

# AWAKENING

USSU PUBLICATION for internal circulation

1974/24

Tuesday 31 December 1974

WAH PIOW: "I AM NOT GIVEN A  
FAIR TRIAL. THIS  
COURT HAS SHOWN  
BIAS TOWARDS ME." DD

## JUDGE REFUSES TO ADJOURN COURTCASE.

Monday 30.12.74: When the court proceedings were reconvened at 10.05 this morning, Wah Piow applied to the court for the adjournment of the case. The judge, Mr Sinnathurai, asked for his grounds.

"My ground," said Wah Piow, "is to apply to the High Court under section 177 (of the Criminal Procedure Code) for the transfer of cases. I need time to prepare the motion and affidavit for this case to be transferred to the High Court."

## "I AM NOT GIVEN A FAIR TRIAL IN THIS HONOURABLE COURT"

Wah Piow continued that "my ground for my application (to the High Court) is that I have reasonable apprehension that I am not given a fair trial in this honourable court. The irregularities and conduct of this court has further strengthened this belief of mine. Among the many grounds, one of them is that I have been refused adjournment last Friday to obtain and confer with vital witnesses,

"To sum up," Wah Piow said, "this court has shown bias against me."

Wah Piow referred the judge to a legal textbook, Sarkar on Criminal Procedure (at pp 874, 876) in support of his application.

To this, the judge replied: "That's something you can tell the next court."

The Solicitor-General said: Your Honour knows that everytime a case gets difficult for the accused he always tries to plead for an adjournment of the trial.

Wah Piow: Your Honour sir...!

Judge: Sit down! Sit down Mr Tan! Let me record first!

## The Council Decides: OUR DEPORTED FELLOW STUDENTS RETAIN THEIR STATUS IN USSU

At a Students' Council meeting held on Monday night (30 Dec) the Council endorsed the Exco stand that our five deported fellow students and Tsui Hon Kwong remain as USSU members and retain the offices which they hold.

Furthermore, the Council recommended that the coming Annual General Meeting confer Honorary Membership on the six students.

PIEU PHOTOGRAPHER HARRASSES STUDENTS IN COURT PREMISES (30th Dec Monday)

Actually there were 2 photographers but one of them was extremely irritating. He followed certain students and posed in a position all ready to take their photographs right in front of students (as close as 2 feet). This happened not once but ~~upten~~ times. This is the case today. But it was not ~~only~~ today that it happened. Since the 2nd day of the trial PIEU officials-cum-photographers were stationed within the court premises for harassment purposes. (This is the view of most of the students who were present there)

At about 4 p.m. today, the photographer literally followed a student for some few minutes when he came out of the court. As soon as the student found that he was being followed, he objected and at once ask the photographer to stop it. The photographer refused & carried on "his job". The student could not stand the harassment and approached an Inspector Tan who was at the gate. The Inspector took a non-committal attitude. Meanwhile this photographer continued his snappings of students.

As more students were harassed by the photographer and were going quite irritated. Two students approached the Inspector again. They informed him that the photographer was getting to be a nuisance that the ~~very~~ act is provocative and that such provocation might lead to trouble. The Inspector did not do anything. These same students then approached the photographer in an attempt to tell him to stop the photographing. At that point the PIEU people began to crowd around.

It was then that some students present saw Lawrence Kwek (Asst. Sec. Gen. of PIEU) patting 2 PIEU men who then came forward and pushed the two students. The students disengaged themselves to speak to L. Kwek. They requested him to stop his photographer. Instead Kwek said, "They came with their own camera and I can't stop them." & "If you don't like it, go and break his camera."

On hearing this, the 2 students told L. Kwek that they would have no respect for a Union Official who behaved in such an irresponsible manner. They then walked towards the Central Police Station (just opposite the court) to lodge a complaint. At this moment, Kwek came after them and as the students were surrounded by PIEU men, he said, "You want to 'talk', go outside." (in a very arrogant and threatening manner)

When an attempt made to Inspector Tan to seek protection failed, the students went to the C.P.S. where after

Why should PIEU photographers harass our students by taking snapshots continuously? It is plain provocation and nothing else. Let us not be intimidated by such cheap and cowardly means of intimidation.

The Inspector & policemen should take this into their responsibility. They should be well aware of the consequences of this, and should anything happen, they would be the first to be responsible for it. Anyway, what are these uniformed policemen there for if they are not doing anything useful!

