Dhanabalan, then Leader of the House, against the Editor, the Publisher and the Printer of the Workers' Party publication "The Hammer" in respect of an article "Committee of Privilege Hearing/Jeya denied fair hearing" which appeared on page 8 of the January/February 1987 issue of the publication.

2. Agreed, -

- (a) that copies of the complaint be sent to the Editor, the Publisher and the Printer of "The Hammer" with an invitation to each of them to send to the Committee his/their reply to the complaint within seven days of the receipt of the copy of the complaint;

- (b) that oral evidence be heard from the Editor, Publisher and Printer of "The Hammer" on Monday, 13th April, 1987; and
- (c) that the Publisher and Printer of "The Hammer" be each allowed up to three representatives at the hearing.

Adjourned till 3.00 p.m.
on Monday, 13th April, 1987

22nd Meeting

Monday, 13th April, 1987

3.00 p.m.

PRESENT:

Mr Speaker (in the Chair)

Mr E.W. Barker

Mr Chiam See Tong

Encik Othman bin Haron Eusofe.

Dr Tony Tan Keng Yam

Mr Wong Kan Seng

Mr Eugene Yap Giau Cheng

Mr Yeo Cheow Tong.

1. The Committee deliberated on the complaint by Mr S. Dhanabalan, then Leader of the House, against the Editor, the Publisher and the Printer of the Workers' Party publication "The Hammer" in respect of an article "Committee of Privilege Hearing/Jeya denied fair hearing" which appeared on page 8 of the January/February 1987 issue of the publication.

2. Mr Joshua Benjamin Jeyaretnam was examined on oath.

3. Mr Wong Hong Toy was examined on oath.

4. Mr Teo Sing Lim was examined on oath.

Adjourned to a date to be fixed.

23rd Meeting

Monday, 4th May, 1987

3.00 p.m.

PRESENT:

Mr Speaker (in the Chair)
Mr E.W. Barker
Mr Chiam See Tong
Encik Othman bin Haron Eusofe.
Dr Tony Tan Keng Yam
Mr Wong Kan Seng
Mr Eugene Yap Giau Cheng
Mr Yeo Cheow Tong.

1. The Committee agreed that the letter from the Workers' Party dated 14th April, 1987 and its annexure be published with the Committee's Report.

2. The Committee deliberated.

FIFTH REPORT

3. The Chairman's draft report brought up and read the first time.

4. Resolved, "That the Chairman's report be read a second time paragraph by paragraph.

Paragraphs 1 to 25 inclusive read and agreed to.

5. Resolved, "That this report be the Fifth Report of the Committee to Parliament".

6. Agreed that the Chairman do present the Report to Parliament when printed copies of the Report are available for distribution to Members of Parliament.

Adjourned sine die.
