**7th Joint Judicial COnference**

**OPENING ADDRESS**

Friday, 21 July 2023

The Honourable the Chief Justice Sundaresh Menon

Supreme Court of Singapore

The Right Honourable Tun Tengku Maimun binti Tuan Mat, Chief Justice of Malaysia,

The Right Honourable Dato Seri Paduka Steven Chong Wan Oon, Chief Justice of Brunei Darussalam,

The Right Honourable Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim, President of the Court of Appeal of Malaysia,

The Right Honourable Dato’ Mohamad Zabidin bin Mohd Diah, Chief Judge of Malaya,

The Right Honourable Tan Sri Dato’ Abdul Rahman bin Sebli, Chief Judge of Sabah and Sarawak,

Honourable Justices, Judges and Judicial Officers

Ladies and gentlemen

1. Good morning. I am delighted to be here in Kuala Lumpur today, with my friends and colleagues from the judiciaries of Brunei, Malaysia, and Singapore, for the 7th Joint Judicial Conference (or “JJC”). This is the first time that we have held this meeting in person since the onset of the pandemic, and it is wonderful to see all of you again. On behalf of the Singapore Judiciary, let me express our heartfelt appreciation to our hosts, Chief Justice Tun Tengku Maimun binti Tuan Mat and our colleagues from the Malaysian Judiciary. We are deeply grateful for the extensive preparations that were made to organise this event, and for the excellent hospitality that we have enjoyed throughout this visit.
2. Since its inception in 2011, the JJC has become a valuable platform for our judiciaries to share ideas and views on important topics of mutual interest. This year’s Conference, which centres on criminal justice, will be no exception. Criminal justice is foundational to our justice systems and our societies. It plays a fundamental role in securing peace and order, which is the first goal of any legal system. It is therefore fitting that, having explored other subjects such as family law, commercial law, and the use of technology at previous editions of the JJC, we turn our attention to criminal justice at this Conference.
3. The first two sessions today will focus on developments in criminal justice. We will begin by examining developments related to judicial decision-making in criminal cases, through the prism of the crime control and due process models. As you might recall, these analytical frameworks can be traced back to an influential paper by the American criminologist Professor Herbert Packer.[[1]](#footnote-2) On the crime control model, the central function of the criminal justice system is seen as being to repress crime. Hence, on this view, the criminal process should operate as an “assembly line” that is geared towards the swift and efficient conviction of the guilty.[[2]](#footnote-3) By contrast, the due process model gives weight to “the primacy of the individual”, and calls for the criminal process to resemble an “obstacle course” that strives at least as much to protect the innocent as it does to convict the guilty.[[3]](#footnote-4) These two models are theoretical constructs, and all criminal justice systems reflect features of both models.[[4]](#footnote-5) But as my predecessor Chief Justice Chan Sek Keong once observed, in a lecture delivered when he was the then Attorney-General of Singapore, criminal justice in Singapore had come to reflect many facets of the crime control model.[[5]](#footnote-6) In recent years, however, jurisprudential developments in areas such as criminal disclosure[[6]](#footnote-7) have led some commentators to suggest that a modest shift towards the due process model has taken place in Singapore.[[7]](#footnote-8) My colleague, Justice See Kee Oon, will share his perspectives on this topic, and I look forward to hearing the views from our Bruneian and Malaysian colleagues as well.
4. In the second session, we will turn from criminal adjudication to other developments in the broader criminal justice landscape. Two main themes have underlain many of these developments in Singapore.
   1. The first is *enhancing* *access to justice*. The paradigm example of this was the landmark establishment of the Public Defender’s Office (or “PDO”) in Singapore last year. The PDO is fully funded by the State, and is staffed by full-time defence lawyers who advise and act for underprivileged accused persons.[[8]](#footnote-9) The launch of the PDO marks a watershed in our ongoing quest to provide legal aid and support to vulnerable persons in our society. Apart from the PDO, the Singapore courts have also rolled out several initiatives to promote access to justice in the criminal sphere. For example, we have published a Guidebook for self-represented accused persons in our four official languages, to help such litigants to understand and navigate court procedures in criminal cases.[[9]](#footnote-10)
   2. The second key theme that has underpinned recent criminal justice reforms in Singapore is *fostering the rehabilitation and reintegration of offenders*. This was marked by the introduction of community sentences such as mandatory treatment orders and day reporting orders in 2010, and the subsequent expansion of the scope of this regime in 2018. Another major move on this front was the sea-change in the enforcement regime that applies to repeat drug consumers. Such offenders may now be admitted to the Drug Rehabilitation Centre for treatment, instead of being charged and sentenced to lengthy terms of imprisonment.
5. My colleague, Justice Hoo Sheau Peng, will expand on these and other recent developments in criminal justice in Singapore. These reforms came after close cooperation and collaboration between the Judiciary, the Government, the Prosecution, the Bar, and other stakeholders; and Justice Hoo will touch on the value of such collaborative efforts in our ongoing endeavour to enhance our criminal justice systems.
6. The third session of this Conference will shift focus to the conviction and punishment of offenders in criminal cases with cross-border elements. Notably, there are many similarities in the approaches adopted by our jurisdictions in this field. For example, besides criminalising conduct that occurs within our territorial borders, our jurisdictions all apply what is known as the “nationality principle”, by criminalising certain offences committed by our citizens abroad, such as corruption.[[10]](#footnote-11) In addition, our jurisdictions share a unique reciprocal arrangement for the expedited extradition of suspects and accused persons. Under this regime, a warrant of arrest issued in any one of our three jurisdictions may be endorsed by a Magistrate in the other two jurisdictions, whereupon the warrant is treated as if it were issued in the endorsing jurisdiction and may be swiftly executed by the relevant law enforcement agencies.[[11]](#footnote-12) These examples illustrate the substantial common ground between our jurisdictions in criminal cases with cross-border aspects. I look forward to a rich discussion of this subject, which will be moderated by my colleague Justice Valerie Thean.
7. In conclusion, let me reiterate, on behalf of all my colleagues from the Singapore Judiciary, our deepest appreciation to Chief Justice Tun Tengku Maimun binti Tuan Mat and her team for organising and hosting this Conference. I wish us all an insightful and fruitful meeting with rich discussions on these important subjects. Thank you very much.