However, we would like to advise students not to have any interaction with any PIEU officials if they are around the court premises. This is just to ensure that no student is provoked by them, which is exactly what they are waiting for.

CECILIA LIM ELECTED AS VICE-PRESIDENT OF USSU

At the Council meeting of 30th December, a letter of resignation from Vice-President Bong Hon Min was read out (see letter reproduced below). The Council then proceeded to elect a new Vice-President. Miss Cecilia Lim Ai Leng was voted in.

Cecilia was the Publications Secretary of the 28th Students' Council.

Bong's letter of resignation (addressed to Yang Guan, Asst Hon Gen. Sec):

Dear sister:

I am sad to tender my resignation as a Vice-president at this crucial time of the Union history. This is purely due to my ineffectiveness in carrying out my portfolio duties and other union work as I am physically away from the Union due to unfortunate shortcomings. I thank and appreciate all the co-operation and help by

# WAH PIOW: "WORKERS FELT PIEU NOT INTERESTED IN AM PROBLEM."

to apply for an adjournment of the trial.

The judge replied that he proposed to 'say very little. I have forgotten how many times the first accused has tried to apply for an adjournment. Sometimes he has made use of such applications to make speeches.' The judge acknowledged that under section 177, Wah Piow can apply for transfer of the case to the High Court but the adjournment was refused.

Wah Piow then asked for adjournment under section 526.

Judge: Mr Tan, you're wasting time.

Wah Piow: Can you assist me?

Judge: Section 526 has no reference to this matter.

Wah Piow: Can you assist me in how to apply to the High Court. It takes time to apply. Can I seek your assistance?

Judge: I've just ruled that the adjournment is refused.

Wah Piow: Can I seek your assistance? I am not represented by the counsel of my choice.

Judge: Mr Tan, sit down! Sit down!

Wah Piow was forced to sit down. The judge ordered him to continue giving evidence.

Wah Piow: I am trying to seek your assistance!

Judge: Mr Tan, not one more word from you please! I am ordering you to give evidence and you will see the consequences in a moment or two if you do not follow the order.

Wah Piow was forced to go on the witness stand and continued his evidence from last Friday.

Wah Piow: After lunch (on 23rd October) I stayed in the field and at times I entered the premises of the trade union. During this period - from after lunchtime till 6.30 when Phey Yew Kok finally arrived - other workers either stayed in the field or in the trade union premises. I was aware that during that period umpteen attempts were made to contact Mr Phey Yew Kok, who was at one time reported to be having a meeting at SILO, at another time reported in yet another meeting. Workers were also informed

by the receiver of phone calls to Phey...

Judge: Who received?

Wah Piow: I don't know who but this is a fact.

S-G: This is hearsay, double hearsay!

Wah Piow: This is a fact, Your Honour!

Judge: I strike it out.

Wah Piow continued: Workers present at the PIEU premises, including the students who were also present, had this general feeling that neither the officials of the PIEU nor Phey Yew Kok himself were keen in resolving the outstanding lay-off problem of the AM workers. Comments...

The judge interrupted and directed Wah Piow to 'turn around and face me!'. 'You are addressing the court,' the judge told Wah Piow.

Wah Piow replied, 'But the court is not one person, Your Honour!'

The judge repeated his order.

Wah Piow continued: Many comments were made in the period after lunch and before Phey Yew Kok arrived...

The judge said he would allow the evidence only if WP could tell who was the particular person giving the comment. The Solicitor-General at this stage also said: Name the person, we're turn over

CHIA AND CHOO: OUR HEARTS ARE STILL WITH YOU ALL.

"JULIET CHIN IS CARRYING ON THE STRUGGLE IN PRISON."

A letter sent by Chia Yong Tai and Choo Foo Yoong (Councillors), read out to the Students' Council on 30th December.

(dated 26.12.74)

We would like to send our apologies for not being able to attend all future Council meetings due to our unjust and uncivilised deportation by the Singapore authorities.

We support all USSU activities and have been following them very closely. We shall abide by all decisions of the Council.

# WAH PIOW: I AM NOT GIVEN A CHANCE TO CONFER WITH MY WITNESSES

(cont'd from p.3)

not interested in the comment until we know the person.

Wah Piow said that it was the 'general comment of many people'.

## JUDGE REFUSES TAPE AS EVIDENCE

Wah Piow then asked if tape-recordings were admissible as evidence. The judge said that they must be 'strictly proved'. Wah Piow argued that his question wasn't answered. However the judge told him to 'get to the next point'.

Wah Piow continued: Choo Foo Yoong, one of the witnesses - incidentally, he was deported...

Judge: Never mind who is he.

Wah Piow: He is a student deported on the morning of my trial.

## JUDGE THREATENS TO SEND WAH PIOW TO LOCK-UP

To this the judge said: If you go on like this I will finish your examination-in-chief, send you down to the lock-up and deal with you for contempt.

Wah Piow asked: Can the case go on if the accused is not in court? The judge replied that it was for him to decide. Wah Piow: Is that the practice? J: Never mind...

Wah Piow then wanted to give evidence of a discussion with one of the workers present at PIEU on the 23 Oct. The judge disallowed it.

Wah Piow continued his evidence: Mr Tan Kok Heng, one of the workers of AM and a member of PIEU made several attempts to contact Mr Phey Yew Kok through the telephone. Mr Tan was refused on several occasions to use even the telephone of the trade union. On several occasions he even had to use the public telephone to contact his own leader, Mr Phey Yew Kok.

Judge: Do not get emotionally involved. Do not use additional...

Wah Piow (helping): adjective?

Judge: adjective. (There was laughter)

WP: As I said, on the field or inside PIEU.

The judge asked what Wah Piow had to say to the prosecution evidence that between 4 and 5 that day (23 Oct) Wah Piow was in the Conference Room. To this Wah Piow said: I can't exactly say where I was but it would not be surprising if I was there during that period and there is nothing that I need to deny if I was there.

The judge then put it to Wah Piow that he conducted a meeting in the Conference Room, according to evidence.

To this, Wah Piow replied: That is totally a fabrication! I did not conduct any meeting in the Conference Room.

After interruptions by the judge Wah Piow testified: While in the Conference Room, one of the workers said this...

Judge: Are you calling this person as witness?

Wah Piow said: I will have to confirm with Mr Choo Foo Yoong on this point and that's why I need adjournment of this case, Your Honour!

Judge: Disallowed.

## WAH PIOW " I HAVE DIFFICULTY IN GIVING EVIDENCE "

Wah Piow said: Your Honour, I have difficulty in giving evidence in this case. My difficulty is that my points are not confirmed at this stage because I am not given a chance to confer with my witnesses.

The judge replied: Do not address me because it won't make any impression on me at all!

WP: I have difficulty, Your Honour!

J: Get on with the direct evidence, not hearsay!

WP: You would not call it hearsay if you allowed Choo Foo Yoong to confer with me!

Wah Piow continued with his testimony after the judge told him to 'get on!'. He said there were no attempts made by the PIEU to ask the workers to quit the Conference Room or any part of the premises for that matter.

Judge: Did the workers that

WAH PIOW:

" I CAN'T GIVE EVIDENCE WHICH  
I FEEL IS VERY IMPORTANT."

(cont'd from p.4)

officials from carrying out their normal work?

Wah Piow answered: The workers did enter the premises of the FIU and since it was hot in the afternoon and there were insufficient chairs at their disposal and as they were there to seek an audience with Phey...

(Interruption by judge)

Wah Piow continued: ...it is not unreasonable that some of the workers did sit on the tables and chairs which were meant for sitting. However, no attempts were made by the IROs...

Here the judge stopped Wah Piow despite his objections. The judge then referred WP to photo P28 and asked him which part of the premises the workers occupied.

Wah Piow: The workers were not in the General Office Room, of course!

The judge objected to the words 'of course'. Wah Piow continued: The workers were not in the General Office because the door was locked and it is exclusive in design. The workers cannot be in the printing room...

The judge rejected the word 'cannot' and asked if they were actually in the room. WP said he didn't know.

" THE WORKERS DID NOT  
"OCCUPY" THE PREMISES;  
THEY WERE "PRESENT" "

Wah Piow continued: The workers were definitely in the Conference Room from time to time because no trade union officials were conducting...

The judge wanted to know specific times.

Wah Piow said: Anytime after lunch to when Phey arrived. Wah Piow then said: I think the word 'occupy' should not be used because it has negative connotations. A fairer term to use is 'present'. The workers were present also in

Edwin Netto seated in B Dept and yet doing nothing even though he is the IRO of AM.