1. Herbert L Packer, “Two Models of the Criminal Process” (1964) 113 University of Pennsylvania Law Review 1 (“Packer”). [↑](#footnote-ref-2)
2. Packer at 9–11. [↑](#footnote-ref-3)
3. Packer at 13–16. [↑](#footnote-ref-4)
4. Packer at 5–6. [↑](#footnote-ref-5)
5. Chan Sek Keong, “The Criminal Process – The Singapore Model” (1996) Singapore Law Review 433 at 438 and 442–443. See also Keith Jieren Thirumaran, “The Evolution of the Singapore Criminal Justice Process” (2019) 31 SAcLJ 1042 (“Thirumaran”) at paras 12–13. [↑](#footnote-ref-6)
6. See *Muhammad bin Kadar v PP* [2011] 3 SLR 1205 and *Muhammad Nabill bin Mohd Fuad v PP* [2020] 1 SLR 984. [↑](#footnote-ref-7)
7. Thirumaran at paras 55–57 and 63. [↑](#footnote-ref-8)
8. Public Defender’s Office: <https://pdo.mlaw.gov.sg/>. [↑](#footnote-ref-9)
9. SG Courts, *Guidebook for Accused in Person*: <https://www.judiciary.gov.sg/docs/default-source/criminal-docs/guidebook_for_accused_in_person_english.pdf>. [↑](#footnote-ref-10)
10. See s 37 of the Prevention of Corruption Act 1960 (Singapore); s 66 of the Malaysian Anti-Corruption Commission Act 2009 (Malaysia); s 37 of the Prevention of Corruption Act 1984 (Brunei). [↑](#footnote-ref-11)
11. The relevant Singapore legislation is s 121 of the Criminal Procedure Code 2010 and Part 6 of the Extradition Act 1968. [↑](#footnote-ref-12)