Wah Piow was not certain whether there were workers in B Dept but was sure there were no workers in the reception area. In answer to the judge, Wah Piow said that 'obviously there were workers in the passageway.' The passageway was 'not congested' but WP did not know how many.

Judge: You are a very intelligent man now, you want mathematical accuracy. You have been mathematically interested in prosecution witnesses giving number of people.

WP estimated the number to be 'anywhere from 5 to 10 or 12'. He could recall about 10 tables being 'occupied' and 25-30 people in the Conference Room at certain times.

WP then asked the judge the relevance of his questions. J: The prosecution has given evidence and you have gone to great lengths to ascertain the numbers so you've got to give evidence on numbers too.

WP estimated that there were about 100 people but not necessarily all were in the premises at the same time.

WAH PIOW TO JUDGE:  
" YOU ARE LEADING ME...."

Wah Piow then told the judge that there was something wrong with the way in which he was giving evidence. 'You are leading me so that I can't give evidence which I feel is very important. Can I give this evidence?' The judge allowed the evidence 'for the time being'.

Wah Piow said that before Phey's arrival he had a conversation with one of the workers whom 'I can identify if you give me a chance to confer with Mr Choo Foo Yoong.'

The judge stopped WP and told him he would allow the evidence only 'if and when you have got the witness.'

Wah Piow: But I have no time to confer with Choo Foo Yoong!

WAH PIOW:

# "YOUR RULING IS NOT BASED ON LEGAL PRACTICE!"

(cont'd from p.5)

## PHEY'S MEETING WITH THE WORKERS

Wah Piow: When Phey Yew Kok arrived I was in the Conference Hall with a group of no more than 10 persons. When told to leave the premises to gather outside the field in front of PIEU, we did so without any resistance at all.

(Interruption by judge).

WP: In the field the whole meeting was fortunately tape-recorded and I am producing this tape...

J: I've already ruled on that.

WP: Can I refer to my notes?

Judge allowed him to. S-G agreed. Wah Piow looked at his notes.

J: Just deal with whether Phey was arrogant or not. Put away your notes, you've refreshed your memory!

"PHEY TONE WAS  
EXTREMELY  
THREATENING."

Wah Piow replied: That is not fair, Your Honour!

Judge: Never mind about the fairness of it!

WP: 'Fair trial' is in the books!  
Judge: When I make a ruling, you observe my ruling! If I'm wrong that's for later. I'm not concerned about that now. I'm only concerned with this trial!

S-G: Your Honour, I think he can refresh his memory from his notes. What happened at the meeting is not relevant.

Wah Piow was then allowed to refer to his notes.

WP: When Phey arrived he said, 'Who is the one by the name "Tan". Can you come out?' This was spoken in Mandarin and the tone was extremely threatening. The workers replied...

Judge: Who?

Wah Piow: Many workers -- it's in the tape!

J: Disallowed. Rule of evidence you've got to observe.

WP: Many workers responded spontaneously in Mandarin.

The judge disallowed any evidence 'beyond that'.

Wah Piow: Is tape-recording admissible in court as evidence?

Judge: No, not in Singapore.

Wah Piow: But in the Commonwealth...

Judge: I've made a ruling and you accept my ruling!

Wah Piow: Your ruling is not based on legal practice! Your ruling must be within the books!

Judge: Mr Tan! Of course my ruling is within the books! If I'm wrong in my decision, that can be dealt with later on!

Wah Piow: I want to deal with it now because I am giving evidence!

Judge: I rule what the workers say is hearsay.

WP: That's a preconceived idea!

J: It may be preconceived but I rule it's enough for now on...Get on to the next topic.

Wah Piow continued: Part of the meeting was also conducted in the National Language...At one stage I spoke to Phey, or rather to be more precise, this message was more for the consumption of the workers. I was referring to the cameraman of the PIEU who was then intimidating the workers and especially those who spoke up that night by taking their photos.

This report will be continued in AWAKENING, issue of 2nd Jan 1975. Do read the whole report. Sorry for inconvenience!

## Dong Hon Min's Letter of Resignation (cont'd from p.2)

However, I shall remain as a member of the 29th Students' Union Council and I shall abide by all decisions taken by the Council during my absence. I would like to stress that my resignation is entirely on technical considerations and no other reasons. I hope you would fully publicise this letter so as to avoid any fabricated misunderstandings.